



Sir Robert Neill,
Chair, Justice Select Committee
House of Commons
London
SW1A 0AA

MoJ ref: SUB93925

21 January 2022

Dear Sir Bob,

THE EARLY LEGAL ADVICE PILOT SCHEME ORDER 2022

I am writing to notify you of the above draft Statutory Instrument (SI), which was laid on 19 January 2022. This SI is subject to the affirmative procedure and so is laid in draft, will be debated in both Houses of Parliament, and needs approval of both Houses before it is made. We anticipate debates being tabled in February, subject to Parliamentary time.

This SI establishes a scheme to pilot the provision of legal aid for certain civil legal services (“the pilot scheme”). The pilot scheme, which seeks to test the impact of early intervention in social welfare issues, was mentioned in a letter to you from Robert Buckland in September 2021.

The SI modifies Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”) to bring civil legal services for certain housing, debt, and welfare benefits issues “in scope” of legal aid for the purposes of the pilot scheme. It will also amend the Civil Legal Aid (Merits Criteria) Regulations 2013, the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 and the Civil Legal Aid (Remuneration) Regulations 2013. This is so as to make work delivered as part of the pilot scheme non-means and non-merits tested and introduces a new fee to remunerate legal aid providers undertaking that work.

Laying an SI to bring welfare benefits, debt, and housing matters temporarily in scope of LASPO is a necessary step in order to operationalise the pilot, as it seeks to test whether early provision of legally aided advice in these areas of law helps to encourage early resolution of housing issues (reducing homelessness long-term).

The SI also signifies a step forward in terms of the Government’s Legal Support Action Plan (2019), which set out a range of actions to be taken forward to ensure that legal aid continues to be available and effective for the most vulnerable in future. The Early Legal Advice Pilot is one of several pilots which the Government committed to in the Action Plan.

In the recent Justice Select Committee (JSC) report on The Future of Legal Aid, the section on ‘The future of early advice’ calls for the Government to ‘pilot an ambitious and economically viable early advice scheme, that enables individuals to access timely legal and expert advice.’ The Government share the goal of a piloting an ambitious scheme and this SI is one step in delivering that commitment.

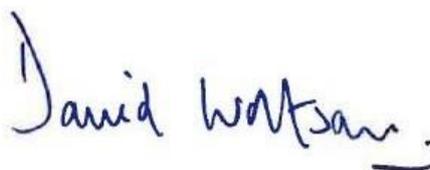
The pilot itself is designed to test the expansion of legal aid to an area of social welfare, demonstrate the possible benefits of advice in encouraging early resolution, and quantify the downstream benefits of early resolution to Government. These objectives were developed in response to the Post-Implementation Review of LASPO.

In terms of operation, the pilot will focus on quantifying potential savings to the Government by preventing housing matters currently in scope of LASPO (e.g., loss of home) materialising. The design of the pilot recognises that individual's legal problems often overlap and should be understood holistically to produce useful advice. Participants will receive comprehensive legally aided advice covering housing, debt, and welfare benefits. This will be provided free of charge, for a fixed number of hours, which may be spread across several sessions.

By providing advice in these areas which commonly occur prior to and/or in conjunction with the more serious housing matters currently in scope of LASPO, the pilot will be best placed to demonstrate the effectiveness of early legal advice in prompting early resolution, resulting in savings to public services.

I will update you on the findings from the pilot in due course.

Kind regards,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive style with a small flourish at the end.

**LORD (DAVID) WOLFSON
OF TREDEGAR, QC**