

A battle still to be won

Welcome to the 40th anniversary edition of *Legal Action*. In the year after we were founded, the legal advice and assistance scheme was established and throughout the following decade there was an expansion of legal aid and not for profit (NFP) services. These services ensured an increase in the take up of legal rights by the public. At the time, the founders of LAG might have imagined that this was a kick-start on the road to continuous progress in access to justice policy; however, currently it feels as if the coalition government is trying to turn back the clock almost 40 years on this and related legal reforms.

Over the years, a large part of our work has been assisting practitioners, both in private practice and in the NFP sector, to become more expert in areas of work which are important to poor and other vulnerable people. Yet, mainly due to the internet, there is a widening market for our books among the general public. One impact of the cuts in legal aid and advice services is a continued growth in these sales as people search online for help. This change is something about which we have mixed feelings. We believe that information about the law should be accessible to all, but we know that, often, people need expert support and representation to progress to the point of enforcing the rights they read about.

We have been successful in our role of disseminating information on developments in the law, but as our work as part of the Justice for All alliance on the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 illustrated, LAG's access to justice campaigning has been only partly successful. In the case of the LASPO Act, our lobbying was only successful and/or influential in small parts; however, while it is a struggle to persuade government to widen access to justice, it is a case we will continue to make. In order to do this, the Low Commission on the Future of Advice and Legal Support will be a key part of our policy work in the run up to the next general election, which is expected to be called in May 2015 (see page 8 of this issue).

Across the legal policy landscape, LAG believes that reforms made over the past four decades are under threat. The Welfare Reform Act 2012 will have profound consequences for the poorest people in our society and, among other injustices, will lead to thousands of families being thrown out of their homes because of

the cap on housing benefit. The changes to the rules on employment tribunals are likely to have the greatest impact on an employee's ability to claim redress since the introduction of the employment law reforms of the mid 1970s. LAG believes that charging someone, who has been unfairly dismissed or discriminated against, fees of up to £1,250 for his/her case to be heard amounts to a tax on access to justice. This is a matter which LAG and all concerned parties will continually need to pressure the government to repeal.

One of the most progressive legal reforms in recent history was the introduction, in October 2000, of the Human Rights Act (HRA) 1998 by the last government. The HRA faces a threat from Eurosceptic Conservatives in the current coalition government. It would seem that they are contemplating what previously seemed unthinkable, which is the UK's exit from the European Convention on Human Rights ('the convention'). Maybe this is a bluff to placate critics of the Strasbourg Court's decision on prisoners' voting rights, but Chris Grayling, the Justice Secretary, said last month, when questioned by the 'conservativehome' website, that he was 'not ruling ... in and not ruling ... out' quitting the convention. The danger is that the issue of whether or not to remain a signatory to the convention is likely to be conflated with calls to leave the European Union (EU); in fact, whether or not the UK is in the EU, it should adhere to international standards of human rights protection.

In the years since the al-Qaeda atrocities of 11 September 2001 in the USA and related horrifying incidents such as the 7 July 2005 London bombings, states around the world have sought to counter the threat of terrorism. Successive UK governments have introduced a series of laws as part of this effort, but sometimes, while seeking to protect the public, these measures have threatened to undermine the very principles on which our democracy and justice system is founded. The Justice and Security Bill, which is before parliament currently, risks this as it seeks to keep secret evidence from claimants in civil claims against the government: closed hearings in which claimants are excluded from hearing evidence about why the state imprisoned them wrongly or subjected them to any other detriment should have no place in our system of justice.

Since 1972, LAG has fought for laws which protect civil liberties and for equal access to a justice system that gives effective redress to people regardless of their means when those laws are broken. Forty years ago, our founders might have imagined that by now this battle would be won, but instead it continues and, therefore, so will LAG.

News 4-5

MoJ reports rise in tribunals' caseload/Report reveals impact of reforms to welfare/Scottish defence lawyers strike/Attack on judicial review/**news feature**: YLAL response to Legal Education and Training Review

Features 6-10

Legal Action Group: 40 years 6

LAG at 40: 'It's not about the lawyers; it's about the public'/ Fiona Bawdon

Legal Action Group: 40 years 8

The Low Commission on the Future of Advice and Legal Support/Fiona Bawdon

Legal Action Group: 40 years 10

A practical and emotional lifeline for asylum-seekers/Fiona Bawdon

Law & practice 11-44

Housing 11

Housing repairs update 2012/ Beatrice Prevatt

Housing 17

Improving the law on residential service charges/Justin Bates

Discrimination 19

Discrimination law update/ Catherine Rayner

Housing 23

Quiet enjoyment?/Andrew Arden QC, Rebecca Chan and Sam Madge-Wyld

Housing 26

Recent developments in housing law/Jan Luba QC and Nic Madge

Practice and procedure 32

Employment tribunals: striking out claims/Sally Robertson

Migrant support 35

Support for migrants update/ Sasha Rozansky and Sue Willman

Legal aid 43

Legal aid round-up/Katie Brown and Connor Johnston

Legal profession 44

Recent developments in practice management/Vicky Ling

LAG training and books