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Mind the gap

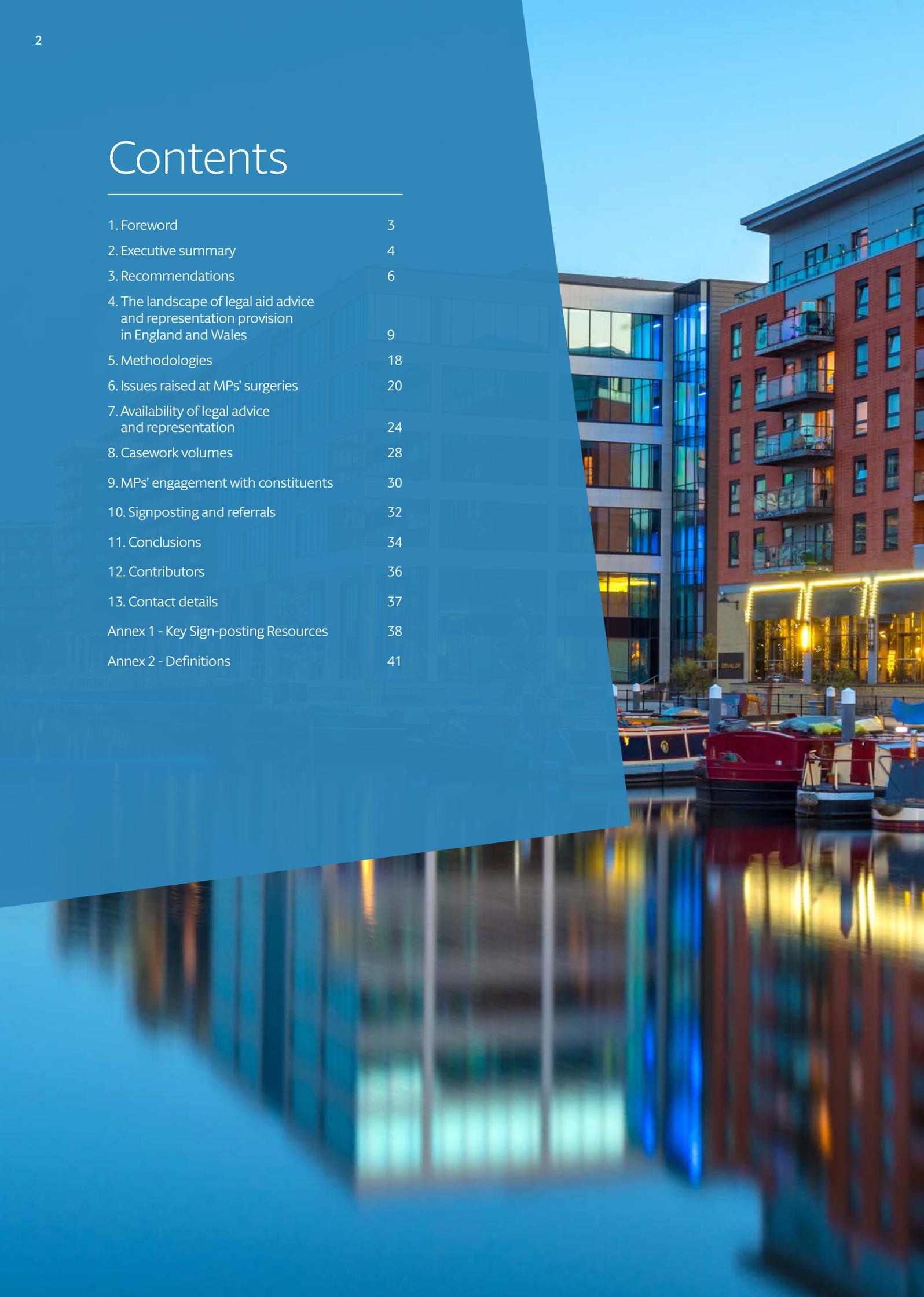
The unmet need for legal
advice in England & Wales

June 2023

In collaboration with Addleshaw Goddard, Eversheds Sutherland and Mishcon de Reya

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1. Foreword

Ellie Reeves MP

I am delighted to be writing the introduction to this piece of research from Addleshaw Goddard, Eversheds Sutherland, Hogan Lovells and Mishcon de Reya, in collaboration with LawWorks (the Solicitors Pro Bono Group) on the legal issues presenting in MPs' surgeries and wider questions of access to justice. I know that the first iteration of this project in 2016 with Hogan Lovells and LawWorks, which focused on London constituencies, fed into many local discussions about legal advice and provision. I was also involved in its second iteration in 2018 with Hogan Lovells and Southwark Law Centre, focusing on the lack of free legal advice available in the London Borough of Lewisham, where my own constituency is located. I am therefore pleased to see this project now being repeated on a national scale and I have no doubt that this new report will have a similar impact.

The report emphasises the impact of changes to legal aid funding on the legal aid landscape in England and Wales. It highlights the unmet need for housing and immigration advice within our communities in particular. It also reflects on the important role MPs play in signposting constituents to the legal advice providers available to them. The report offers constructive recommendations on training for MPs, as well as suggestions as to how MPs can engage better with lawyers and advice charities. I hope we can all work together to drive through some of these opportunities for collaboration to ensure that MPs' offices are engaging with the wider legal advice sector to improve the support for all our constituents.

As someone who has made use of The Mind the Gap research to support the development of more legal advice provision within my own constituency, I know the impact this type of research can make. This work was undertaken by pro bono lawyers, enabled by their law firms, and I would like to thank them for the giving of their time and professional skills to volunteer on this project. The pro bono culture and activity within law firms across England and Wales has an important role to play in our access to justice ecosystem, and I am proud to see the public service instinct that exists throughout the legal community. As the pro bono community at all times remind us, pro bono work should always be seen as an adjunct to, rather than a substitute for, legal aid. This piece of work is a great example of how the corporate pro bono community can help to support the wider legal advice sector to demonstrate the importance and relevance of a legal system that is accessible and available to all. Thank you to LawWorks and the law firms involved in this project as well as the APPG on Pro Bono and Public Legal Education (now the APPG on Access to Justice) for supporting this work and bringing it to the attention of parliamentarians from across parties and in England & Wales.

Pro Bono collaboration with



2. Executive summary

Between October 2022 and March 2023, we attended 37 MPs' surgeries and observed 279 appointments across constituencies in Birmingham, Cambridgeshire, Durham, Greater Manchester, London, Newbury, Oxford, and Reading. We also distributed an online survey to MPs and caseworkers and received 98 responses. The methodologies we adopted in our research are set out in section 5 below.

The findings of this research which follow must be set against the current legal aid funding landscape in England and Wales. In section 4 of this report, we summarise the key provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("LASPO") which came into effect on 1 April 2013 and the impact that LASPO has had on the legal advice sector in the decade since its implementation.

Prevalence of legal issues at MPs' surgeries

In our research, we found that:

- 75% of the constituent appointments we observed related to legal issues (206 constituent appointments);
- the most common legal issues observed were housing issues (46%, or 95 constituent appointments); and
- the second most common type of legal issues observed were immigration and asylum issues (16%, or 33 constituent appointments).

These results are broadly in line with the results of a similar research project Hogan Lovells and LawWorks carried out in October and November 2016 into the issues presented in London MPs' surgeries, as reported in the first Mind the Gap report published in 2017, although the results of this report are not directly comparable with those from 2016 due to differences in the areas surveyed and the ways in which MPs run their surgeries².

That 2016 research found that 89% of the 325 constituency appointments observed related to legal issues, of which the most common types were again housing issues (37%) and immigration issues (23%).

Availability of legal advice and representation

In the course of this research, we also found that, of the 206 constituents who raised legal issues at their appointments with MPs, only 13% of constituents (27) stated that they had instructed a lawyer, whereas 79% of constituents (162) had not.

This may be linked to the fact that a majority (56%) of caseworkers who responded to our online survey said that the organisations providing legal advice within their constituencies did not have sufficient capacity to deal with their constituents' legal problems. Caseworkers said that the legal advice providers in their constituencies were particularly lacking in capacity to deal with constituents' asylum and immigration issues (62% or 29 of the 47 caseworkers responding to the question) and housing issues (57% or 27 of the 47 caseworkers responding to the question).

Caseworkers were most likely to say that the lack of sufficient capacity to provide free or affordable legal advice to their constituents was due to a lack of funding for such services. For example, one caseworker said:

"[Legal advice providers] are overwhelmed with people who cannot afford to pay for legal advice. Funding for local law centres has been cut and so they can no longer afford to have as many qualified advisors."

Another said:

"We have no free law centre, and the restrictions on Legal Aid are so stringent that many constituents who need legal advice are not able to afford it."

2. Hogan Lovells, LawWorks, 'Mind the gap: an assessment of unmet legal need in London: a survey of MPs' surgeries' (2017) https://www.hoganlovells.com/-/media/hogan-lovells/pdf/publication/2017/11586_pb_unmet-legal-need-mps-surgeries.pdf

These results are set out in more detail in section 7 below.

Casework volumes

We also found that the volume of casework MPs' constituency offices are processing has increased significantly since before the Covid-19 pandemic. Over half (56%) of caseworkers who responded to our online survey said this was the case. These caseworkers identified three key reasons for this increase in casework volumes:

- the impact of Covid-19;
- government department delays; and
- the cost of living crisis.

These results are set out in more detail in section 8 below.

MPs' engagement with constituents

Our research also identified that the way in which MPs run surgeries and engage with their constituents' casework has changed significantly since the first Mind the Gap Report.

Following the Covid-19 pandemic, and in the wake of the tragic deaths of Jo Cox and Sir David Amess, many MPs no longer run traditional in-person surgeries where members of the public can simply drop in. Instead, in the course of this research, we encountered a broad range of approaches adopted by MPs to facilitate engagement with their constituents. These included the increased use of phone lines, email and social media accounts, as well as innovative approaches to in-person surgeries.

These findings are set out in more detail in section 9 below.

Signposting and referrals

The findings of this report serve to emphasise the key role that MPs and their caseworkers play in signposting or referring their constituents to the legal advice providers available to them.

We have therefore set out in section 10 below:

- information relating to the training available to MPs and their caseworkers on identifying legal issues, legal aid availability and referral resources, one of the main recommendations from the first Mind the Gap report; and
- certain written resources on referrals available to all MPs.

3. Recommendations

3.1 Institute training for MPs and caseworkers on legal issues

We note the increase in volume of constituency casework over the past few years and a noticeable increase in the complexity of the work that MPs and their staff are undertaking. MPs are often the last resort for those facing legal issues that they are unable to resolve on their own. It is crucial to provide comprehensive training for MPs and caseworkers to enhance their ability to identify legal issues and make appropriate referrals. This includes education on legal aid availability and referral resources, enabling them to refer cases where full legal representation is accessible. By doing so, MPs and caseworkers can optimise their resources and focus on matters where legal representation is otherwise unavailable, ensuring equitable access to justice for constituents. The APPG on Access to Justice run free sessions on various areas of law, which equip participants with the necessary knowledge and tools to distinguish non-legal housing challenges from legal ones: confronting them with real-life scenarios, offering pragmatic advice on complex issues, as well as introductions to key legal tests. We encourage all MPs and casework staff to attend the training. For further information about these please contact the House of Commons Learning and Development team or Rohini.Jana@lapg.co.uk.

3.2 Increase funding/resources for advice charities, so that they have the capacity to help people seeking advice in the areas of the law they cover and have the capacity to manage volunteer pro bono resource which is underutilised

Lack of capacity in the advice sector must be addressed in order to create referral routes into meaningful legal support. Legal assistance provided by charities through grant funding, public legal education and pro bono support, are only able to supplement, rather than replace, a stable and adequate system of publicly funded support for people seeking access to justice. However, there remains a need for increased funding and resources for advice charities, Law Centres and Citizens Advice so that they have the capacity to help people seeking advice in the areas of the law they cover. This would in turn ensure that people are not turning to their MPs (who cannot provide them with legal advice) because they have nowhere else to turn.

By increasing the resources available to the free advice sector, the sector will be better placed to scale up the use of pro bono legal resources which are currently available but under-used. There is a real opportunity to mobilise more free lawyer time if advice centres were able to provide solicitor supervision and co-ordination of pro bono resources.



3.3 Invest in the creation of a shared learning platform for MPs

There is clearly an opportunity for MPs to share learning about how their peers organise their surgeries, and share learning and guidance on innovative schemes such as specialist housing surgeries etc., allowing them to pool resources to create efficiencies and encourage a more standardised system of support for people regardless of constituency.

Early legal advice is vital in ensuring people's legal problems can be resolved before they escalate, playing a key role in preventing poor health, debt, homelessness and many other issues. But as the report highlights, this advice so often simply is not available because so many providers have left the sector in recent years. This situation will continue to get worse unless investment is made to make this work economically viable. An increase in rates for advice and assistance under the Legal Help Scheme would mean more people could access early legal advice and resolve their issues efficiently, reducing the burden on the taxpayer and the courts. It would also help to prevent civil legal aid - a vital public service - from collapsing further while the government completes its Civil Legal Aid Review.

3.4 Institutionalise a regular survey of MPs on the issues of Access to Justice at five-yearly intervals on a national basis with the support of the APPG on Access to Justice and the Speakers' Office

This study should be repeated in five years' time to assess what, if anything, has changed in order to build up a source of useful comparative data on which to build future recommendations.

This survey was organised by LawWorks and the pro bono practices of the law firms Hogan Lovells, Eversheds Sutherland, Addleshaw Goddard and Mischon de Reya and supported by the APPG on Access to Justice. It should be noted that although 37 MPs took part, despite active encouragement, it was challenging to secure support. The majority of MPs declined to participate in the research or failed to respond to requests to engage. In the light of this we would recommend that the survey be institutionalised within the remit of the administration of the House by the Speaker.





4. The landscape of legal aid advice and representation provision in England and Wales

4.1 The LASPO reforms

The LASPO came into force on 1 April 2013, introducing wide-ranging changes to the scope and volume of legal aid provision in England and Wales. A decade since its introduction, LASPO's impact remains profound, and here we briefly outline its significance in order to provide context to this report's findings on unmet legal need.

(a) Scope and Eligibility

An application for civil legal aid may be made in the overarching categories of asylum support, claims against public authorities, community care, domestic abuse, immigration detention, mental health, some areas associated with protecting children and vulnerable adults, some housing issues, and some family proceedings. However, these broad categories are defined and then subject to exclusions by LASPO.

The following areas are among those now out of scope³:

- debt, except where there is an immediate risk to the home;
- employment cases;
- educational cases at tribunal, except for cases of Special Educational Needs;
- housing matters, except those where the home is at immediate risk, homelessness assistance, housing disrepair cases that pose a serious risk to life or health and anti-social behaviour cases in the County Court;

- immigration cases at tribunal (non-detention), except those that involve asylum, domestic violence or victims of trafficking;
- private family law (other than cases where criteria are met regarding domestic abuse or child abuse); and
- welfare benefits, except for appeals on a point of law in the Upper Tribunal (but not advocacy in the Upper Tribunal), and onward appeals to the Court of Appeal and Supreme Court.

Some of these areas represent significant changes to the pre-LASPO regime. Pre-LASPO, for example, means and merits-tested legal aid (defined below) in the form of both advice and representation was available for a host of immigration matters, including citizenship, leave to enter and remain in the UK for study or employment, deportation and asylum. Similarly, advice on housing benefits, housing allocation and housing disrepair (unless posing serious risks, as described above), have been removed from the scope of legal aid.

To qualify for civil legal aid, most applications that fall within scope must satisfy two further eligibility hurdles. These relate to financial resources and prospects of success and are colloquially referred to together as the 'means and merits' test. The means tests are set out more fully in Regulations made under LASPO in 2013.⁴ The merits tests are governed by further Regulations.⁵

3. The Bar Council, 'Civil legal aid: Practical guidance for the Bar' (November 2015), pages 12-13 https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/civil_legal_aid_practical_guidance_for_the_bar_nov_2015.pdf

4. The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (SI 2013, No. 480)

5. The Civil Legal Aid (Merits Criteria) Regulations 2013 (SI 2013, No. 104)

(b) LASPO's impact, a decade on

Since LASPO came into effect on 1 April 2013, there has been a significant decrease in both the government's spend on civil legal aid cases and the volume of such cases.

According to the government's own calculations, spending on civil (non-family) legal aid cases decreased by approximately £90m, from £220m to £130m, in the period from 2012-2013 to 2017-2018. This represents a decrease in spending of 41%.⁶

The categories of so-called 'legal help'⁷ cases which saw the largest decrease in volume in the same period included welfare benefits cases (a decrease of 82,100 cases), debt cases (a decrease of 76,300 cases), and housing cases (a decrease of 49,800 cases).⁸ The categories of civil representation⁹ cases seeing the largest decrease in volume in the same period included housing cases (a decrease of 4,400 cases) and immigration cases (a decrease of 1,900 cases).¹⁰ Spending on family legal aid cases in the same period had fallen by approximately £160m.¹¹

There has, in turn, been a significant decrease in the number of law centres and other advice agencies in England and Wales since the implementation of LASPO.

This trend began immediately: the Ministry of Justice's Legal Aid Statistics for the year 2013-2014 noted that the number of civil providers had reduced by almost a quarter since the preceding year, and LawWorks' research recorded a similar trend.¹² As of July 2019, the number of law centres in England and Wales had halved from 94 to 47 since 2013-2014, and as of 29 December 2021, there were 296 local authority areas and 533 parliamentary constituencies without access to a local law centre.¹³

The Bar Council's November 2022 report "Access Denied" emphasised that these LASPO-driven cuts to legal aid had adversely impacted the ability of individuals to access justice for their legal needs.¹⁴ Stakeholders responding to the Ministry of Justice's Post-Implementation Review of Part 1 of LASPO raised similar concerns.¹⁵ Broadly speaking, these commentators observed that, in their view, LASPO had affected access to justice in the following three key ways:

- **Reduced scope for early intervention:** the provision of legal advice at an early stage of an individual's legal problem is often key to resolving that problem quickly. By reducing access to legal aid-funded legal advice, however, LASPO had reduced the likelihood of an individual's legal problem being resolved at an early stage.¹⁶
- **Clustering:** it is often the case that an individual has more than one legal problem in need of resolution. However, the hard line between what is within the scope of legal aid provision and what is without it since LASPO was introduced often leaves an individual with a legal aid-funded solution to some, but not all, of their legal problems.¹⁷
- **Legal aid deserts:** the decrease in the number of law centres and other advice agencies offering legal aid-funded services has led to the creation of so-called 'legal aid deserts', geographical areas in which there is no provision of legal aid-funded advice, either in respect of a particular category of advice or at all. This is particularly the case in rural areas and for certain categories of law such as immigration and housing work.¹⁸ This issue is discussed in more detail in section 4.2 below.

6. Ministry of Justice, 'Post-Implementation Review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)' (February 2019) paragraph 149 and Figure 5 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777038/post-implementation-review-of-part-1-of-laspo.pdf

7. Defined in Ministry of Justice, Post-Implementation Review of Part 1, Annex A as "A form of civil legal services which includes advice and assistance about a legal problem, but does not include representation or advocacy in proceedings (also see Controlled work)"

8. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 147 and Figure 3

9. Defined in Ministry of Justice, 'Post-Implementation Review of Part 1', Annex A as "representation by solicitors and advocates for civil cases which could go to court or tribunal (also see Licensed work)"

10. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 148 and Figure 4

11. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 16

12. Ministry of Justice, 'Legal Aid Statistics in England and Wales, Legal Aid Agency, 2013-2014' (24 June 2014), paragraph 12 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/366575/legal-aid-statistics-2013-14.pdf; LawWorks, 'LawWorks Clinics Network Report April 2013 – March 2014' (September 2014), page 3 <https://www.lawworks.org.uk/sites/default/files/Lawworks-clinics-network-report-Apr-13-Mar-14.pdf>

13. <https://questions-statements.parliament.uk/written-questions/detail/2019-07-04/273435>; The Bar Council, 'Access denied: The state of the justice system in England and Wales in 2022' (November 2022), page 18 available at <https://www.barcouncil.org.uk/resource/access-denied-november-2022.html>

The Ministry of Justice ran a consultation on the means test for legal aid, which was open for response between March and June 2022. The consultation's focus was on proposals to widen eligibility for legal aid, including expanding the income and capital thresholds for eligibility.¹⁹ The Law Society responded positively to a number of the proposals within the consultation but noted in particular that the benefits of the proposals risk being severely undermined if future eligibility thresholds fail to account for spiralling inflation.²⁰ The Ministry of Justice published its response on 25 May 2023, in which it pledged to increase spending on legal aid as a whole by £25 million and widen the scope of eligibility for civil legal aid.²¹

The Ministry of Justice also announced in January 2023 that it is undertaking a review of civil legal aid in England and Wales in its entirety, including how services are procured, how well the current system works for users and how civil legal aid impacts the wider justice system. The stated purpose of the review is to identify options the government can then consider for *"moving to a more effective, efficient and, sustainable system for legal providers and the people who rely on legal aid"*. The review will involve an external economic analysis of the structure of the civil legal aid market *"to better understand how people access funding and support"* and a comparative analysis of how civil legal aid systems operate in other countries.²² The review's final report is due to be published in 2024.



14. The Bar Council, 'Access denied', pages 2 and 17

15. The Bar Council, 'Access denied', page 17

16. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 21; The Bar Council, 'Access denied', pages 17-18

17. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 22

18. Ministry of Justice, 'Post-Implementation Review of Part 1', paragraph 24; The Bar Council, 'Access denied', pages 17-18

19. See <https://www.gov.uk/government/consultations/legal-aid-means-test-review> for details of the consultation

20. <https://www.lawsociety.org.uk/campaigns/consultation-responses/legal-aid-means-test-review>; <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/cost-of-living-crisis-could-drive-a-wedge-into-justice-gap>

21. Ministry of Justice, 'Government Response to Legal Aid Means Test Review' (May 2023), page 4 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159138/government-response-to-legal-aid-means-test-review.pdf

22. See <https://www.gov.uk/guidance/civil-legal-aid-review> for details of the consultation

4.2 Legal aid deserts

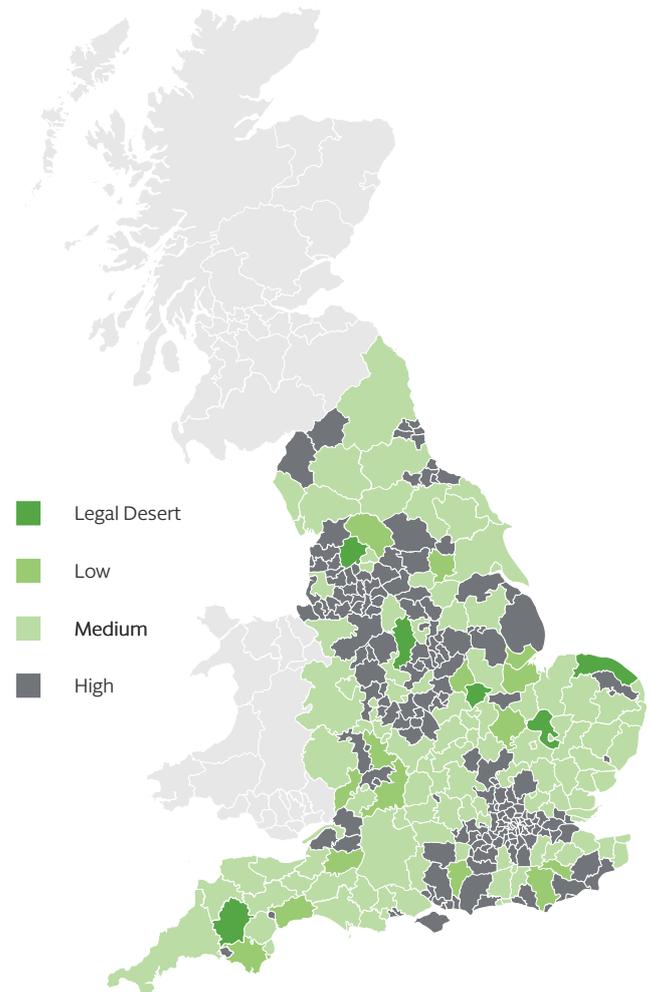
(a) Overview

As stated above, there is increasing focus among legal practitioners and researchers on regions in England and Wales whose residents, in the wake of the LASPO reforms, live in 'legal aid deserts' and who therefore now have very little or no local access to legal aid funded advice and representation.

Figure 1 below illustrates the areas with the highest and lowest access to legal aid across family, housing and crime in England and Wales, as set out in a recent report by LexisNexis on the subject.

Often those living in legal aid deserts are the most in need of legal aid but have the least access to it. In legal aid deserts throughout England and Wales, there is a particular shortage of legal aid advice in relation to housing, community care and immigration.²⁴ Written evidence from the Refugee Council to a House of Commons Justice Committee report explained that individuals on asylum support who are therefore dispersed on a 'no-choice' basis across the UK may find themselves within an area with no legal aid firms providing asylum advice. As a consequence, these individuals may find themselves searching for any legal advice they can access, even if it is of bad quality or provided only at exorbitant rates.²⁵

Figure 1 – Overall Family, Housing and Crime Legal Aid Deserts. Source: The LexisNexis Legal Aid Deserts Report²³



23. The LexisNexis Legal Aid Deserts report <https://www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html>

24. House of Commons Justice Committee, 'The Future of Legal Aid, Third Report of Session 2021-22' (27 July 2021), paragraph 123 <https://committees.parliament.uk/publications/6979/documents/72829/default/>

25. House of Commons Justice Committee, 'The Future of Legal Aid, Third Report of Session 2021-22, paragraph 124 and the written evidence from The Refugee Council available at <https://committees.parliament.uk/writtenevidence/12967/html/>

(b) Housing legal aid deserts

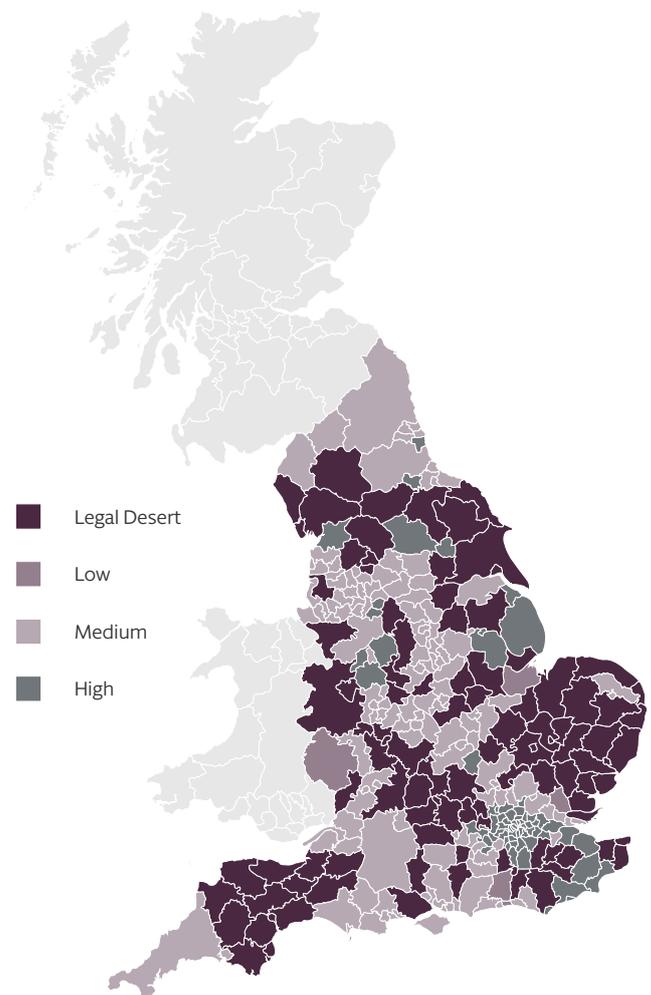
Given the finding of this research that housing issues were the most common legal issue presenting at MPs' surgeries, as set out in section 6 below, we have focused on the findings of the LexisNexis report in relation to housing in particular.

Figure 2 below illustrates the legal aid deserts in respect of housing across England and Wales.

LexisNexis's findings with respect to housing indicate that:

- 12.45m people live in legal aid deserts for housing;
- the five best-served local authorities have 1.74 providers per 1,000 incidents; and
- the housing legal deserts in the bottom 10% had 0 providers per 1,000 incidents.²⁷

Figure 2 – Housing Legal Aid Deserts Source: The LexisNexis Legal Aid Deserts. Report²⁶



26. The LexisNexis Legal Aid Deserts report

27. The LexisNexis Legal Aid Deserts report

4.3 Impact of recent events: Covid & cost of living

(a) Overview

The Legal Aid Agency's own legal aid statistics indicate that Covid restrictions resulted in the reduction of legal aid-funded advice and representation in England and Wales. The statistical bulletin issued by the agency in April 2020 commenting on the immediate impact of the Covid-19 pandemic noted that, in that month:

- there was a 34% decrease in the number of legal help new matters being started as compared to the period January 2020 to March 2020 (down from 10,200 per month to 6,700);
- there was a 16% overall decrease in civil representation applications (down from 10,300 in the period January 2020 to March 2020 to 8,700 in April 2020). Family applications decreased by 13% as compared to the period January 2020 to March 2020, whilst in non-family applications decreased by 34%, driven mainly by the fall in housing applications; and
- no new Housing Possession Court Duty Scheme matters were started (as compared to 2,300 per month in the period January 2020 to March 2020) and there was a 94% decrease in the number of Housing Possession Court Duty Scheme cases closed (down from 2,600 per month in the period January 2020 to March 2020 to 150 in April 2020).²⁸

The most recent Legal Aid Agency statistical bulletin published as at the date of this report indicates that the overall civil legal aid workload still remains below pre-pandemic levels although trends are increasing in domestic abuse, mental health and immigration cases.²⁹

(b) Access to justice

The pandemic also impacted the ways in which people were able to access legal advice. Social distancing and the inadequate supply of technology affected those in institutionalised settings by creating additional barriers to accessing justice.³⁰ Additionally, clients who have traditionally relied on face-to-face services due to health and language barriers or lack of digital services access struggled to access Law Centre services.³¹

The UK Government provided Law Centres with emergency support to continue their work throughout the pandemic.³² Additionally, several Law Centres adapted in innovative ways to the constraints caused by the pandemic. By way of example:

- Birmingham Community Law Centre worked closely with local homelessness charities, helping at least 100 homeless people into temporary hotel accommodation;
- Southwark Law Centre provided immigration advice for rough sleepers during the pandemic, in partnership with St Mungo's homeless support service, who were still seeing people face to face. The 'Everyone In' policy meant the Law Centre solicitors could reach people housed in hotels and could work with the St Mungo's support team to ensure contact was maintained;
- North East Law Centre was funded by the National Lottery Community Fund to provide supermarket vouchers and pay for gas bills for clients facing severe hardship;
- Harrow Law Centre received referrals from mutual aid groups set up during the pandemic and gave specialist legal advice to vulnerable people in the community not eligible for legal aid; and
- Harrow Law Centre also ran online sessions in over 10 local schools to provide information on key legal rights to vulnerable parents, continuing a pre-pandemic programme.³³

28. Ministry of Justice, Legal Aid Agency, 'Legal Aid Statistics quarterly, England and Wales, January to March 2020' (25 June 2020), pages 20–21 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895088/legal-aid-statistics-bulletin-jan-mar-2020.pdf. The figures are for April 2020 compared to the monthly average between January and March 2019.

29. See <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-october-to-december-2022/legal-aid-statistics-england-and-wales-bulletin-oct-to-dec-2022#civil-legal-aid>

30. The Law Society, 'Law under lockdown: The impact of COVID-19 measures on access to justice and vulnerable people' (September 2020), page 39 available at <https://www.lawsociety.org.uk/topics/research/law-under-lockdown-the-impact-of-covid-19-measures-on-access-to-justice-and-vulnerable-people>

31. Law Centres Network, 'Impact of Covid-19 on Law Centres' (June 2020), page 1 <https://ajc-justice.co.uk/wp-content/uploads/2020/07/Impact-of-Covid-June-20-Law-Centres-Network.docx>

32. <https://www.lawgazette.co.uk/news/law-centres-given-54m-to-survive-pandemic/5104150.article>

33. Law Centres Network, 'Impact of Covid-19 on Law Centres' pages 1 and 8



4.4 The cost of living crisis

(a) Overview

Since late 2021, there has been a fall in 'real' incomes in the UK, with inflation (measured with reference to the Consumer Price Index) at 10.4% in the 12 months to February 2023.³⁴

The impact of this on the demand for advice services has been substantial:

- according to the Money & Pension Service, there has been a rise across the country in demand for debt advice in 2022 as compared to 2020 and 2021, with London seeing the highest demand at 30%;³⁵
- as of September 2022, the North East Law Centre had recorded a 40% increase in demand for welfare rights advice, predominantly relating to money issues and with a particular focus on Personal Independence Payment applications;³⁶ and
- the Greater Manchester Law Centre has also predicted increased demand in relation to both housing advice, as the risk of evictions due to unaffordable rents increases, and employment advice, in particular relating to redundancy/dismissal rights and associated benefits entitlements.³⁷

In addition, as noted above in section 4.1, there is concern that unless the means test for legal aid is adjusted to accommodate inflation levels, those eligible for legal aid-funded advice is even more restricted than before the cost of living crisis began.

(b) The changing landscape in 2022-2023

The following sections of this report set out the results of our own research into unmet legal need in England and Wales, focusing on data collected from October 2022 to March 2023 from MPs' surgeries and information provided by their caseworkers. The results of that research should be considered in the contexts outlined above, as reflected in the conclusions and recommendations in the final section of this report.

34. The Institute for Government, 'Explainer: Cost of Living Crisis' (7 February 2022, updated 13 April 2023) <https://www.instituteforgovernment.org.uk/explainer/cost-living-crisis>

35. The Money & Pensions Service, 'Need for debt advice and how households are reacting to changes in the cost of living' (25 January 2023) <https://moneyandpensionsservice.org.uk/2023/01/25/need-for-debt-advice-and-how-households-are-reacting-to-changes-in-the-cost-of-living/>

36. The Access to Justice Foundation, 'Advice agencies are already feeling the impact of the Cost of Living Crisis' <https://atjf.org.uk/advice-agencies-are-already-feeling-the-impact-of-the-cost-of-living-crisis>

37. Greater Manchester Law Centre, 'The importance of access to justice in the cost-of-living crisis' <https://www.gmlaw.org.uk/2022/10/24/the-importance-of-access-to-justice-in-the-cost-of-living-crisis/>



5. Methodologies

This section of the report sets out the methods by which we collected data from (1) observing MPs' constituency surgery appointments and (2) from an online survey of MPs and their caseworkers.

5.1 MPs' constituency surgery appointment observations

MPs were first invited to participate in the constituency surgery appointments part of this project by way of an email from Laura Farris MP, then Chair of the APPG on Pro Bono and Public Legal Education, on 27 June 2022.

Subsequent to the invitation email, volunteers from Hogan Lovells, Eversheds Sutherland, Addleshaw Goddard, Mishcon de Reya (the "Firms"), and LawWorks then followed up by email and telephone with MPs' offices to arrange surgery visits. The volunteers contacted those MPs who had responded to Laura Farris MP's invitation email expressing interest in participating in the project and those MPs whose constituency surgeries were accessible to volunteers from the Firms and LawWorks. In total, the Firms and LawWorks contacted around 160 MPs from across England and Wales.

Over the period between October 2022 to March 2023, the volunteers attended 37 MPs' surgeries, observing 279 constituents' appointments. We observed MPs from North East England, North West England, East of England, West Midlands, London, and South East England. The MPs we observed belonged to the Labour Party, the Labour and Co-operative Party, and the Conservative Party. During the appointments, volunteers recorded information about the discussion between the MP or caseworker in question and the constituent, including brief details of the issues presented by the constituent, whether the issues were legal or non-legal in nature and, if the issues were legal in nature, the relevant category and sub-category of legal issues raised.

The MPs' surgeries attended by volunteers varied in format, as explained in further detail at section 9 below. As such, our data includes:

- surgeries that took place (i) in person, (ii) via video call and (iii) over the phone;
- walk-in sessions with no pre-screening, as well as some surgeries prior to which there was extensive triaging and pre-screening of issues;
- some surgeries run only by caseworkers, with others run by both caseworkers and MPs; and
- small surgeries attended by only two or three constituents, as well as large-scale surgeries attended by up to 15.

Before attending the MPs' surgeries, volunteers were given training by the Law Centres Network. The training covered how to identify legal and non-legal issues, the basics of legal aid availability and the categories and sub-categories of legal problems they might encounter in the surgery appointments.

Each constituent whose appointment with their MP was observed signed a consent form allowing the Firms and LawWorks to use and report on the information provided in the appointment on an anonymous basis, including publishing aggregate statistics.

A qualified lawyer from LawWorks quality-checked the data collected by volunteers to ensure that all issues had been consistently categorised as legal or non-legal, and that legal issues had been consistently assigned to the available categories and sub-categories.

A number of MPs expressed an interest in participating in this part of the project but were unable to arrange for volunteers to observe their surgeries due to reasons such as other commitments, the accessibility of their surgeries or the format in which they organised their surgeries. These MPs and their caseworkers were instead invited to participate in the online survey, details of which are set out below.

5.2 MPs and caseworkers online survey

MPs and their caseworkers were also invited to participate in an online survey. A link to complete the online survey was first shared with all MPs' offices by the House of Commons Library on 26 October 2022. The link was also shared in the House of Commons Library caseworker forum and volunteers from the Firms emailed the link to the MPs' offices with whom they had been corresponding to arrange attendance at surgery appointments. The link remained open until 31 March 2023.

In broad terms, the questions covered the topics of trends in the volume of casework MPs' constituency offices are receiving, the prevalence of legal issues and issues related to the cost of living within their casework, and constituents' access to legal advice. As referred to above, this survey allowed MPs and caseworkers who could not participate in the constituency surgery appointments part of the project to nevertheless contribute to the research.

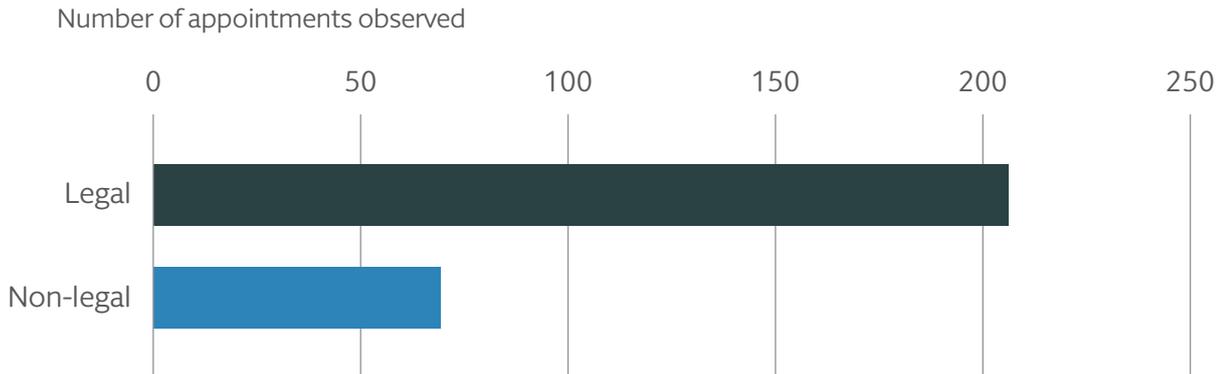
We received 98 responses from caseworkers and others working in MPs' offices from a range of constituencies across the UK.



6. Issues raised at MPs' surgeries

6.1 Prevalence of legal issues at MPs' surgeries

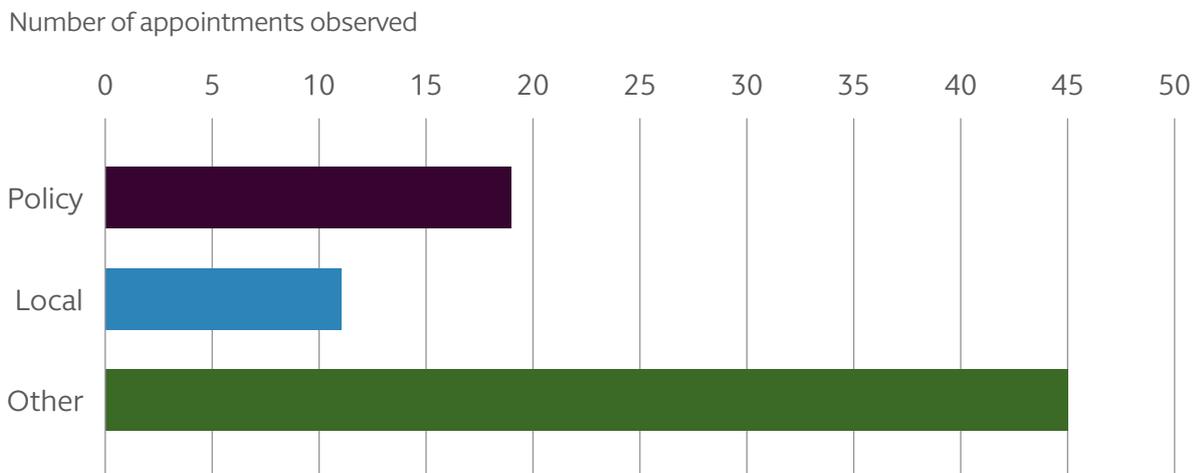
Of the 276 appointments that we observed across 37 MP surgeries, legal issues were raised in 206 (75%). The remaining 70 (25%) addressed issues that we did not consider raised a legal issue.



6.2 Non-legal issues

While the focus of this report is on the legal issues raised at MPs' surgeries, we also recorded the concerns raised by constituents at appointments relating to non-legal issues.

We categorised these concerns as relating to national government or party policy (19); local issues, such as use and quality of public spaces (11); and/or other issues faced personally by constituents in respect of which they were seeking an MP's support, such as non-legal issues with property or health and social care (45). Of the latter category, housing was the most prevalent area of concern (7), followed by community care (5).



6.3 Types of legal issue

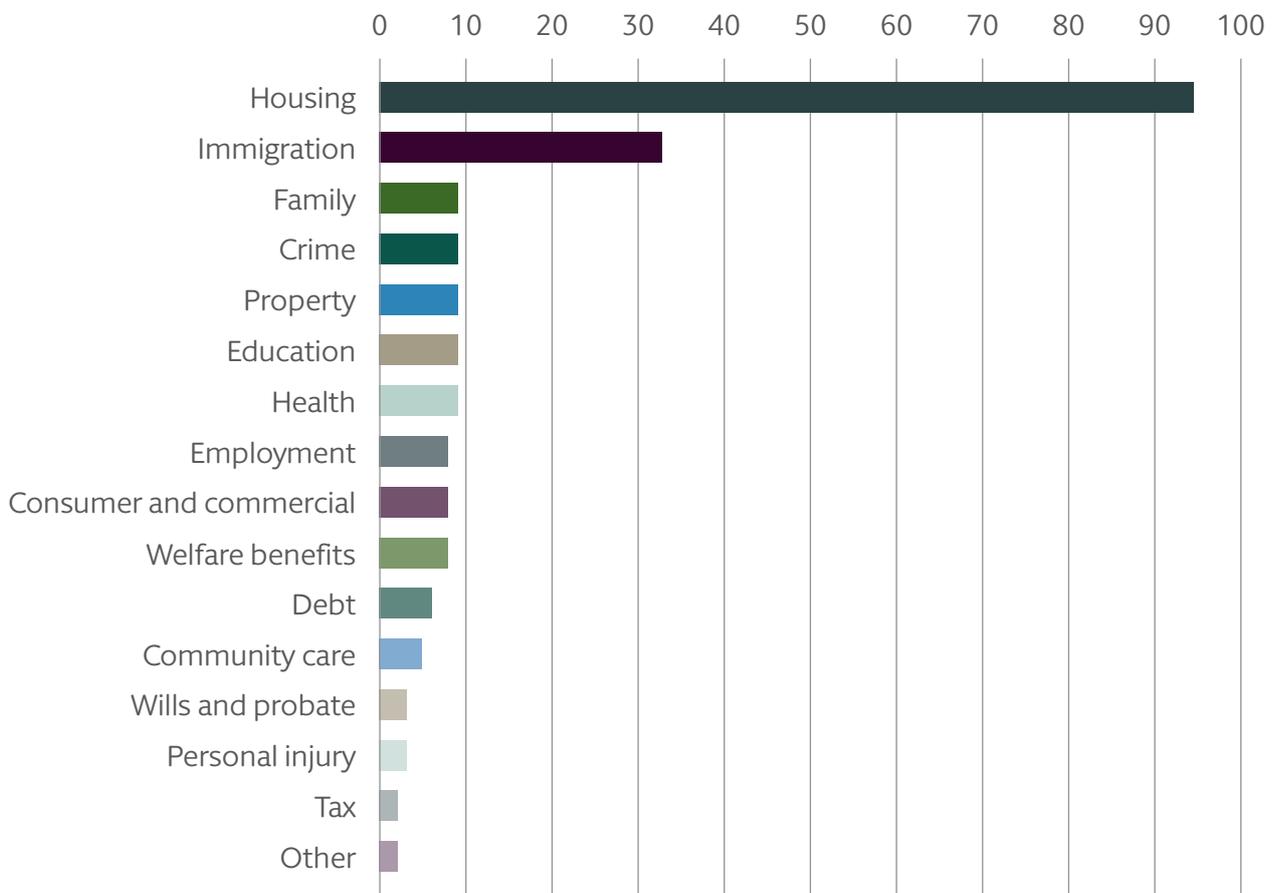
On the basis of our surgery observations, the most common areas in which constituents had legal problems were housing and immigration, with a diverse range of issues accounting for the remainder:

- 46% of legal issues (95) had a housing element; and
- 16% of legal problems (33) had an immigration element.

Legal issues are frequently intertwined: for example, a tenant can face possession proceedings due to welfare benefits issues or an inability to work due to immigration status. Housing and immigration problems in particular frequently overlap with other issues.

Whether in combination with housing and/or immigration problems, or otherwise, we observed a wide range of other areas where appropriate legal advice may have assisted the constituent:

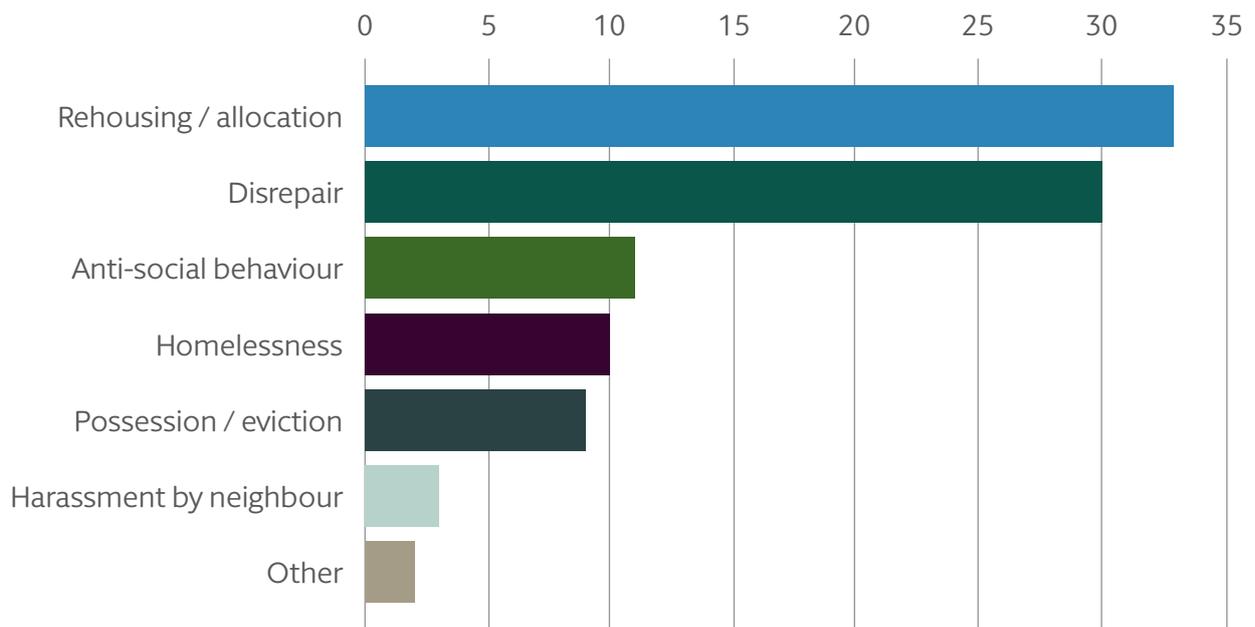
- family, crime, property, health, and education (9 instances of each);
- employment, consumer/commercial issues and welfare benefit issues (8 instances of each); and
- other issues, such as tax, wills and probate and personal injury (15 instances).



6.4 Types of housing issues

Housing was by far the most prevalent legal issue in the surgeries we observed. The 95 housing cases we identified involved the following elements:

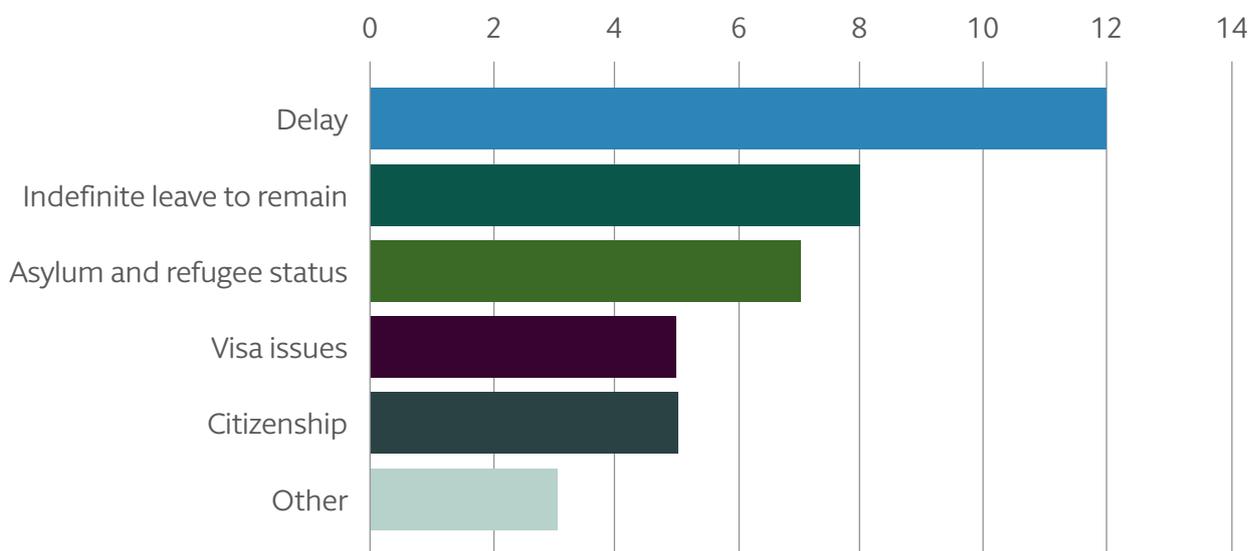
Number of appointments observed



6.5 Types of immigration issues

Of the 33 immigration and asylum legal issues we identified, more than one-third involved a constituent seeking advice on delays in processing cases. Substantively, the most prevalent issues related to applications for indefinite leave to remain and/or asylum/refugee status.

Number of appointments observed



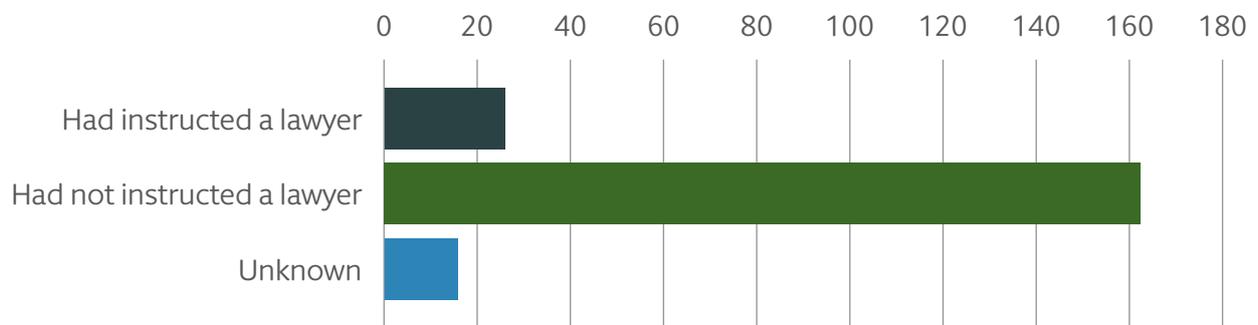


7. Availability of legal advice and representation

Of the 206 constituents who raised legal issues at the MPs' surgeries, only 27 (13%) stated that they had instructed a lawyer. 162 (79%) had not instructed a lawyer, and in 17 cases it was unclear from the information provided by the constituent (8%).

There was only one case we observed in which the constituent had obtained legal aid, but had nevertheless come to the MP with their problem.

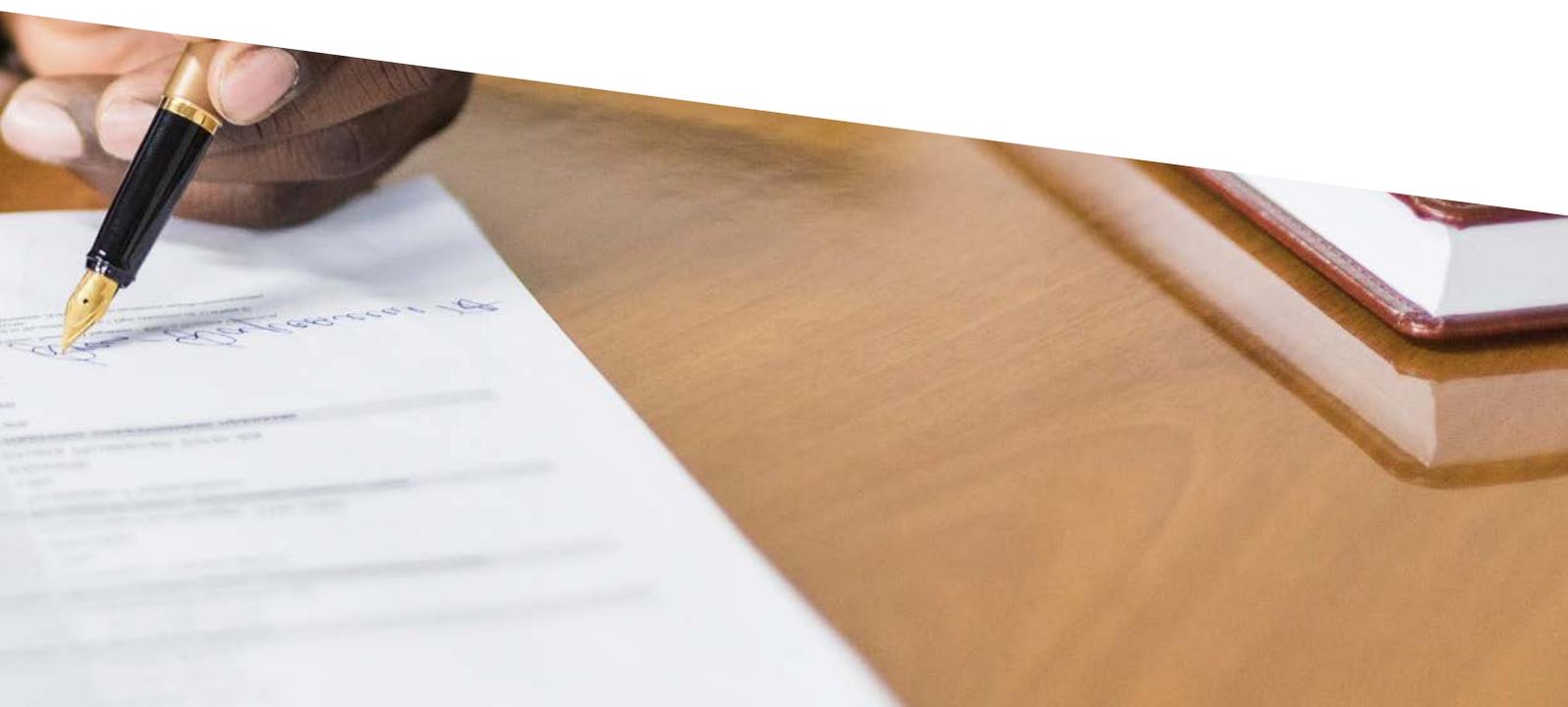
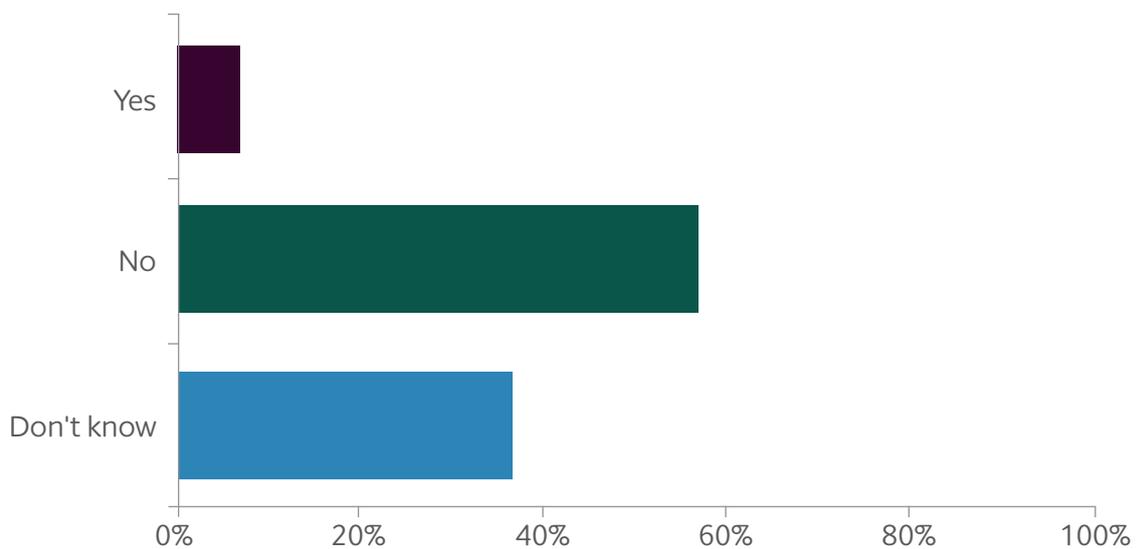
Number of appointments observed



These findings may be linked to the fact that a majority (56%) of the caseworkers who responded to our online survey said that the organisations providing legal advice within their constituencies are lacking sufficient capacity to deal with the legal problems their constituents have.

Q8: In your opinion, do the organisations providing legal advice in your constituency, such as law centres and solicitors' firms, have sufficient capacity to deal with the legal problems which your constituents have? By capacity, we mean law centres and solicitors' firms' capacity to deal with legal problems in all respects, including their capacity in terms of time, human resource, expertise and funding.

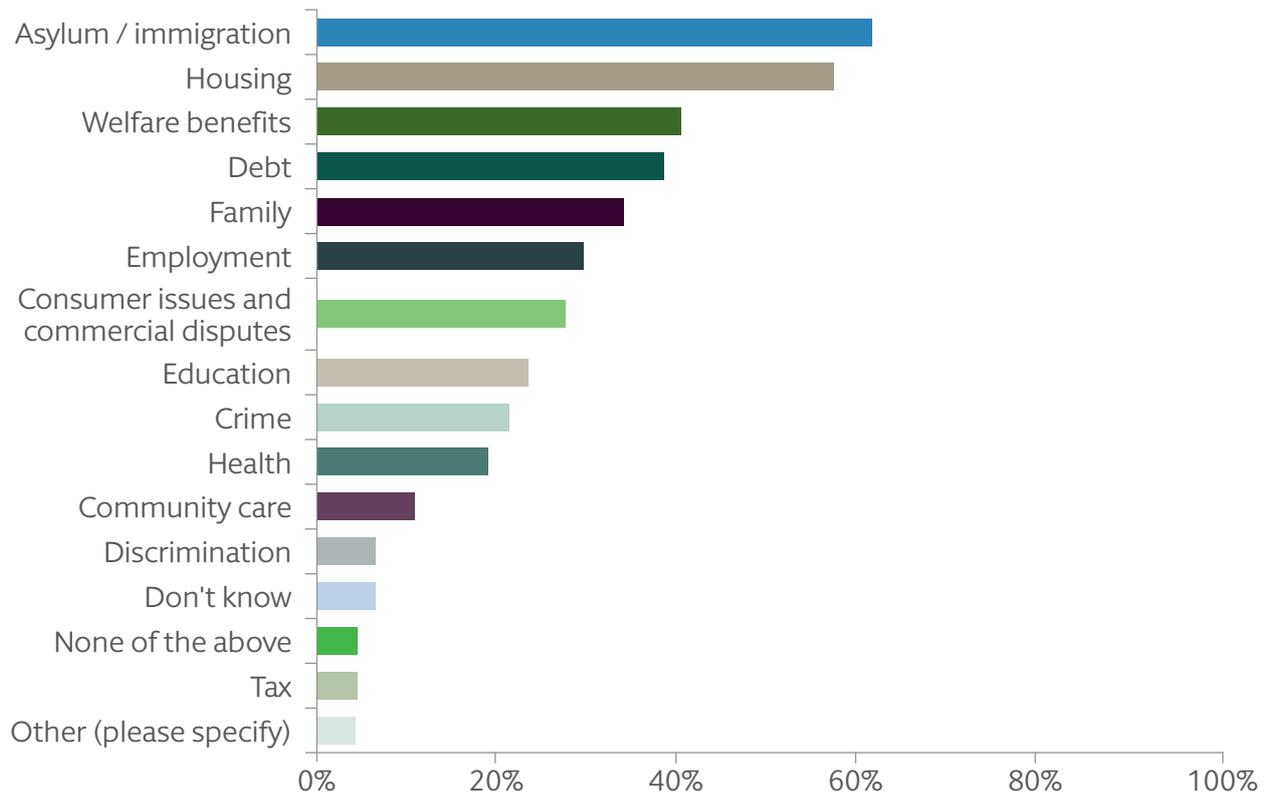
Answered: 85 Skipped: 13



Caseworkers considered that the organisations providing legal advice in their constituencies were particularly lacking in capacity to deal with constituents' asylum and immigration issues (62%) and housing issues (57%). Again, these results are broadly consistent with the data from MPs' constituency surgeries above, which indicate that the most common legal issues presenting in surgeries are housing and immigration issues.

Q10: In your opinion, what areas of law are the organisations providing legal advice in your constituency, such as law centres and solicitors' firms, most lacking in capacity to deal with the legal problems which your constituents have? Please select up to five answers.

Answered: 47 Skipped: 51



38. Q9: You said that the organisations providing legal advice in your constituency do not have sufficient capacity to deal with the legal problems which your constituents have. Why do you say that? Answered: 47 Skipped: 51

When asked why the organisations providing legal advice in constituencies had insufficient capacity to deal with constituents' legal problems, the most common answers from caseworkers related to the lack of sufficient funding for free or affordable legal advice.³⁸ For some caseworkers, the lack of sufficient funding means that there are few appropriately qualified individuals or organisations able to provide advice, either for free or at affordable rates within their constituency. In some cases, the advice available is only provided to those with the most complex cases or the most severe need. For example, caseworkers made the following comments on this topic:

"There is very limited affordable legal advice in the constituency and often not to the level our constituents need. We often have nowhere to refer people who need legal help."

"I cannot refer cases as there are not enough solicitors to represent everyone who needs it. When calling solicitors, they often say they don't have capacity."

"Funding cuts have resulted in many organisations closing and others reducing their capacity, with fewer staff and shorter opening hours."

"[Legal advice providers] are overwhelmed with people who cannot afford to pay for legal advice. Funding for local law centres has been cut and so they can no longer afford to have as many qualified advisors."

For other caseworkers, however, there was simply no law centre within their constituency providing free legal advice. These caseworkers said as follows:

"We have no free law centre, and the restrictions on Legal Aid are so stringent that many constituents who need legal advice are not able to afford it."

"We do not have a law centre offering advice... The Citizens Advice is mainly by phone and does not help with drafting issues."

These results accord with the evidence from industry stakeholders on the impact of LASPO, a decade on, set out in section 4.1 above.

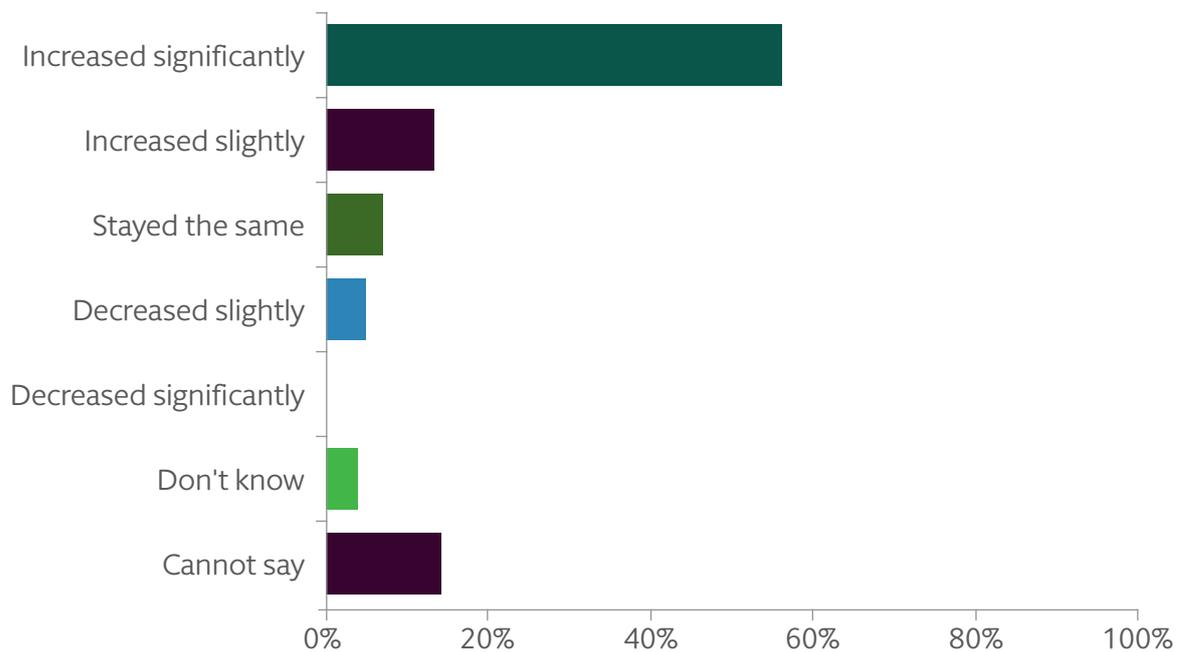


8. Casework volumes

The volume of casework that MPs' constituency offices are receiving has increased significantly since before the Covid-19 pandemic. Over half (56%) of survey respondents said this was the case.

Q4: How much would you say the amount of casework you receive each month has increased or decreased since the six months before the Covid-19 pandemic began, so since the period September 2019 to February 2020?

Answered: 98 Skipped: 0



39. Q5: You said that your casework has increased significantly or slightly since the six months before the Covid-19 pandemic began. In your opinion, what has caused that increase? Answered: 57 Skipped: 41

As for why MPs' casework load had increased so significantly, the caseworkers who responded to the survey identified three key reasons:

- the impact of Covid-19;
- government department delays;
- and the cost of living crisis.³⁹

8.1 Covid-19

A number of caseworkers noted that the initial Covid-19 pandemic had caused a significant increase in casework across a range of topics, such as furlough, evictions, access to healthcare, claims for financial support, job losses, employment disputes, vaccines and the Covid-19 regulations themselves. As one caseworker said:

"The pandemic led to a lot of people losing a significant amount of income, causing long-lasting financial problems... Many businesses struggled to survive, and people were desperate to keep afloat. We had a big increase of housing problems – people whose rents were increased but they were unable to pay them, which in turn lead to threats of homelessness... We were contacted by a large number of people worried about sourcing reliable PPE, people worried about being able to get vaccines, people worried about the safety of vaccines, the inability to visit loved ones in hospitals and care homes and many other issues."

And yet, despite the pandemic being over, caseworkers have not seen casework return to its pre-pandemic levels. Some caseworkers attributed this to the fact that constituents now had a greater awareness of MPs' offices as a source of advice and were therefore more likely than before to turn to them for assistance with other matters. For example, one caseworker said:

"Constituents who contacted their MP for the first time during the intense period around Covid are now more likely to view our office as an avenue for assistance."

8.2 Government department delays

Caseworkers also reported that delays in government departments responding to or processing constituents' applications for

government services had driven increases in casework. Caseworkers referred to delays at the Home Office, the Department for Work and Pensions, UK Visas and Immigration, HM Passport Office and the Driver and Vehicle Licensing Agency in particular. One caseworker described the overall picture as follows:

"Increased waits for assessments, treatments and decisions...impede constituents' ability to access support necessary for their daily lives, and [this] compounds the difficulties they experience [and] have a lasting impact on their future prospects even if help is eventually provided. The uncertainty around this causes or exacerbates anxiety which is why many write to their MP for reassurance or to feel that they have tried everything."

8.3 Cost of living crisis

Caseworkers also reported that the cost of living crisis is driving an increase in the number of constituents who are approaching their MPs for help with basic living costs. One caseworker also anticipated that, as the cost of living crisis continues, their office will see an increase in demand for help with debt management. Another caseworker noted that, whereas in the past a constituent may not have challenged a benefit decision made against them because they could manage without the additional money, the cost of living crisis has meant that that constituent is now more likely to seek to challenge it and to approach their MP to assist in doing so.

Caseworkers' other comments on the impact of the cost of living crisis on constituents' legal problems included the following:

"There are a lot more housing issues, including disrepair, cost of housing and homelessness. A lot more people are struggling with debt and their ability to pay energy bills and basic essentials such as food."

"We are seeing more people in debt, having their homes repossessed, a large number of private renters being evicted (sometimes illegally) or refused properties if they are benefits claimants."

9. MPs' engagement with constituents

The way in which MPs run surgeries and engage with their constituents has changed significantly since we last conducted a similar survey in 2016. Prior to 2016, it was common for MPs to run surgeries from well-known public locations such as community centres, town halls, shopping centres and their own constituency offices.

Following the Covid-19 pandemic, and in the wake of the tragic deaths of Jo Cox and Sir David Amess, many MPs no longer run traditional face-to-face surgeries where members of the public can simply drop in.

At the same time, as described further in section 8, MPs' caseworkers are reporting a significant increase in volumes of casework, with many more constituents reaching out for help over the phone, by email and online.

In the course of our research and discussion with MPs and their caseworkers, we identified a broad range of approaches adopted by MPs to facilitate engagement with their constituents, in the significantly changed climate in which they now operate. These include the following:⁴⁰

9.1 Phone lines, email and social media accounts

Many MPs use phone lines and online communications as the primary point of contact through which members of the public can contact their office for assistance with their problems. Rather than being a purely administrative point of contact, such phone lines and online accounts are often staffed by experienced caseworkers who directly deal with and/or triage constituents' issues.

Through this approach:

- If an issue is best dealt with by a legal advisor or other advice agency, constituents can be signposted to them. In many of the surgeries we observed, constituents came to MPs because they did not know where to

get advice locally and needed support with a legal, personal, or financial problem that could have been resolved through effective signposting and subsequent specialist advice. Phone lines allow caseworkers to triage these cases effectively and ensure the MP's time is focused on cases where their intervention will be most effective.

- Many caseworkers are experienced in particular areas of advice and local intervention, and can resolve constituents' issues without facilitating contact with the MP directly. In these cases, caseworkers can become a regular point of contact for the constituent to assist in resolving an ongoing problem and can communicate with the constituent by whichever means they find most helpful (by phone, email, video conferencing or in-person).
- If a constituent does want to see their MP directly, either in their capacity as an elected official or more generally regarding a problem where the MP could effectively intervene, issues can be triaged from phone lines or online accounts by caseworkers to the MP directly. Many MPs who rely on phone lines and online accounts to receive their casework continue to meet with constituents in person by appointment, but no longer run drop-in surgeries.

One MP whose office follows this approach reported receiving over 500 new cases from constituents per month, with between half and three-quarters of those cases judged by the casework team to be legal issues. While this MP does not run conventional surgeries where they meet multiple constituents in-person to hear and assess their problems for the first time, their office nevertheless receives and engages with extraordinary volumes of requests for assistance, and facilitates direct contact with the MP where required.

40. Q12: In your opinion, have your constituents' legal problems changed as a result of the cost of living crisis, and if so, how? Answered: 80 Skipped: 18

9.2 Innovative in-person surgeries

Not all MPs have stopped running conventional in-person surgeries, but many have adapted their approach in light of increased and changing demand.

(a) Specialist housing surgeries

One MP we spoke to had received such high volumes of casework relating to housing that they decided to set up regular in-person clinics to be run jointly between the MP's caseworkers and local housing advice agencies. This allows constituents to receive advice promptly and directly from an appropriate source, rather than requiring multiple referrals between agencies and local officials. Constituents primarily attend the housing surgery having had already contacted the MP's office over the phone or online.

We did not include such surgeries in our quantitative study of legal issues at MPs' surgeries, as the issues raised have been pre-filtered and would accordingly skew the data. However, this model nonetheless offers an important insight into the prevalence of housing issues among constituents and the novel ways in which MPs are responding.

(b) Caseworker-only surgeries

In circumstances where many constituents who contact MPs require specialist advice and intervention rather than the support of an MP as an elected official (although, of course, the two are not mutually exclusive), one MP we spoke to runs weekly in-person surgeries, where constituents can go directly to the caseworkers for advice, in addition to monthly surgeries that the MP also attends. Constituents have the option of seeing a caseworker or booking to see the MP directly.

(c) Weekend drop-ins

Some MPs still run traditional in-person surgeries that do not require appointments. One MP who participated in the project runs large surgeries without appointments at the weekend, each lasting several hours, which allows anyone to come through the door and speak either with the MP or one of several caseworkers. The MP and caseworkers work simultaneously, receiving constituents at separate desks. The same MP also runs appointment-only surgeries, for constituents who prefer to book in advance.



10. Signposting and referrals

Many people who do not know where else to turn, approach MPs for advice and support, including regarding their legal rights and access to the legal system. However, MPs and their caseworkers are generally not permitted to deliver legal advice, which should instead be delivered by legal practitioners. With advice on immigration and housing being the most common areas in respect of which constituents seek support, these often complex and technical areas of law require specialist and tailored advice (with immigration having additional regulatory restrictions).

Law firms, legal aid charities, and other external agencies are therefore vital for MPs and their constituents in exercising their right to justice. The importance is twofold: firstly, it relieves the pressure (and potential risk of liability for improperly providing legal advice) on MPs and their caseworkers; secondly, the advice they provide is based on specialist expertise.

10.1 Current referral practices

Many MPs already actively refer their constituents to charities such as Citizens Advice and Shelter, local law centres, law firms which they know offer pro bono advice, and local authorities. One MP we spoke to also reported referring constituents to and receiving training from ELAN, a network of 60+ organisations working to help people in precarious, low-paid jobs understand more about their employment rights.

However, it appears that, in the absence of sufficient specialist legal advice within constituencies as discussed in section 7 above, caseworkers are very frequently resorting to referring constituents with legal issues to Citizens Advice. Over seven in ten (74%) caseworkers responding to the survey said that they referred constituents with legal issues to Citizens Advice. This was by far the most common response. The second most common response was a referral to a local not-for-profit law centre, with only just over a third of caseworkers selecting this answer (36%).

Q7: Now thinking about how you deal with your constituents' legal problems, which of the following organisations are you most likely to refer your constituents to? Please select up to three answers.

Answered: 87 Skipped: 11



However, according to caseworkers responding to the survey, many constituents with legal issues have themselves already contacted Citizens Advice to help them resolve their problems: two-thirds (66%) of respondents said that their constituents with legal issues had done so. This indicates that some constituents may be being referred back to a source of support that has already been unable to provide assistance, through no fault of the caseworker but instead due to a lack of other available options.

10.2 Training available to MPs

One of the main recommendations from Hogan Lovells and LawWorks' 2016 Mind the Gap Report was the provision of training for MPs and caseworkers on identifying legal issues, legal aid availability and referral resources. In light of this recommendation, we worked with the APPG on Legal Aid on a campaign on casework in and around Westminster for MPs and their office staff.

The APPG on Legal Aid (now the APPG on Access to Justice) became the official provider of training for the House of Commons Learning and Development Team in 2019, and now provides training courses for MPs and their caseworkers on the following subjects:

- An Introduction to Casework and advising constituents;
- Housing Law (Homelessness and Possession, Disrepair, Housing Allocation and Security of Tenure);
- Mental Health casework;
- Community Care casework;
- Anti-Social Behaviour;
- Special Education Needs;
- Employment law; and
- Civil and Criminal Legal Aid.

To date, this training has been delivered to caseworkers and MPs in hundreds of constituencies.

10.3 Written resources on referrals

Notwithstanding the available training, particularly in light of staff turnover and the volumes of casework that MPs now receive, MPs and caseworkers still face significant challenges in identifying legal matters brought to them by their constituents and sign-posting them thereafter. In this context, there is a clear need for a user-friendly rubric for signposting constituents to the correct legal aid agency. The Pro Bono Week organising committee published a 'Guide to Pro Bono and Other Free Advice in England & Wales', which aims to act as a directory for MPs and their caseworkers looking to signpost individuals to free legal and other advice. This Guide includes significant resources that MPs and caseworkers can draw upon, including an extensive list of useful factors to consider when signposting constituents and also a roadmap for MPs to engage with local organisations that can offer support. It can be accessed at <https://probonoweek.org.uk/guide>.

A list of key resources which MPs and their caseworkers may wish to consider when signposting their constituents can be found in Annex 1 below. For more specialised resources, and for more specific guidance in certain regions, the Guide referenced above remains an important resource.

11. Conclusions

Rebecca Wilkinson, CEO, LawWorks

When we started this project we did not know what effect five years and an expansion of geographic scope would have on the data we were gathering, compared to the data obtained in the 2016 Mind the Gap (London) project.

In 2016 we concluded that the report was a specific reflection of the problems facing people in London and would most likely differ were it to be replicated nationwide. The most common legal issues seen in 2016 were housing (37%), immigration (23%) and welfare benefits (13%). In 2022, in this nationwide project the most common legal issues seen were housing (46%) and immigration (16%) showing us that the legal needs of people, regardless of geography, continue to correlate to those areas that sustained dramatic cuts in legal aid provision following the implementation of LASPO 2012.

LawWorks produce an annual statistics survey of their network of around three hundred independent clinics operating across England and Wales. In the LawWorks Clinics Report 2022 (published June 2023) the data shows family and employment law as the most common areas of legal need as presented to clinics on the network, with housing law and immigration law coming in 4th and 5th. This is very similar to the 2016 findings.

Both family law and employment law suffered sweeping legal aid reforms in 2012 which led to an immediate spike in demand for those services at free legal advice settings. We know from our own research that demand for legal advice in these areas continued to be significant.⁴¹ The hypothesis in 2016 for why these issues were not as prevalent at MPs

surgeries, which continues to hold true in 2023, is that most of the legal aid cuts related to private family and employment disputes (rather than disputes involving government agencies or local authorities), and constituents may not believe it would be beneficial or appropriate to attend an MP's surgery for issues relating to private disputes.

It therefore remains important to look at this report in conjunction with other reports, such as that produced by LawWorks, in order to ascertain a true picture of legal need across England and Wales. As is often observed, most data will show you demand for services not the need. The Mind the Gap data clearly shows us that there is a real demand for housing and immigration support, and that people believe their MP can or should be able to help them navigate these issues. As they are usually disputes against state institutions, often involving a dispute about a process, it is understandable that they reflect the most common legal issues seen at surgeries.

Throughout the lifespan of this project, it has been interesting to see the innovative ways in which MPs' surgeries have adapted to changing circumstances, heightened but not limited to the impact of COVID Covid-19. It was particularly interesting to see MPs creating specialist surgeries to deal with specific persistent legal issues. What remains up for debate is the role MPs' surgeries should play in advising their constituents versus the role the advice sector could have were they to have the capacity.

Rebecca Wilkinson

41. LawWorks, 'LawWorks Clinics Network Report: Analysis of clinic activity between January 2021 – December 2021' pages 12 and 15



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Annex 1 - Key Sign-posting Resources

Name	Description	Website	Telephone
Legal Advice and Representation			
Advice UK	Advice UK have a search facility on their website for organisations that are Advice UK members, who can offer advice in various areas of the law	http://www.adviceuk.org.uk/	
Advocate	Advocate provides people with free legal advice and representation in court and tribunal cases from volunteer barristers.	https://weareadvocate.org.uk/	
Child Poverty Action Group	Child Poverty Action Group provides information, training and advice to families in poverty and their support workers.	http://www.cpag.org.uk/	
Citizens Advice	Citizens Advice advisers can help on a wide range of subjects including benefits, housing, immigration as well as consumer issues and debt issues.	https://www.citizensadvice.org.uk/	0800 144 8848
Law Centres	Law Centres offer legal advice, casework and representation to individuals and groups. The areas of the law covered differ in each centre. Law Centres often also offer clinic appointments.	http://www.lawcentres.org.uk/	020 3637 1330
LawWorks	LawWorks connects people who need legal advice but are not eligible for legal aid with lawyers who provide advice pro bono.	http://www.lawworks.org.uk/	
Support Through Court	Support Through Court helps ensure people facing court alone can represent themselves with dignity, supporting them to have the fairest possible hearing.	https://www.supportthroughcourt.org/	03000 810 006
The BPP Legal Advice Clinic (BLAC)	The BPP Legal Advice Clinic (BLAC) run by BPP University provides advice on family matters and housing matters including leaseholder disputes, landlord and tenant issues and preparation for tribunals. A law student will take your details over the phone, which is followed by a meeting with law students supervised by a qualified lawyer.	https://probono.bppuniversity.ac.uk/individuals/	0330 060 3444
The University of Law	The University of Law runs a pro bono advice line during term time (July to August; September to November; February to March). Law students will conduct initial interviews before providing advice supervised by a qualified lawyer. The centre can advise on employment, tenancy and family matters.	http://www.law.ac.uk/about/legal-advice-for-the-public/	0148 321 6528

Name	Description	Website	Telephone
Housing			
Shelter	Shelter is a leading charity in the housing sector and runs a helpline that provides specialist advice on housing issues throughout London. Shelter also runs face to face session in a number of boroughs.	http://england.shelter.org.uk/	0344 515 1540
Disability			
Disability Law Service	Disability Law Service provides specialist legal advice for disabled people and their families on care in the community, discrimination and employment issues.	http://www.dls.org.uk/	020 7791 9800
Immigration			
Asylum Aid	Asylum Aid provides assistance to all migrants including with housing, debt and immigration issues. It recently merged with the Migrants Resource Centre to provide support services such as English language lessons.	http://www.asylumaid.org.uk/	0207 354 9631
Red Cross	Red Cross provides holistic support to refugees on orientation in the UK and accessing services. Legal Aid is no longer available for assistance in applying for visas for family members. Red Cross has qualified caseworkers who can assist with applications.	http://www.redcross.org.uk/	0344 871 1111
Social Security and Employment Tribunals			
AdviceLocal	Advice Local is a website developed by advice charity rightsnet to help people with social welfare problems.	https://adviceLocal.uk/	
The Free Representation Unit	The Free Representation Unit, based in London, provides support in employment and social security hearings. They only accept referrals from agencies with whom they work but a full list is available at their website.	http://www.thefru.org.uk/	0207 611 9555
Zacchaeus 2000 Trust	Zacchaeus 2000 Trust (often called "Z2K"), based in London, supports vulnerable people with free advice relating to household debt, housing and welfare. They can organise representation at social security tribunals. They also run drop-in sessions, which are listed on the website.	http://z2k.org/	0207 259 0801

Name	Description	Website	Telephone
Children			
Coram Children's Legal Centre	CCLC promotes and protects the rights of children in the UK and internationally in line with the UN Convention on the Rights of the Child. It supports and advises children, young people, their parents and carers.	https://www.childrenslegalcentre.com/	
Just for Kids Law	Just for Kids Law is a UK charity that works with and for children and young people to hold those with power to account and fight for wider reform by providing legal representation and advice, direct advocacy and support, and campaigning to ensure children and young people have their legal rights and entitlements respected and promoted.	https://www.justforkidslaw.org/	
Kids in Need of Defence UK	KIND UK protects the rights of undocumented children and families as they navigate the UK's immigration and nationality procedures.	https://www.kidsinneedofdefense.org.uk/	
National Youth Advocacy Service	NYAS offers child and family advocacy services, and other support to care-experienced children and young people.	https://www.nyas.net/	
Public Legal Education and Information			
Advicenow	Advicenow is an independent, not-for-profit website, run by the charity Law for Life: the Foundation for Public Legal Education. It provides written information on rights and the law in England and Wales.	https://www.advicenow.org.uk/	
Citizens Advice	Citizens Advice has a very useful and informative website and mobile site giving information and advice on multiple areas of the law in plain easy to understand language.	https://www.citizensadvice.org.uk/	
Citizenship Foundation	Citizenship Foundation helps people understand the law through programmes such as Lawyers in Schools and its SmartLaw mobile app.	http://www.citizenshipfoundation.org.uk/	
Law for Life	Law for Life are a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to secure access to justice. They also run the Advice Now website.	http://www.lawforlife.org.uk/	
Civil Legal Advice website	The Civil Legal Advice website is an excellent source of information and provides various free resources on legal support and legal aid. There is also a tool that individuals can use to find out if they qualify for legal aid.	https://www.gov.uk/civil-legal-advice	

Annex 2 - Definitions

Legal and non-legal

A fundamental aspect of our research was measuring the extent to which “legal” problems arose at the MPs surgeries we observed. Therefore, establishing a simple definition of “legal” vs “non-legal” issues was crucial. We adopted the following definitions:

– A “legal” problem is one for which there might be a legal remedy. We had no regard to the merits of the legal issue.

– A “non-legal” problem is one for which there is no legal remedy.

This definition is consistent with our previous 2016 report, along with other reports which have been carried out in relation to access to justice.⁴²

Housing

Allocation – commonly also known as rehousing. This is how a housing authority allocates, selects or nominates who should be given accommodation as secure or introductory tenant of accommodation held by that authority. An example is how a housing authority structures its ‘Waiting List’ for accommodation.

Anti-social behaviour – anyone acting in a way that is capable of causing nuisance or annoyance to someone in their neighbourhood.

Housing Benefit – helps a person pay their rent if they are on a low income.

Disrepair – when some part of a tenant’s home is in need of repair and there may be a legal obligation on the landlord to make such repairs.

Homelessness – if someone is homeless, at threat of homelessness (for instance they are due to be evicted from their property), or should be treated as though they are homeless.

Harassment by neighbour – if the course of conduct by a neighbour may amount to harassment under the Protection from Harassment Act 1997.

Housing Benefit – a government scheme to help people pay their rent if they face unemployment, on a low income, or are claiming benefits.

Nuisance – where the comfort or quality of life of the public or a group of people is affected. For example, offensive smells, noise and problems with rubbish or sewage, or when an owner or occupier of a property significantly interferes with the use and enjoyment of neighbouring property. For example, leaking overflows, blocked pipes and gutters.

Possession / Eviction – where a landlord is seeking to have their tenant evicted.

Immigration

Asylum and Refugee Status – where a person is potentially legally regarded as a refugee, e.g. unable to return because of the fear of persecution.

Citizenship – where the issue relates to a person applying for citizenship status in the UK. Citizenship is the status of a person recognised under the custom or law as being a legal member of a sovereign state.

Delay – when there are long waits for immigration issues to be dealt with by the Home Office, such as backlogs with visa issues or citizenship applications.

Indefinite leave to remain – relating to people who are applying for leave to remain in the UK.

Visa issues – where there are problems regarding an immigrant’s right to stay and /or work in the UK.

Other

Cost of living crisis – a scenario in which the cost of everyday essentials rises faster than average household incomes, as has been experienced by many in recent times.

42. See, for example, Young Legal Aid Lawyers, Nowhere else to turn: The impact of legal aid cuts on MPs’ ability to help their constituents (March 2012), page 33





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