



RESPONSE TO THE READING OF THE LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS BILL

Voices and evidence in defence of
legal aid and access to justice

Foreword from Linda Lee, President of the Law Society

The Prime Minister has said: “I do not make any apology for listening as you go along, and making sure I am getting things right”.

Today I want the Prime Minister to come good on his word. Today I, and the partners who support the ‘Sound off for Justice’ campaign, are again presenting him with a way to make his justice policy work.

The Prime Minister and the Government want to reduce crime and the deficit. If they force the Legal Aid, Sentencing and Punishment of Offenders Bill through parliament in its current form, they risk the opposite. The Bill focuses on only short-term budget-gain and not the long-term consequences.

The Justice Bill is littered with mistakes, inaccuracies and lacks detailed impact assessments. The figures and calculations the government have used for the Justice Bill are based on assumptions rather than evidence. This Bill leaves our civil justice system at the edge of an abyss beyond which we do not know where we are destined.

All the signs suggest that the Bill is to be forced through parliament in haste. The government is not listening.

I firmly believe that as it stands the Bill will only achieve the following:

- Cuts in civil legal will increase criminality and damage social cohesion;
- Cuts in civil legal aid will penalise the victims of crime and not the perpetrators;
- Clause 12 will undermine a cornerstone of our justice system;
- The Jackson reforms will increase costs to businesses, to government departments and the taxpayer as well as raid the damages of victims of serious injury by up to 25%.
- We oppose plans in clause 52 to cap the compensation people receive when they have been wrongfully prosecuted by the state.

The Government wants to cut the legal aid budget by £350 million. We recognise the argument for budget savings. We offer plans that could cut the legal aid budget by £360 million. We have a fully costed proposal, which will reduce the legal aid budget.

Our alternative plan will protect the victims and the most vulnerable. We know how to drive efficiencies through the legal aid system and we have called for a cap on

all fees from the legal aid budget. To date we have been ignored or misunderstood by the Government.

The risks the Government are taking by cutting legal aid and access to justice are very high. Ministers must start making the link between cuts to civil legal aid and crime. They have acknowledged and they understand the fact that people who cannot get access to justice may take the law into their own hands. This is the point where civil issues become criminal cases. Instead of tackling crime at its source, which is in the family, home and the community the government will allow these wrongs and wrongdoers to go unchallenged.

This failure is risking a long-term boom in crime which will indeed result in increased sentencing and increased prison numbers. We know from the MoJ’s own report that we do not have the ‘most expensive legal aid system in the world’ because they are not comparing like with like. We are intent on cutting a manageable and reducible civil legal aid budget which we understand but as a consequence of increased government risk we have to fund unmanageable increases in prison places at £45,000 per prisoner per year.

The proposals will not penalise those who trample on people’s rights, and they will be free to abuse their victims again and again and again. The Government is attacking the innocent and not the perpetrators.

The people who will suffer are the weak and the vulnerable. It will be the babies seriously injured in accidents during their birth, for whom there will be no civil legal aid to secure compensation. It will be the woman looking after her disabled mother, who can no longer get advice when her carer’s benefit is wrongly stopped. It will be the man whose ex-wife will no longer let him see his children. If the Prime Minister and his government continue upon the path they are on they will create a two-tier justice system. There will be one for the very rich who can afford representation before the courts and none for the rest of us.

In a dual assault on access to justice, the Government also intends to introduce changes that will make it much harder to use ‘no win, no fee’ agreements to take cases in future. Where they are able to do so, they will no longer be able to look to the wrong-doer to meet their costs, rather they will now face up to a 25% cut in the damages a court decided was the right amount to pay. These changes will simply raid the compensation of the victims of serious injury and negligence and the only winners will be the insurance industry.

The Government will not protect the public and ensure those who play by the rules are kept safe. In fact this Bill will achieve the opposite. Ministers will cut large swathes of the population out of the justice system. Instead of saving the taxpayer money they will load other Government departments with millions of pounds of unaccounted costs.

The Prime Minister has said that “our whole approach” needs to be built around the recognition that “the first duty of Government is to protect the public and ensure that those who play by the rules are kept safe”. This Bill will not achieve this.

The Prime Minister wants to be tough on crime and make our society safer. In cutting legal aid he is only being tough on the vulnerable and the victims. As a society we are at risk of taking a step backwards. We are creating the conditions for inequality and injustice to breed. Instead of reducing crime we will increase crime and damage social cohesion. The Government and the Ministry for Justice will be held accountable for the outcome.

I am relying on the Prime Minister’s sense of leadership and strength to listen in full to our proposals and avert the car crash that is about to happen to our system of social justice. We are listening and open to work with the Government if they will do the same.

Linda Lee,

President. The Law Society England and Wales.

The questions the Prime Minister and the government must answer before pushing ahead with the Legal Aid and Sentencing Bill.

Key questions on civil legal aid:

- 1. Why has the Government not assessed the unintended additional costs to the taxpayer that its own impact assessment warned will be caused by cuts to civil legal aid?*
- 2. Why has the Government not assessed the unintended increase in criminality that its own impact assessment warned will be caused by cuts to civil legal aid?*
- 3. Why is the Government not publishing an assessment of the impact on children of cuts to civil legal aid, including the number of actions for medical negligence affecting children who will no longer be eligible for legal aid?*
- 4. Why has the Government rejected alternative money-saving ideas that would mean that the abolition of the majority of civil legal aid could be avoided?*
- 5. How reliable are the Ministry of Justice’s figures for its contribution to reducing the deficit?*
- 6. Why is the Government’s cash cut to services received by legal aid clients higher in the Bill than it was in the Green Paper?*

More questions:

1. How will vulnerable individuals enforce their legitimately held rights if whole areas of law are scrapped from the legal aid scheme including advice on welfare benefits, employment, debt, and much family (except where domestic violence) housing advice (except where there is the threat of homelessness)? So, for example, how will the poor, the elderly, the young, the disabled, those with mental health problems or for whom English isn’t their first language understand the legal issues underlying their problems? How will they secure access to justice? And what proportion of legal aid clients fall into these categories?
2. How will clients afford the expert reports required to make their case, which are currently paid for under the legal scheme (as well as the advice and representation before a court)? Will doctors be required to provide such reports for free?
3. If the victim of domestic violence is provided with funding, but the perpetrator is not, the perpetrator may well act in person, possibly including cross-examining the victim. This is not permitted in the criminal courts, as it is considered to amount to

further abuse of the victim. How can ministers resolve this problem without creating even worse perverse incentives than the proposals already contain?

4. If a client on means tested benefits owns their own home and it is worth more than £200,000, under the new Bill they will be entitled to no help whatsoever in any areas of advice (family and civil) except for very narrow areas (namely, mental health tribunals and care proceedings) which are not means tested. How are these people expected to borrow against the equity in their homes to fund legal advice? They will be entitled to no help even if there is no equity in their homes, they will be excluded based on the gross value of the property. How is this justifiable?

5. Do you agree that the Government should consider £360 million worth of efficiency savings identified by the Law Society? If not, why not?

6. Do you agree with the Law Society that there is no excuse for the fact that the system enables some advocates to earn significantly in excess of £250,000 in a year from legal aid? What are you going to do to ensure that excessive fees are no longer paid?

Questions on Clause (12)

1. In what circumstances does the Justice Secretary think it would be appropriate to tell a detained person that they could only have access to legal advice in a police station if they were prepared to pay a significant sum of money?

2. How would a suspect apply for legal aid and produce the documentary evidence (wage slips, benefit entitlements etc) to satisfy a means test? How does the client, who does not qualify under the means test, agree financial arrangements with a solicitor while in custody?

Question on Clause (52) – You must pay to prove your innocence

1. “The Government now plans to cap the compensation people receive when they have been wrongfully prosecuted by the state. Why does the government think it’s fair that if a person uses their own solicitor they should not receive the costs for paying for this work if they are acquitted? This means that in future if they are found not guilty, they could then also be sent a bill for thousands of pounds for the temerity of proving their own innocence. The High Court last year struck down this policy as unlawful saying that this policy was of “some constitutional moment”. Why is a Government that says it supports the principles of the Magna Carta and the rule of law trying to bring this unfair and unjust policy back?”

Questions on Jackson

1. Why does the Government insist that there is no pressure on claimants and their solicitors to keep costs down in cases funded by ‘no win, no fee’ agreements? If the case is lost the solicitor doesn’t get their costs back. Surely this is a strong incentive to ensure that costs are kept proportionate and reasonable?

2. Why is the Government now with one hand cutting back even further on civil legal aid but with the other making the use of ‘no win, no fee’ agreements much more difficult to use?

3. ‘No win, no fee’ cases were introduced in the late 1990s as a replacement for big cuts in civil legal aid. Isn’t this a massive ‘double whammy’ that will make it even harder for the victims to seek justice against wrong-doers. Why is the Government taking forward such regressive proposals that were not even in the Coalition Agreement?

4. Why are ministers proposing a regime where the interests of the victims of accidents come second to those of the insurance lobby? These proposals have been heavily supported by the insurance industry but opposed by the victims of accidents and serious injury.

5. Why should the system be changed so that insurers can make even bigger profits at the expense of accident victims? Does the Government really believe that such companies are going to slash their premiums and will there not be rejoicing in the boardrooms of insurance companies if these changes go through?

Response to the Bill from some of the Sound off For Justice partners

Peter Walsh, chief executive of the AvMA (Action against Medical Accidents)

“Scrapping legal aid for clinical negligence will not only deny justice to some of the most vulnerable people in society whose lives have been ruined by perfectly avoidable medical errors, but will also end up costing more and will deny the NHS of vital learning for improving patient safety. This needs the fullest possible scrutiny and attempting to rush it through parliament is outrageous.”

Law Centres Federation

The cuts to legal aid are economic madness. If legal problems are not resolved, the NHS, local authorities and the court service will pick up the pieces at a high cost to the taxpayer. For a mere £200 legal aid fee, Law Centres nip the problem in the bud – a much more efficient use of taxpayers’ money.

Campbell Robb, chief executive of Shelter

“We are extremely disappointed to see the government is pressing ahead with these devastating cuts to legal aid, despite the enormous body of evidence that it will leave the most vulnerable people in society completely defenceless and end up costing more in the long run.

“We are relieved to see face to face housing advice will still be available and that people facing illegal eviction will be able to get help. But it doesn’t change the fact that the scale of these cuts, particularly the complete removal of welfare benefit advice at a time when housing benefit has been slashed, will sever a vital lifeline for hundreds of thousands of people who desperately need it.

“All the evidence shows that providing the right advice early on saves money later on. Therefore it seems perverse of the government to press ahead with these plans, which will ultimately cost the tax payer more money in the long run and leave hundreds of thousands of vulnerable people with no line of defence when things take a turn for the worse.”

Dave Smith, Director of BOAZ Trust

“As an organisation that works with some of the most vulnerable people in the UK, we have seen the devastating effects of Legal Aid cuts on our clients. In Manchester there

are now times when there is not a single solicitor available to take on fresh asylum claims through Legal Aid. If the measure of a civilised society is the way it protects the most vulnerable, I am concerned that any further cuts will, in practice, no longer afford us the right to call ourselves civilised.”

Gingerbread

“Only 10% of separating families go to court but these are often the most difficult and complex cases involving high levels of conflict and child protection issues. Withdrawal of legal aid from these families represents a failure of our justice system. Without legal aid, some of the most vulnerable single parents and their children will be left between a rock and a hard place. “In particular, a significant gap has been exposed for people for whom mediation fails, and we believe that – at the very least – the government must commit to provide public funding for legal representation for legally-aided parties where mediation has been tried but has failed.”

Emma Scott, Director of Rights of Women

“In his press conference announcing the Bill, David Cameron said that he wanted families to feel safe in their own homes. The legal aid reforms announced this afternoon by Ken Clarke will leave many women who have experienced domestic violence without access to vital remedies which enable them to resolve complex finance and property issues, ensure safe and appropriate arrangements for their children on relationship breakdown and secure their immigration status.

These reforms demonstrate a lack of awareness and understanding of the dynamics and nature of domestic violence and the experiences of women affected by it. The amended gateways mean that only women who can prove a high risk of violence, for example those who have secured a conviction against their perpetrator or been referred to a MARAC, will be eligible for legal aid in family cases. They will put legal aid for family cases out of scope for the majority of women who have experienced violence and abuse. In our response to the consultation we recommended that other evidence, such as evidence from a specialist domestic violence support service and from health professionals, is vital to capture the range of ways in which women address violence in their lives. The reforms also remove immigration law from scope leaving women applying for indefinite leave to remain under the domestic violence rule with no access at all to specialist legal advice and support in preparing their application.

At the All Party Parliamentary Group on Legal Aid the Legal Aid Minister, Jonathan Djanogly, said that the reforms were consistent with Ministry of Justice policy objectives but that they were not working in a silo. Yet these reforms are entirely inconsistent

with cross Government policy on violence against women set out in their strategy and action plan, A Call to End Violence Against Women and Girls. They fail to recognise the importance of addressing violence in all women's lives and will leave them trapped in violent and abusive relationships and at greater risk on post separation violence, being unable to resolve financial and property disputes, find safe contact arrangements for their children and secure their immigration status in this country.

These reforms will not make women and children feel safe in their own homes, they will put them at greater risk of violence and abuse.”

Sound Off For Justice Campaign Report - voices and evidence in defence of legal aid: response to the 1st Bill

Why has the Government rejected alternative money-saving ideas that would mean abolishing the majority of civil legal aid could be avoided?

How reliable are the Ministry of Justice's (MoJ's) figures for its contribution to reducing the deficit?

Why is the Government's cash cut to services received by legal aid clients higher in the Bill than it was in the Green Paper?

The Law Society has never said there can't be cuts to legal aid spending. Instead, the Law Society proposed practical alternative savings to the MoJ's cuts that would make a bigger contribution to cutting the deficit - without removing legal aid from civil and family law cases.

But rather than give these alternative savings serious consideration, or at least test them in pilot schemes, the MoJ has stuck to nearly all of the civil legal aid cuts it proposed in the Green Paper.

The MoJ has increased the value of services it will withdraw from legal aid clients to £290m from £274m (ref. MoJ Impact Assessments), despite saying Special Educational Needs cases and many more divorce and child access cases will now be legally aided than proposed in the legal aid reform Green Paper. The MoJ cuts figures do not appear to be reliable.

The MoJ response rejecting the Law Society's alternative savings contains errors of fact and fails to provide evidence for many of its claims (www.justice.gov.uk/downloads/consultations/legal-aid-reform-government-response.pdf)

The Prime Minister said at his press conference announcing the Legal Aid Bill: “If you heard of a way to make your policy better and did nothing about it, that's not strength, that's not leadership.”

The MoJ has failed that test and has failed to justify its refusal to take on board ways to make its legal aid policy better.

The Law Society has updated its alternative savings package, to reflect the Government's proposals as published in the Bill on 21 June 2011.

We have also provided a full response to the MoJ's comments on our original savings package, showing that the MoJ's rejection of the alternatives is based on factual errors and does not provide supporting evidence.

The Law Society proposals will:

- **save £360m without removing civil legal aid from the vulnerable - at least £10m more than the Government says is required.**
- **increase productivity in courts**
- **lead to more efficient prosecutions**
- **make better use of technology**
- **apply penalties for wasting court time**
- **Put a cap of £250,000 on any individual lawyer's earnings from legal aid and limit travel expenses**

Although the Law Society put forward these savings in February, the MoJ has declined offers of meetings and refused to discuss the alternatives in detail.

As a result the MoJ has made basic errors in its rejection of the Law Society's alternatives.

For example:

£79 million could be saved from the legal aid budget if the Crown Prosecution Service could reduce by half the number of dropped prosecutions and cases where judges direct acquittal. Last year 81,000 Magistrates' Court cases (9.5%) and 14,745 Crown Court cases (12.6%) were dropped by the CPS after listing.

In a reform proposed by the Law Society, the CPS would be required to pay the legal aid costs of dropped prosecutions - thereby having an incentive to improve case preparation.

The MoJ wrongly said this would simply transfer costs from one department to another and mistakenly claimed the Law Society proposal assumed 100 per cent of dropped Crown Court cases could be avoided. This mistaken interpretation of the proposal ignored the incentive to improve the effectiveness of CPS decision-making - a simple, practical proposal that should be piloted.

Reaction to the first reading of the Bill: Further denial of access to justice

Attack on a fundamental cornerstone of our justice system: no automatic right to a legal aid lawyer in a police station

Clause (12), a new addition to the Justice Bill, would give the Lord Chancellor the power to introduce a means test for advice for suspects in the police station. Today if you are arrested you are automatically entitled to free advice from a solicitor which is paid for from the legal aid budget.

Under these proposals, the director of legal aid case work, a civil servant designated by the Lord Chancellor, must determine 'that the individual qualifies for such advice or assistance' in accordance with a new test.

This will be 'means' and 'merits' tested. So in each individual case a determination will have to be made of the detained person's financial position and whether their case has sufficient merit.

It would not be possible to conduct a means test in the timescales within the police operate. How would a suspect prove their means? The Bill would also enable the Lord Chancellor to restrict advice in the police station for any clients and in any circumstances to telephone advice only (without Parliament having a say as to whether the restriction was reasonable or not). We believe there are some limits on the use of telephone advice because of obligations under the Human Rights Act however we believe that Parliament should specify what the limits are.

Cases coming back into scope

Domestic violence and special education needs are coming back in but we believe that at best there will only be 8,000 cases brought back and at worst 1,000 (according to the government's own impact assessments).

Telephone gateway

The telephone gateway service is going to be rolled out immediately for debt, special educational needs, discrimination and community care. We would argue that those people who most need advice in these areas are the most disenfranchised: the elderly, those who don't speak English as a first language, those who don't have a phone in their homes or a working mobile (or can't afford the bills), plus those who are so anxious that they want the reassurance of some human contact.

Financial Eligibility

There have been some changes from the proposals contained in the green paper in the financial eligibility of legal aid cases. The government is not going ahead with the £100 contribution for people with capital over £1,000 and it is not going to go ahead with the proposal to take equity in to account.

But the decision to abolish automatic legal aid for people on benefits is a deep concern and if they own a house worth more than £200,000 they will be ineligible even though they cannot reasonably be expected to use the equity from their home to pay for advice. The elderly and those in care homes whose own homes have been sold to pay for fees leaving a diminishing lump sum of capital (for example, residents of Southern Cross care homes) are the people most likely to be ruled ineligible for legal aid as a result of this change.

Criminal Fees

On criminal fees there are modifications on the original proposals. Barristers have been awarded most of their ancillary (bolt on) payments. This means criminal barristers' pay will not be reduced significantly. So there will be still many advocates taking above £250,000 budget which we regard as unacceptable.

Civil Fees

The payments for frontline legal aid solicitors will still be cut by 10%. The government has already announced that it is moving ahead with this in October 2011 when they have not carried out a full debate in parliament or listened to the public consultation.

Experts

We welcome the Government's intention to continue with their plans to restrain expert fees.

Alternative Funding Proposals

Ministers are dropping the proposal to take interest on lawyers' accounts. They are introducing the idea of taking 25% damages from legal aid clients. So if you are the victim of clinical negligence and receive £100 the government will take £25. Our particular concern about this proposal is that the decision to take a fixed 25% of damages will mean in some cases that the 'success fee' taken from the client is out of all proportion to the costs incurred and in some cases well over 100% legal costs.

Impact Assessments

In the revised impact assessment, the government repeatedly acknowledge that there are gaps in the evidence as the information is not routinely collected by MoJ, LSC or courts. (Sample quotes include: "Although the evidence is inconclusive..."; "The evidence on outcomes for individuals who benefit from legal aid compared with those who do not is limited..."; "The extent to which this general finding applies to these particular reforms is less clear..."; "There is very limited evidence on..."; "The lack of a robust evidence base means that we are unable to draw conclusions as to whether wider economic and social costs are likely to result from the programme of reform or to estimate their size..."; "Given the uncertainty surrounding the possible client response to these proposals, the impact on providers is also subject to much uncertainty..."; "[we] lack clear evidence on how current providers are likely to respond to the cuts in legal aid..."; "Reliable administrative data is not captured on the income of legal aid recipients..."; "There is limited information on the legal service market in England and Wales..."; and "It is difficult to say with any certainty...")

In response to Sound Off for Justice proposals:

The Ministry of Justice has repeatedly questioned our assumptions behind the extent of the savings that our proposals could bring but it has yet to provide a single piece of information to suggest they are wrong (despite the fact that they are the ones in control of the relevant data). We have acknowledged that our figures are based on estimates and invited the Ministry to provide the data that would enable more robust figures to be developed. We repeat the invitation now.

The Government claims it is already making some of the efficiency changes but they are giving no credit to the legal aid budget for the savings that will be generated.

They reject the 'polluter pays' principle even though both the Justice Select Committee and the Administrative Justice and Tribunals Council have supported this as the way forward. This is a political choice, not a rebuttal of our proposals.

The Ministry of Justice rejects tightening the merits test on the grounds that it is uncertain what it would save or how it would be enforced. But if the fund is not currently supporting significant numbers of relatively straightforward cases that could be resolved without the assistance of legal aid, this would undermine the Government's argument as to why legal aid can safely be withdrawn from such cases.

The Government's refusal to contemplate a levy on the financial services industry is also a political rejection of the principle of the idea rather than a rebuttal of the savings that it would generate.

The Government claims that that CDS Direct (the helpline that provides telephone advice to detainees at police stations) offers 'a proven high quality cost effective service'. We are concerned that that is not the case and point out that Borstals, the service's main provider, was wound up by HMRC owing £130,000 earlier this year. It has recently been suggested to us that scrapping CDS Direct could save as much as £5.5 million. While we cannot vouch for that figure, we believe that this should be examined further.

The knock-on impact of the legal aid cuts: Why these are costs, not cuts.

Introduction

- £350m worth of cuts to the legal aid budget are proposed by the MoJ
- The MoJ wants to remove legal aid from most advice and representation for cases in civil courts, cutting legal aid from 645,000 cases a year
- This will mean help is ended for all medical negligence, most divorce and child contact cases, claims to the Criminal Injuries Compensation Authority, parental choice of school, consumer employment, housing cases where immediate homelessness or serious risk to health is not a risk

The concept that there may be knock-on costs did not originate from the Law Society, but from the Ministry of Justice's own impact assessment of the proposals, published in November 2010:

'As a result of people who no longer receive legal aid or who choose to no longer take up legal aid tackling disputes in different ways, or of disputes remaining unaddressed, there may be a deterioration of case outcomes. In particular case outcomes might be less fair than beforehand. A significant reduction in fairness of dispute resolution may be associated with wider social and economic costs such as:

- *reduced social cohesion. For example, failure to apply the rule of law fairly may generate an inclination not to respect rules and regulations and not comply with social norms and expectations, generating social costs;*
- *increased criminality. This may arise if unresolved civil or family disputes escalate, or if criminal means are used to resolve disputes in future, or if a known lack of legal aid encourages people to take advantage of others who might find it harder to defend themselves in future;*
- *reduced business and economic efficiency. Failure to enforce rights and not applying the rule of law may undermine work incentives, business uncertainty and the operation of markets;*
- *increased resource costs for other Departments. If civil and family issues are not resolved effectively, people might continue to rely upon the state, because failure to resolve one issue may lead to another arising. This may include health, housing, education and other local authority services including services provided by the voluntary and community sector;*

- *increased transfer payments from other Departments. Similar to the above, reduced resource transfers from the legal aid fund might lead to increased financial transfers to the poorest, e.g. via welfare benefits or tax credits. For example, if people who previously received legal aid might use their own savings in future to finance a case, and in doing so they might pass a benefits threshold.'*

The Law Society has shown that alternative savings of £360m (£10m in excess of those being sought) could be made whilst maintaining access to legal aid for all those areas now under threat, and without risking the substantial knock-on costs that will be incurred as a result of the Ministry's proposals.

The Law Society and many other respondents identified some of those knock-on costs in their responses to the Green Paper.

Direct implications of cuts

1. There are likely to be significant increased costs to tribunals. In the context of SEN tribunals, (which will now get telephone advice only, which is likely not to resolve this problem), the charity Independent Parental Special Education Advice (IPSEA) believes that 'the cut will result in more cases arriving at the tribunal in a chaotic state, requiring the tribunal's intervention by active case management, with potential adjournments and other effects which will impede the work of the tribunal and drive up costs'.

This view is also reflected, in the broader context of tribunals generally, in the response of the Administrative Justice and Tribunals Council, which says that "modest short-term savings on legal aid will lead to significant economic and social costs in the medium and long-term, and may well have knock-on effects that worsen rather than improve the public finances". The Council regards the presented analysis of the so-called 'alternatives' to legally-aided advice as misguided and often misinformed.

It says: "Legal aid in administrative justice represents exceptional value for money. For example, welfare benefits legal aid cost £28.3 million in 2009/10, representing less than 0.18% of the £16 billion value of unclaimed benefits. The success rate of legally-aided clients in this and several other administrative jurisdictions is over 90%.

"The high success rate for legally-aided appellants in administrative justice is impressive in itself. However, it does not do full justice to the sensitive background role that advisers have in helping appellants whose cases are unfounded or weak to come to terms with decisions without the need for unnecessary tribunal hearings. By removing

access to advice for such clients, the government's proposals risk denying justice to meritorious appeals on the one hand and a flood of weak and costly appeals into an already crowded tribunal system on the other."

2. There is likely to be a similar impact as for tribunals on the Court Service. In addition, particularly in the family field, research of Professor Richard Moorhead, deputy head of Cardiff Law School (cited out of context by the MoJ in the Green Paper) found that there was heavier use of court time, both by way of more interventions and longer hearings, and evidence that cases with litigants in person were less likely to settle.

From Richard Moorhead's blog on this topic:

"What the research essentially shows is not that litigants in person gum up the courts with vexatious cases and applications (though some do) but that most struggle to participate in their cases, if they participate at all. Where they do participate, the evidence suggests they do so sporadically; they sometimes damage their own interests as a result; and they probably create more work for their opponents and the courts themselves. The main impact of reforms which reduce the number of represented litigants will be to reduce the number of cases that are brought or defended as Mr Clarke rightly identified, but where litigants in person do not participate, they will increase the workload of opponents, court staff and judges. This is most likely, I would surmise, in family cases where applicants are sufficiently motivated (or desperate) to represent themselves. This will pose difficult challenges to the judiciary, to opposing solicitors, to CAFCASS and to court staff."

The Mental Health Lawyers Association cited a particularly extreme example in their response to the Green Paper: "One member described a very straightforward issue in the Court of Protection where all the professional and expert evidence pointed in the same direction taking six days of evidence because of the need to accommodate a litigant in person with undiagnosed mental health problems."

3. When an injury claim, such as a clinical negligence claim succeeds, the DWP recovers any benefits that have been paid to the individual because of their injury out of the damages paid. If the claim is not brought, those benefits will no longer be recovered; and moreover, the individual may remain avoidably reliant on benefits for a prolonged period. Moreover, as the Official Solicitor noted in his response to the Green Paper, in catastrophic personal injury cases, a "simple money claim" was for the purpose of "providing the capital on which the claimant's future social, nursing and personal care will depend". "Where those costs are not recovered from the tortfeasor, or more usually the tortfeasor's insurers, they will necessarily be borne by the taxpayer."

4. The increased criminality, which the government acknowledges may result from these changes, will cause additional criminal legal aid costs, court and police costs, plus all of the knock-on costs for a victim of crime who need not have been a victim, which may include counselling, medical treatment and inability to work for a time, placing another burden on the benefits system.

5. Housing disrepair cases will become more expensive when they can no longer be nipped in the bud - both the case and the disrepair itself. Because help will only be provided once disrepair represents a threat to the tenant's health, a burden will necessarily be placed on the health service that could have been avoided had earlier action been taken. Mind and Rethink, in their joint response to the Green Paper, argued that if housing advice is not available until a home is at risk it might be "too late for steps to be taken to prevent a person becoming homeless, resulting in an increased burden on the local authority in rehousing costs". More tenants will rely on local authority advice services. The drop in the availability of help (Law Centres, CABx etc) will probably mean fewer people get help even in those areas still technically within scope. There is some evidence, not robust but indicative, that suggests that where local authorities go out of their way to provide advice to tenants in arrears, the level of arrears they carry in total is lower, and they have fewer repossessions. It is therefore good for the authority as well as good for the tenant for extensive advice to be available.

6. No exception is made in the abolition of advice and representation across whole fields of law for people suffering from mental health issues. In its response to the consultation, the Mental Health Lawyers Association noted, it was "well-known by clinicians that stressful events in people's lives can precipitate breakdowns in some chronic conditions such as schizophrenia and bi-polar affective disorder". "Removing the ability of a person to find advice to assist with what may appear to be a non-urgent housing problem may prompt a deterioration in mental health, which could in some cases prompt an admission to hospital, with concomitant use of scarce inpatient resources, and possibly a further appeal, with all the legal costs that that entails."

This point was supported by the organisations Mind and Rethink in their joint response to the Green Paper: Failure to provide social welfare help to resolve problems early was "likely to have adverse costs consequences for the NHS, if people cannot resolve their problems, leading to a further mental health crisis requiring expensive acute care". They repeated this point with specific reference to debt advice, citing Department of Health research from 2011 which said: "No health without mental health: a cross-government mental health outcomes strategy for people of all ages".

Indirect implications of cuts

1. Citizens Advice estimates the current spending of £24m on legal aid in debt advice cases is saving the Government £188m a year by preventing physical ill- health, stress-related illness, relationship breakdown, and unemployment.

- For £1 spent on Housing advice, the government saves £2.34
- For £1 spent on Debt advice, the Government saves £2.98
- For £1 spent on Benefits advice, the Government saves £8.80
- For £1 spent on Employment advice, the Government saves £7.13

Source: CAB paper to Legal Services Research Centre 8th International Conference (Towards a business case for legal aid, July 2010).

2. The Legal Services Research Centre, the research arm of the Legal Services Commission, published a report (Getting earlier, better advice to vulnerable people, www.dca.gov.uk/laid/betteradvice.pdf). This report shows that the impact of problems and disputes can significantly increase the chance of people being pushed into, and kept in, social exclusion. As a direct result of disputes in other areas, each year more than:

- 372,000 people lose their jobs, resulting in over £2 billion lost income;
- 1,100,000 people suffer a stress-related illness serious enough to seek medical help; and
- 250,000 relationships break down.

Withdrawing advice from people can only increase the number of people who fail to address their problems and suffer these adverse consequences.

3. The cost of placing at-risk children in local authority care if their grandparents and other relatives are denied legal aid and cannot apply for residence or guardianship orders is more than the Legal Aid costs. A 2008 study found that these extra costs range from just under £50,000 annually for the most straightforward cases to £450,000 for a child with a disability, emotional and behavioural difficulties and who was also a young offender.

4. The DWP will be exposed to increased costs. For example, if a wife is unable to make a claim against her husband's pension (or vice versa) in divorce proceedings, she may end up reliant on benefits for the entirety of her retirement years. If a claim had been made, she might have been less reliant on benefits or even able to survive on the private pension.

In addition, the impact assessment with the original Green Paper in November 2010 noted that “reduced resource transfers from the legal aid fund might lead to increased financial transfers to the poorest, e.g. via welfare benefits or tax credits”. “For example, if people who previously received legal aid might use their own savings in future to finance a case, and in doing so they might pass a benefits threshold.”

Unquantifiable implications of cuts

As well, the development of law on protections, compensation and justice for victims of medical negligence and disasters will grind to a halt. Although only the poorest qualify for civil legal aid, the advances in case law have improved protections for everyone - legal aid was critical to the victims of the Hillsborough disaster, thalidomide, the Clapham rail crash, improving rented housing stock and the behaviours of ‘Rachman-style’ landlords and reducing medical negligence.

Case Studies: The victims and the people who have re-built their lives only because of legal aid

This section sets out the case studies report by The Commission inquiry into legal aid which reported in June 2011. The commission was organised jointly by the Haldane society and the Young legal aid Lawyers.

The accounts presented here are from recipients of legal aid, practitioners and the charity sector. This testimony recorded here aimed to present the personal impact of legally-aided work on individuals, families and communities. It constitutes the positive case for legal aid.

Names have been changed or abbreviated so that the individual cannot be identified except where the person has specifically agreed that their full name be used.

Andrew Green, Cerebral Palsy, Legal Aid

Andrew Green was born in 1997 with cerebral palsy due to delays in dealing with complications during childbirth in Grimsby Maternity Hospital. Two non specialist solicitors advised Andrew’s parents Rick and Julie that they would get nowhere with a clinical negligence claim. However, luckily, they were put in touch with a specialist solicitor approved for Action against Medical Accidents’ (AvMA’s) clinical negligence panel – Sally-Ann Robinson of Langleys.

As a result of Andrew qualifying for legal aid, it was possible to pay for an in depth investigation and obtaining independent medical opinion, and eventually the obtaining of a seven figure sum in compensation to pay for care that Andrew will need for the remainder of his life. Under the Government’s proposals, without legal aid being available for clinical negligence cases, Andrew’s case would probably never have been taken on and he would never have received the help he needs and deserves due to the costs of initial investigations in cases like this and medical experts. Also, Legal Aid funding is restricted to specialist solicitors on the AvMA or the Law Society’s panels, providing quality assurance that may not be there in the future. No-win no-fee is open to any solicitor.

As in Andrew’s case, they may not be able to spot a winnable case or have the skills and knowledge to win it. Rick Green said:

“It’s obscene that other people in a similar situation might not be able to do what we did because of money. That’s not how a fair society should be, is it?”

Caroline received legal aid after she was evicted from her flat and became homeless. Her Legal aid Solicitors helped her to prove to the Council her need for accommodation because of her severe mental health problems.

Legal aid helped me when I was evicted from my home after my private landlord increased the rent and I could not afford to pay it.

I had lived in my home for around 20 years. I had to stop work in 2004 because of my mental health issues. I suffer from agoraphobia, paranoia and severe anxiety which causes me to have panic attacks. I also suffer from depression. I received housing benefit to help me pay my rent.

In 2009 my landlord contacted me to say that the market value of the flat was much higher than what I was paying and they wanted to increase my rent by £500 per month. Housing benefit would not cover this increase and I could not afford the extra, so I was facing eviction.

After my landlord started court action to evict me I approached a solicitor. Unfortunately my solicitor advised me that I did not have a good chance of avoiding eviction. I was very worried about this because I did not have any money or savings to fund a deposit for a new home. I was very worried that I would be homeless. However, my solicitor told me that because of my medical problems the local authority may have a duty to re-house me once the court made a possession order.

In the end the court did allow my landlord's claim for possession and I was evicted. After this my legal aid solicitor helped me apply to the council for emergency accommodation. I was placed in a hostel with shared facilities. My anxiety and paranoia were making it extremely difficult for me to live there with lots of different people. My solicitor wrote to the council and managed to persuade them to provide me with self-contained accommodation until they made a final decision on my homeless application. I was very grateful for this.

A few weeks after I made my application the council made a decision that they did not have a duty to house me because my mental health problems were not severe enough. My solicitor helped me ask for a review of the council's decision. She suggested that I would need good medical evidence to help with my case, but this was very difficult.

When I was examined by my GP he diagnosed only 'mild depression'. There is nothing mild about it – at that time I had had two complete breakdowns since 2004 and had overdosed three times. I had had only very brief appointments with my GP and one with

a psychiatric nurse, which is why I think they did not fully understand my problems.

The breakthrough came when my solicitor arranged for me to see a private psychiatrist who assessed me for over one and a half hours. The psychiatrist confirmed that I was suffering from a number of serious mental health conditions and that my health would be at risk if I were made street homeless. With the help of this extra evidence and the fantastic work of my solicitor the council accepted my case and overturned their original decision. This was around the end of October 2010.

Legal aid was really important in my case. There is no way that I could have explained my situation to the Council in the way that my solicitor did. The pressure of trying to sort it out myself would have severely hit my mental health. Also I could not have paid privately for the psychiatric report. Without this report, I do not think that I would have won my case. If legal aid is cut, people like me will not get the help they need in future.

This case felt like life and death for me. I was so worried about losing the emergency housing and becoming street homeless. Since winning the case, my life is so much better. I feel optimistic and am looking forward to viewing potential properties. It is now just a matter of time before I can get my own home, so I am feeling positive and can start looking forward to life again.

Rosamund During had advice and representation in her housing case, which allowed her to successfully defend eviction proceedings following the break-up of her marriage.

I needed legal help after my landlord started court action to evict me for rent arrears. I was in the process of splitting up with my husband. He was due to move out but had stopped paying the rent, which I had no idea about. As a result, our landlord started possession proceedings against us.

I was still living there with our four children, so I was really worried about what I was going to do. I was on a low income and could not afford to pay off all of the arrears. I approached the Citizens Advice Bureau, but was told my case was too complicated for them to help me. However, they provided me with a list of solicitors firms that do housing work and I subsequently approached one of the firms who agreed to take on my case.

My solicitors applied for legal aid so that they could help me defend the eviction action. They explained my problems to my landlord and the court. Eventually the court agreed not to evict me so long as I continued to pay an amount towards my arrears each week.

My rent payments are now manageable. I'm in the process of having the tenancy transferred into my sole name and I feel that I have now got through a very difficult time.

I was delighted with the help I received from my solicitors using legal aid. I do not feel that I could have represented myself in the possession proceedings. I really needed their help.

SH received legal aid to gain occupancy of the home she had shared with her abusive partner.

I needed legal help after my partner became abusive and I found myself and my children without a home.

We had bought our home together before our children were born. Over time our relationship began to break down. My partner started to drink more and he would be abusive towards me. Although he was not physically violent, he would threaten me physically and was very emotionally abusive. He was aggressive and controlling and would shout at me over nothing, telling me I was worthless. Sometimes he would take my bank cards and keys and leave the house for long periods, leaving me stranded in the house and unable to go anywhere.

I became afraid for myself and my children. I decided that I had to get out of the relationship. Eventually I moved out of the home taking our two children with me. This was an extremely difficult time for me. My youngest child was only one and a half years old and I had not yet returned to work. My partner had provided for us financially and so I had no resources of my own that I could access. I was having to stay with a friend, but it was not at all suitable because the children and I were all having to share the same bed.

Although I was joint owner of our home and I was taking care of our children, my partner refused to move out. Because of his aggressive and unreasonable behaviour, I found it impossible to talk to him or negotiate with him in any way about the use of our home or dividing up our assets. Whenever I did try to discuss these issues with him he would be domineering and aggressive. I realised that I needed assistance, which was when I approached a firm of solicitors.

My solicitor was absolutely fantastic. She told me that I could apply for a court order to gain occupancy of my home. I was worried as I had very little money to pay for legal assistance. I had no access to funds because everything had been controlled by my partner. However, my solicitor told me that I could get funding through legal aid and she sorted it all out.

At first my solicitor wrote to my partner to try to resolve the case before going to court. However, he refused to respond to any of my solicitor's letters or other correspondence. Therefore we had to go to court.

It was really important to me to have help from my solicitor and also my barrister. They explained what would happen during the court proceedings and what I would have to do. I had never been to court before and I had no idea what the procedure was. I was really worried beforehand.

At the preliminary hearing my partner represented himself. He was very emotional in court and tried to control the hearing. I was very upset by his behaviour. At the second hearing he turned up at court but left before the hearing started. During the hearing my barrister cross-examined me. If my partner had had to do this, or if I had been forced to cross-examine him I think the hearing would have descended into some kind of slanging match because the situation was so emotional and highly-charged.

After the court hearing, the judge granted me occupancy of our home. My partner was ordered to move out and I was able to move back in with my children.

Without legal aid I would not have been able to get the assistance I needed. I had no access to any funds so I would not have been able to pay for legal representation. I would have either been forced back in to an abusive relationship or else had to move to a refuge with my two children.

I know that the Government talks about people being too ready to use the courts as a first answer to their relationship breakdown problems, but in my case I had no choice. My partner was being totally unreasonable and there was no way to negotiate with him without bringing him to court. I needed a greater power than myself to deal with him and for him to listen to. It is people in situations like mine that the legal system is there to protect.

Mrs Hughes received legal aid for advice and representation in a Disability Discrimination Act claim

I suffer from Multiple Sclerosis and a lung condition. Due to my ill-health I am dependent on my wheelchair to move around outside and sometimes indoors. My husband cares for me full-time.

We have many people in our community who have mobility problems including the elderly and other disabled people. The majority of small businesses in our town have made adjustments and some by simply having assistance bells outside their front doors

so that people with mobility problems can let them know when they need help to gain access. Larger stores have level floor access.

Around three years ago one of the larger stores closed down and the owner applied for planning permission to sub divide to create two new units. As my husband is chair of the local access group, he was given the planning application to look at. The application together with an Access Statement said that level access would be maintained. Therefore we did not think that we needed to comment on the application.

Sometime in summer 2008 before the shops were finished I was concerned to see that one of the shops now had an eight inch step outside, which people had to use to gain access. In November when the shop opened for business I asked to speak to the manager of the shop about the issue. She could not say what the company would do about it. I sent the company emails and letters asking them to remove the step or put in a ramp. The company did not answer me.

I was certain that the shop was breaching the Disability Discrimination Act, but I did not know what to do about it. Over the next few months I contacted the Council, my MP, the building inspectors and the minister for disabled people. Nobody was able to help me – some of them did not even answer my requests for help, which was extremely difficult, as under DDA it is only the disabled person who can take a case forward.

I visited my local Citizens Advice Bureau. They telephoned a national charity to ask for advice as to what I could do. The charity told me that if I continued with a claim under the Disability Discrimination Act and I lost, then the company could take my home away. I was very worried at this and it almost made me gave up.

Eventually one of my local council contacts gave me the name of a solicitor in London who had acted for other disabled people in the past. I contacted the solicitor and he told me straight away that I could apply for legal aid to help me take on the company. After listening to my story and doing some initial investigation my solicitor wrote to the company, warning them that I would go to court unless they took action to address the discrimination that I was suffering. The company still refused to remove the step or put in a ramp. In the end, we had to issue a claim.

As part of the claim, my solicitors obtained a report from an independent disability access expert. He found that not only was the step a problem, but also within the shop itself they had not taken reasonable steps to adjust the shop for disabled people to use.

My claim moved closer to a hearing and probably because of this pressure the company eventually admitted that they were liable under the Disability Discrimination Act. They

agreed to install an internal ramp at the shop, which has now been done. They also agreed to pay my solicitor's legal costs, which means that the legal aid money will be repaid.

I understand that the Government is proposing changing the rules about who will be able to get legal aid funding in the future. People who own their own home, like my husband and me, may not be eligible for help. I am very concerned about this. I could not have afforded to pay privately for a solicitor, as we are on a very low income (receiving pension guarantee credit and disability benefits).

Without legal aid I would not have been able to force the company to comply with the Disability Discrimination Act. I had already done as much as I could without going to court. Without my solicitor's help I would not have known how to go about taking the company to court. I do not think the company would have listened to me or changed its behaviour without my solicitor's persistence. They had tried to ignore me, but they could not ignore him.

I really appreciated my solicitor's help throughout this case. He was great and explained everything to me every step of the way. It was wonderful to feel that someone was on my side against a big company. If legal aid is withdrawn to others in a similar situation, I believe that discrimination will possibly increase, as large bodies realise that the vulnerable in society do not have the means to contest their actions.

Zoe Kealey's brother died in Wormwood Scrubs. It took the family some time to obtain legal aid for them to be represented at the inquest

I am the sister of Darwin Stanley Kealey, who died on 12 September 2008 in HMP Wormwood Scrubs. Darwin was my younger brother and was a loved and cherished member of our family.

On 12 September 2008 Darwin was arrested for common assault and taken to Kensington Police Station. Whilst in police custody Darwin repeatedly self harmed. He was placed in a CCTV monitored cell, the footage of which shows my brother systematically removing every item of clothing and tying it around his neck in an attempt to strangle himself. All his clothing was eventually removed and he was left in the cell completely naked. The footage also shows my brother repeatedly banging his head against the wall and running across the cell with his head down until he hit the wall apparently knocking himself out and collapsing naked on the floor. When police officers visited him in the cell Darwin told them that he had nothing to live for and that "he might as well end it".

Darwin's vulnerability was overwhelmingly evident. Whilst in police custody he was seen by three separate Force Medical Examiners (FME), who all noted varying levels of risk of self-harm or suicide. Although an entry was made on the custody record of Darwin's attempts to self harm this was not communicated to staff employed by Serco Limited, who escorted him to West London Magistrates Court the following morning.

Any prisoner who is transferred into the custodial care of another party is accompanied by a document called The Prison Escort Record (PER). One of the primary functions of the PER is to record any risk of self-harm. The custody sergeant responsible for Darwin failed to detail Darwin's many attempts to self-harm, and failed to complete the form correctly in accordance with the Standard Operating Procedures operated by the Metropolitan Police. This fact was recognised in an independent investigation carried out by the Independent Police Complaints Commission. As a result of the police's failures to document Darwin's risk of suicide or self-harm Serco staff had limited details about his vulnerability.

Darwin's PER form did however contain a ticked box informing Serco staff that Darwin was at risk of suicide/self harm. The Serco policy relating to suicide and self-harm clearly states that Serco staff must open a Suicide/Self- Harm Warning Form when there has been any attempt to self-harm in custody in the past month. This did not happen.

Darwin pleaded guilty to common assault at West London Magistrates Court and was sentenced to 112 days in custody. He was transported by Serco staff to HMP Wormwood Scrubs where he arrived at approximately 6pm on 11 September 2008. On arrival at HMP Wormwood Scrubs prison staff had available to them the PER, which briefly noted his risk of suicide and self-harm, as well as medical reports from the FMEs at Kensington Police Station which detailed some of his attempts at suicide/self harm. None of these documents were considered for the purposes of assessing Darwin's risk of suicide or self-harm whilst on reception. Prison staff stated this was because they would always rely on Serco staff to have produced a suicide/self harm warning form to identify any prisoner at risk. This of course did not happen.

Darwin was then examined by a nurse employed by Hammersmith and Fulham Primary Care Trust. The nurse failed to examine his medical records or the PER. Darwin's recent suicide attempts were therefore not identified.

On the morning of 12 September 2008 Darwin was found hanging in his cell.

Darwin was 28 at the time of his death. The jury at Darwin's inquest, which concluded in March 2010, identified no less than 9 failings on the part of the police, Serco, the prison and the Primary Care Trust and found that Darwin died of an act of self harm "in

part because the risk of taking his own life or harming himself was not recognised and appropriate cautions were not taken to prevent him from doing so".

The missed opportunities listed on Darwin's Inquisition were as follows:

- Failure to update the PER by Serco with information regarding the screw found in Mr Kealey's possession, during their search at Kensington Police Station;
- Failure by the prison staff to read information on the medical records and pass on to healthcare staff;
- Failure by Serco to act on information contained in the Form 2282 [a form sent by the police to Serco staff for the purpose of transporting a prisoner, which noted Darwin's risk of suicide/self-harm] by putting Mr Kealey under constant watch, and failure to open a suicide self harm warning form;
- Prison staff failed to act on the information contained in the medical reports and failed to consider opening an ACCT form [a form opened in prisons when a prisoner is at risk of suicide/self-harm which results in closer monitoring, including at time constant observation];
- Serco failed to follow up on the information on the 2282 form by telephoning Kensington Police Station and failure to obtain further information regarding the risk identified on the PER;
- Prison staff failed to consider the risk identified on the PER and read the medical reports at reception;
- Failure of healthcare staff to seek out medical reports relating to Mr Kealey.

My brother's death was a tragic error which could and should have been prevented if any of people and organizations responsible for his care had simply taken the time to consider the evidence available to them in accordance with their various procedures and policies. If this had occurred Darwin would have been placed under observation which could have prevented his death.

As a result of the jury's findings, Her Majesty's Deputy Coroner for West London, Elizabeth Pygott wrote to the Lord Chancellor, Sir Paul Stephenson (then Commissioner of Police for the Metropolis), the Chair of NHS Hammersmith and Fulham Primary Care Trust, the Secretary of State for Health and the Chairman of Serco Group Plc to make a report in accordance with Rule 43 of the Coroner's Rules 1984.

This rule provides that where evidence at an inquest gives rise to concerns that circumstances create a risk that other deaths will occur, or will continue to exist in the future, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances.

In her letter, HM Coroner stated "it is the lack of common understanding about how the PER should be used which gave rise to serious concerns in this case and has potential disastrous consequences for other detainees."

All this information would never have come to light without the support and assistance I received from my legal team. Kat Craig of Christian Khan Solicitors and Marina Sergides of Garden Court Chambers worked tirelessly to obtain and scrutinise all the documentation and ensure that evidence was heard to explain the circumstances surrounding my brother's death, and to ensure that such deaths may be prevented in the future.

When Darwin died my family had no idea of what lay ahead. Very little details were passed to us except that Darwin had hanged himself at Wormwood Scrubs. The weeks following his death were spent in shock and making arrangements for Darwin's funeral.

Following Darwin's funeral I contacted the charity INQUEST and discussed my case with them. Through their help and ongoing support they recommended Christian Khan Solicitors to take on my case.

As a family we had no understanding of the financial costs of obtaining legal representation to find out what happened to my brother, and to see whether any other family could be saved from such suffering. As Darwin died in a government institution we simply assumed that the government would surely fund this. However to our astonishment we found that our family's limited financial means were to be extensively scrutinised. My mother, who is a part time cook suffering from a serious disability and with very limited savings, was asked to contribute to the costs of legal representation. The savings that she had had been left to her by my late father which was his attempt to provide for her in her old age. She could not believe that she was going to have to choose between losing her tiny amount of financial security, or have no legal representation.

Kat argued with the Legal Services Commission that my mother was not able to contribute to the funding of the inquest. The anxiety about funding the case simply added to the stress and upset that we were suffering. We were deeply concerned that without legal funding we would not be able to ask questions and obtain the answers about what happened to Darwin.

However we were the lucky ones and legal funding was eventually granted so that we had representation at the inquest. I simply cannot imagine how other families cope without the support that we had. Kat's workload was immense and extremely complex. There were independent reports from the Independent Police Complaints Commission, the Prison and Probation Ombudsman, Serco and the Primary Care Trust, who were all responsible for Darwin's care in the 48 hours running up to his death. Without legal aid

and a solicitor to go through the case step-by-step my family would never have gained any understanding of the law and the legal responsibilities these agencies had towards my brother. Kat liaised continuously with my family and fought our corner in a way that we would never have been able to do.

When we arrived on the first day of the inquest it was incredibly daunting. There were eight interested parties in total, all of whom were legally represented. I simply do not know how we would have been able to cope without our barrister Marina. She fully understood how intolerably upsetting it was to relive the final hours before my brother's death. We were extremely distressed and anxious but with the support of our legal team we felt re-assured. I now know that an inquest is supposed to be a non-adversarial fact finding investigation. However in reality the barristers for HM Prison, the Primary Care Trust, Serco and the police were constantly trying to decrease the scope of the inquest and curtail evidence that could give rise to findings critical of them. There were so many issues that needed to be raised, which I am certain would never have been covered if we had not had such a robust legal team.

As a family we needed to hear what happened to Darwin to be able to grieve and cope with our loss. However at the same time we were adamant that Darwin's death should not have been for nothing and we wanted to ensure that any failures and missed opportunities were properly identified. I could simply never have coped with the emotional heartache whilst at the same time trying to pursue legal arguments about the scope of inquest. I cannot imagine any family being able to listen to how their loved one died, whilst at the same time considering the evidence being given by witnesses and thinking of the questions.

The fact that Marina and Kat were constantly picking out documents, identifying points of contradicting evidence, and putting key questions to the witnesses made it possible for me to listen to and understand the evidence.

Without this we would have been left with a void of never knowing what happened to Darwin. If we had to walk this road alone as a family without legal aid we would never have been able to fund a solicitor. We would never have got the answers to questions that we so desperately needed and the inquest would never have been able to identify the failures that I so dearly hope will prevent vulnerable prisoners in the future.

Darwin's death was incomprehensible tragedy and has left a hole in family that will never be filled. Yet I consider that we were the lucky ones to receive legal aid and to have a legal team representing us. My family has found some solace in the knowledge that the state has been notified of the failings identified by the jury, and we hope that no other family will have to suffer in the way that we have.

DM received legal aid for help with his homelessness case. The solicitors made a successful application to house DM and his family after obtaining DM's Housing Benefit history.

In 2006 I applied for help with my housing to my local authority. They agreed to fund the deposit for a private-rented home. After I found one that I could afford (along with some help from Housing Benefit) my family and I moved in.

I began to get into trouble with my rent when my Housing Benefit was reduced. I found out later that after a year in my home a rent assessment officer had decided that the rent was too high for the type of flat and the area I was living in. Therefore the Council reduced my benefit by £50 every week. I found it very difficult to make up the shortfall on my limited income from part-time work and so, my rent arrears increased.

I tried to speak to the Council about my Housing Benefit claim and to ask why it had been reduced. Nobody could clearly explain why it had been suddenly reduced after one year.

In the end the rent arrears were so high that my landlord started a possession claim against me. At that time I did not realise that I could get legal help to defend the landlord's claim. As it was a private tenancy, I thought that he was able to evict me whenever he wanted. The court made a Possession Order against me without a hearing.

When my family and I were evicted we applied as homeless to the local authority. We were placed in emergency hostel accommodation. This housing was not very good but we were grateful to have a roof over our heads.

The Council investigated our case and eventually made a decision that they could not continue to house us because they said I had made us homeless by not paying the rent. I did not think this was right – I had been paying the rent, it was just that it was too high for me to manage. The Council's decision letter said that I had 21 days from the date of the letter to ask for a review. They also said that we would have to leave the emergency hostel within a short space of time.

I handed in a letter to the Council's offices to ask them to review their decision. However, the Council refused to do this, saying that I had missed the deadline to request the review and they could not accept my request after this.

As the Council had refused to review my case, our emergency housing was terminated and we were evicted. My partner and children went to stay with one of our friends for one night. I stayed with one of our other friends as neither had enough space for all of the family. Our friends could only put us up for one or two nights at most.

The next day my partner went with the children to a local law centre. She explained her personal circumstances and what had happened. The law centre said that they could not help her as they were very busy. However, the law centre solicitor put our case on an email group of local lawyers and advisers to ask if anyone in the area could help her. My solicitor saw the law centre's email and agreed to help.

The following day we went to my solicitor's office. She immediately wrote an urgent letter to the Council asking the housing department to accept the review and provide more emergency housing whilst they carried out their review. My solicitor also asked social services to help as well because my young children were at risk of being homeless. The letter warned the Council of court action unless they agreed to house our family. Luckily shortly after receiving my solicitor's letter the Council agreed to provide us with emergency housing that same day.

After this my solicitor investigated what had happened with my last tenancy. She got a copy of my Housing Benefit file and found the rent assessment decisions. From this she could see that it was not my fault that the rent had become unaffordable. She wrote detailed representations to the Council about this and other issues in my case. In the end the Council agreed to overturn its original decision. They accepted that they have an ongoing duty to make sure that my family has somewhere to live.

I am very grateful to my solicitor and legal aid for helping my family with this case. If my partner had not gone to the law centre that day then our family could have been forced to live in separate homes with different friends whilst looking for a new home. Also, it would have been very difficult for me to find a new home because of my low income and previous history. We could have been living apart for a very long time.

Without my solicitor's help I could not have known or explained to the Council the reason why my Housing Benefit had reduced and my rent became unaffordable. I could not have paid for legal advice, as my part-time work does not bring in much money and I have my partner and young children to look after. I am thankful for the work that my solicitor did for me.

EM received help from a firm of solicitors in South London in relation to a housing issue, escaping an abusive ex-partner by securing accommodation in a different Local Authority area.

Around 2007 I approached a housing solicitor for help. I had been trying to escape an abusive and physically violent ex-partner. Even though we were not together he would

still come and go from my home whenever he wanted. It felt like he had complete control over me and because we had a child together it was difficult for me to avoid him.

When he was at my home he would start arguing with me and sometimes become physically violent. When I rang the police he would disappear before they arrived. They were never able to catch him and arrest him. Instead they advised me to apply for a transfer from my landlord (a local authority) and move to a new home, where he would not be able to find me.

I asked the Council to transfer me. I showed them pictures of my bruises and injuries. I gave them police records and crime reference numbers. My case went to the emergency re-housing panel but they turned me down. Apparently I did not have sufficient evidence to show that my life was seriously at risk.

After the Council turned me down I did not know what to do. My mum suggested that I get some legal advice from a housing solicitor. That is when I contacted a firm to ask them to help me.

My solicitors wrote a letter and referred me to another Council's homeless person's unit. I was placed in a safe house immediately. I fled my previous home with my son. We left all our belongings and clothes. We just escaped I was in the emergency hostel accommodation for around eight months. The new Council accepted that they had a duty towards me and my son as a homeless family fleeing violence in my old home. I was placed on a waiting list for a new home and eventually I was granted a temporary home with a Housing Association. I have just recently been offered a more secure, permanent home for my son to grow up in.

I am very happy now that everything is over. My son and I can live in peace knowing that my ex-partner does not know where we are I am very thankful for being able to get legal aid to help me with my case. If legal aid had not been available to help me then I do not know what I would have done. I could not have done this on my own.

Vincent McBean received advice and representation in his housing possession case. His solicitors found out that his creditors had started trying to sell his house after mistaking his identity.

I needed help with my housing situation after I received a letter from the local court saying that I had to attend a hearing because someone was trying to sell my home. I own my home and the person listed on the court documents who wanted the court to order its sale was not my mortgage company, so I had no idea what this was about.

After speaking to friends they suggested that I get legal advice about this. I contacted a firm of solicitors who explained that I was eligible for legal aid to help with my situation because I was on benefits.

My solicitor unravelled the situation for me. Apparently, the creditor had managed to get a charging order on my home without me being present at an earlier court hearing. Letters from the creditor's solicitor described me as living in Brent, driving a silver BMW and working in football. This was all completely wrong (I am a retired electrician living a very quiet life!) and I found it quite upsetting. I did not understand what was happening. All I knew was that someone was trying to take my home from me.

The case took quite a long time to resolve. Apparently my solicitor tried to contact the creditor's lawyer but he was often told that the other solicitor was busy. This meant that the case could not progress. This was all very stressful but it helped to have someone advising me and explaining the process to me all the way through.

In the end it turned out that the creditor had got completely the wrong person. They had mixed me up with someone else who had the same name as me. So, it turned out that it was a mistake all along. The creditor's attempt to evict me came to an end.

If I had not received legal aid to help with my case I don't know what I would have done. I definitely needed help. I did not have enough money to pay for private advice and representation. I may have been able to borrow the money against my home, but this would have meant getting further into debt and putting my home at risk.

None of the accusations made by the creditor were correct, but I would not have known how to defend the case or find out what had gone wrong on my own. If the creditor had been successful at court then my home would have been sold and I would not be living here with my partner and three children. It was my solicitor's persistence that managed to resolve the case.

I hope this event and campaign are successful. People like me really need the help of legal aid.

Mr and Mrs Mansell were helped by free legal advice to retain their pension credit.

I am writing this letter to express my concern about the proposed legal aid cuts. I found myself in difficulty recently following a decision by the DWP to refuse to pay me any Pension Credit, they also told me that I had been overpaid by more than £11,000. This left me with barely any income for my wife and I and we struggled to survive and what we had.

With professional welfare benefits advice we were able to prepare for a tribunal hearing against the decision to refuse Pension Credit. We were successful in this. We were also able to quickly change the decision that we had to pay money back to the Pensions Service.

The rules involved in the Pension Service's decision were complex and not easily understandable. We also found that the Pension Service themselves confused the issue further in advance of the hearing which would have made it nearly impossible for us to deal with the case on our own.

I would not be able to afford to pay for legal advice and would support legal aid continuing to support people like myself.

Yours sincerely A Mansell

Jean Martin had help from legal aid to stop her being evicted

I needed legal help when my landlord tried to increase my rent to a level I could not afford. I live in a rented house in Enfield which I have lived in almost all my life. My parents were the original tenants of the house and they already lived there when I was born in 1943. I lived in the house from my birth up until 1975. At that stage I moved out briefly to go and live with my partner. Our son was born in 1976 when I was still living away from the house. Shortly before my mother passed away in January 1978 my partner, our son and I moved into her home. At that stage my partner and I took over the tenancy. I have lived in this house ever since. My partner passed away in 2001 and my son moved out not long after, so since then I have lived here alone.

In February 2010 I received a letter from my landlord informing me they were going to increase my rent to £250 per week. My rent at the time was only £125 and I was receiving housing benefit to pay for it. I contacted the council but they told me housing benefit could only cover £165 per week. The changes would take effect from April 2010 so I did not have much notice. I knew that I would not be able to afford to pay the extra rent, so I was very worried. I had lived in my house for practically all of my life and now I was facing the prospect of being evicted.

I initially approached Enfield Council Housing Advice for assistance. They helped me challenge my landlord's decision as he was legally required to give me six months' notice of a change in rent. This meant that I was able to put back the date of effect of the new rent till November 2010. I was still extremely worried though as I still did not know how I was going to pay the extra rent. The only income I receive is from housing benefit and my

pension which is very small and only just covers my outgoings as they are. Housing Advice then referred me to a solicitors' firm. They were absolutely great. They advised me that because I had been living in the house for I was a protected tenant under the Rent Act. This meant that the landlord could not lawfully raise my rent to the level he wanted. They managed to sort out the whole thing for me by helping me apply to court to establish that I was a protected tenant.

My solicitor rang me in early December 2010 to say that the court had accepted that I was a protected tenant. He informed me that this meant that if my landlord wanted to increase my rent in the future it would have to be an allowable increase and it would very likely be covered by my housing benefit. As yet my landlord has not tried to change my rent again. I was so happy when I heard this - it was like an early Christmas present. All the worry and stress had been like a lead weight around my neck. It had made me ill and I was even taking anti-depressants which I had never had before in my life.

There is no way I would have been able to stay in my house without legal assistance. My solicitor told me that being a protected tenant under the Rent Act is very rare. I definitely would not have been able to discover it by myself. If it had not been for my solicitor I am sure my landlord would have raised my rent and I would have had to leave my home. That is why legal aid is so important for people like me. I have been lucky, I got help, but there are so many people out there who still need it.

Subera received legal aid after her local authority refused to house her and her 12 year-old sister. Her solicitors helped her to overturn the local authority's initial refusal and gain temporary accommodation.

Recently I had to get assistance from my local law centre when I was applying to the council for accommodation.

I am from Bangladesh originally and I moved to the UK with my father and two younger brothers in 1999 when I was around 9 years-old. In 2005 my father became very sick and was taken into hospital. He passed away shortly afterwards. I was only 15 at the time and I was left trying to look after my two brothers, aged 14 and 10, by myself. After a short while my school found out about the situation and informed Social Services. All three of us were then taken into foster care. I was housed in a placement separate from my brothers, which I found very difficult and upsetting.

Shortly after turning 18 I moved to London and began to live in a supported housing scheme for young people. I had been accepted to study psychology at a London university.

I had been living in the supported housing for about three months when I got a phone call from my mother in Bangladesh. She told me that she was suffering from cancer and was extremely sick. At the time my little sister was 12 years-old and still living with our mother in Bangladesh.

My mother told me that she had become so sick that she could not care for my sister any more. There were no other family members who could take my sister in and already some family members were talking of marrying my sister off, so my mother was extremely worried. My mother asked me if I would care for my sister and I said that I would. A few days later my mother sent my sister over to London with one of her friends. This was in June last year. The friend then went back to Bangladesh, leaving me to look after my sister.

I had not been able to make any plans for my sister's arrival as this had all occurred so suddenly over only a few days. Unfortunately my sister was not allowed to stay with me at the supported housing scheme as it only housed people over 16 years old. At first I tried to hide the fact that my sister was living with me just until I could find somewhere else to live, as I knew they would ask me to leave and otherwise we would be homeless. I could not arrange anywhere else for us to live because I had very little money and few resources. In the end I had to tell the people at the housing scheme about my situation. They told me that if I wanted to live with my sister I would have to leave. There was no way I could abandon my sister, so I was given one week to leave my home.

I approached my local law centre for help. They had given me housing advice when I first arrived in London and I thought they had been really great so I went back to them.

The law centre advised me that I could apply to the council for emergency accommodation. I went to the council but they refused to provide emergency housing. They told me that it was my fault that I was homeless as I was voluntarily looking after my sister.

My adviser helped me obtain a statement from Social Services that confirmed I was my sister's sole guardian. They also helped me put together evidence that my mother was really sick and unable to care for my sister. I also had evidence to show that I could not secure my own housing. Even with this evidence to support me and the support of Social Services, the housing department still refused to house me and my sister. They told me that if my sister really did not have anyone else to care for her then I should put her into foster care and stay in the supported housing by myself.

I was shocked and devastated when the council told me that. I was simply trying to do

what was best for my sister and it felt like I was being punished for that. I had promised my mother that I would take care of her and there was no way I could put her into foster care. I had been in foster care myself and knew the difficulties that go with it. I did not want to put my sister through that.

At the end of the week I had to move out of my home. Social Services had agreed to provide housing for me and my sister for a short time whilst my application for housing was being processed. I knew that the Social Services housing was just a temporary solution and I was so worried because I did not know what was going to happen to me and my sister. Every time I spoke to the housing department I got the same response, no matter how desperate I said my situation was or how much evidence I provided.

When I told the law centre this they immediately wrote to the housing department. My case worker told me that the housing department was definitely wrong to refuse my application. In the letter she demanded a review of the decision and threatened court action unless my sister and I were provided with emergency housing. The council did review the decision and confirmed that they have a duty to make sure that my sister and I have somewhere to live. Within the next couple of days we were provided with temporary accommodation in a two bedroom flat.

We are still living in temporary housing but I am currently bidding for permanent accommodation for us. Already our situation is so much better. We have some stability and I am able to concentrate on my studies at university and taking care of my sister. I have managed to find a school for my sister and she is doing well.

I am certain that I would not be in this situation if it was not for the assistance I received from the law centre. They were so supportive of me throughout, not just with the legal side of things but also personally. Every time I approached the housing department myself I was refused with the same excuses. It was only when my caseworker intervened and wrote to them directly that any progress was made. Without their assistance I would either be homeless or I would have had to put my sister into foster care. This kind of help is so important for people like me who have so few resources and who are just trying to make a life for themselves and their families.

Mrs Whitehouse received legal aid for advice and representation in her housing case, when her landlord tried to sell the house in which she had been living for almost 50 years.

I needed help from a solicitor when I received a letter from my landlord's solicitor saying that she wanted to come and speak to us about our flat. The solicitor came round

shortly after this and told my husband and me that my landlord wished to sell our flat. The solicitor told us in no uncertain terms that there was nothing we could do to prevent this and that it would be unwise to try and fight it in court as we would definitely lose.

The prospect of being moved from our home was frankly terrifying. We had lived in our flat since 1962. We were now elderly (my husband was 79 at the time of our trial and I am now 78 years-old) and we had hoped to stay living in our home until we were no longer well enough to do so.

Our landlord showed us another flat that we would be moved to if we agreed to leave and I did not like it at all. There were very few windows so it was much darker than our flat. Also, although it was still within our local area, it was a very different community.

Our flat is on a lovely street and I am very involved in my community. I am President of Housing for Young Employed Men of Limited Means (“HYELM”), an organisation that provides affordable housing and facilities for key workers and young people – of both genders nowadays – of limited means in London. I also act as trustee for the InterChange Trust, an organisation based in Hampstead that provides activity programmes for youngsters, some with difficult backgrounds, often involving mental health or physical disability issues or criminal backgrounds. I also founded the Netherhall Neighbourhood Association in 1983 and remain on its board.

My neighbours are even more important to me now that my husband has passed away. They often help me with chores such as giving me lifts to do my shopping and they turned up completely unexpectedly to clear my front steps during the snow and ice recently. More than that, my flat has been my home for nearly 50 years and moving to this other flat would have been like moving to another world.

I felt it was important to get some legal advice about what was happening to us. We approached a tenants’ advisory group in Camden who provided a list of solicitors that would deal with housing issues like ours.

The solicitor we found was fantastic. She told us that we qualified for legal aid funding and arranged it all for us. We thought we had a good case but unfortunately at the first court hearing we lost. However, our barrister told us that she could not believe that we had lost the case. She said that in her opinion, the judge had been clearly wrong and that we should appeal.

My husband and I were initially weary of the idea. The whole situation had been incredibly stressful and had affected our health. We were not sure if we could stand that stress of dragging it out further. Also, I felt awful about taking further money from the

public purse to fund our case, even though my solicitor had explained to us that it was our right and that this is what it was there for.

In the end we trusted our barrister’s opinion and agreed to appeal. It was lucky that we did, because when the case went to the Court of Appeal we won with a unanimous verdict. All three judges said that our landlord’s case was extremely weak and they were quite critical of the first judge who had sided with our landlord.

Unfortunately my husband was not alive to see that decision, as he had died from a heart attack while the appeal was still ongoing. I am sure it was not the sole cause, but I also have no doubt that the stress of this whole situation was part of what caused my husband’s death.

I am so completely indebted to legal aid. At the time of the case my husband and I were long retired and had survived on benefits for a long time. My husband used to work as a free-lance filmmaker; producing, directing and filming. It did not pay much though as he was often out of work and he had not made any provision for our old age such as a pension. If we had not received legal aid we would have had no way of funding this case. We would have had to move out to the flat that our landlord was offering, leaving our home of 50 years and all our friends, without knowing that our landlord had no right to do this.

I did not want to have to take public funding for this case, but there was not any alternative. Luckily, because we won the case my landlord was required to pay all our legal costs so all of the money we had received went back to the Government. When my solicitor told me that I was almost as happy about it as I was about winning the case. My husband and I were very vulnerable people, and vulnerable people need to have the support of legal aid.

Note: The Court of Appeal decision can be found on Bailli - Whitehouse v Lee [2009] EWCA Civ 375

Yvonne received legal aid to help apply for guardianship of her grandson, after he suffered from abuse from his father. Yvonne’s solicitors have helped her apply for a special guardianship order, to help bring greater stability during the her grandson’s troubled childhood.

I wanted advice on what I could do when my grandson was taken by social services following accusations that his father (my son) had been physically abusing him.

The police removed my grandson after an anonymous phone call to them concerning child abuse. My son, who was later arrested, phoned me when his child was taken away. I contacted the police and found out that my grandson had been taken by social services so I went to their offices.

I was allowed to take my grandson along with a social worker to visit a child protection officer and a doctor. At first he wouldn't say what had happened but he later described the violence to the doctor. After we had seen the doctor I took my grandson home to live with me and my two youngest children.

Over the next few weeks I didn't hear very much from social services. I thought that I was not getting much information or support. It felt like they had just forgotten about me and my grandson.

My grandson was taking a long time to settle in. When he first moved he was upset and showed the emotional strain. He was very worried that he had betrayed his dad and he was suffering from nightmares and bed-wetting. Sometimes he felt resentful towards his dad and he would be cold and rigid around other family members. He didn't like to be embraced and I think his dad sometimes told him that the rest of us didn't love him.

I began to think that I wanted a more formal arrangement in place for looking after my grandson. I was concerned that my son would be able to come and take him away whenever he wanted. When I decided that I needed advice I went to the Citizens' Advice Bureaux. There was no indication that the CAB could assist me and they gave me a list of local solicitors' firms to visit.

I picked the firm that was closest to my home. I'm not sure what I would have done if it had been further away. I didn't have any help looking after my grandson and had to take him to school and collect him. It would have been very difficult for me if there had been no local legal aid advice available.

My solicitors they told me what my options were, including applying for a Residence Order or Special Guardianship Order. I took some time to think about it. I liked the sound of a Special Guardianship Order. It sounded like the role I wanted to have where I would have the same rights as a parent when making decisions about my grandson. I also wanted to ensure that he couldn't just be taken away again. With the SGO in place it would mean someone would have to get a court order to take him from me.

I was also happy because I could explain all this to my grandson. He was having a difficult time and was worried that his dad could take him back at any time. He wanted to be able to visit his dad but he didn't want to live with him.

I went back to my solicitors and told them I wanted to apply for an SGO. They told me that I would have to get a Residence Order in place first, and then I could apply for an SGO. They applied for the orders for me, putting all the evidence and information together. I do not think that I could have done this on my own - I needed the help of those who were qualified and able to work on my behalf.

I've been to court around four times throughout this process. Each time a solicitor has been there with me, which I have found a great support. In that time my son was banned from direct and indirect contact with his son. He also received a two-year suspended sentence. I haven't got the SGO quite yet but we're going to court again in a couple of months and I've been told that I should get it then.

Since coming to live with me my grandson's come a long way. The bed-wetting and nightmares have tapered off and you can see from the way he holds himself that's he less tense and more relaxed. He is opening up and expressing himself more - his dad always cut his hair short but he decided he wanted an Afro. I wasn't sure about it myself but we're beginning to see who he really is.

I think having call centres as the first point of contact would be a mockery of the legal system. When I needed legal advice I was vulnerable and felt that I needed someone to talk to face-to-face, not over the phone. I don't think legal aid costs too much - you can't put a price on things that are priceless. If you remove this funding then it would cause even more breakdown in society.

If I had not been able to afford legal advice then I might have tried to represent myself. But I don't know how I would have dealt with all the paperwork or known who to chase and for what information to help my case. It would have felt as if it was me up against all the other authorities involved. In the end it was the court that got the local authority to do all the things it should have been doing in the first place. Before the court hearings no information had come from social services; it had all come from the solicitors. I felt like social services were waiting to see what everyone else - the police, the courts, and so on - would do.

I am very grateful to legal aid and my solicitors for their help so far. The school says that my grandson is a changed child. He was always able academically, but now he has blossomed and no longer bottles things up. I don't think that could have happened without taking the action that I did.

Without legal aid my grandson would be living in an uncertain and unsafe situation. There would have been a constant risk that his father would come and take him away at any time.

PM's press conference on sentencing reforms

Tuesday 21 June 2011

A transcript of the press conference given by Prime Minister David Cameron on sentencing reforms in London on 21 June 2011.

Prime Minister:

This is a very proud day for me. I'm looking forward to welcoming Her Majesty the Queen and His Royal Highness Prince Philip, the Duke of Edinburgh, to Downing Street for a lunch to celebrate the Duke's 90th birthday today. I know everyone in the room will want to send him their very best wishes and to pay tribute to the decades of service that he's given to our country.

This morning I want to explain how we're reforming the broken criminal justice system to fight crime and improve punishment. Before I go into details, let me just put this in context. I want to make one thing very clear. My mission is to make sure that families can feel safe in their homes and they can walk the streets freely and without fear. Our policies are about making sure that is the case. We want the police to focus on local people's concerns and priorities, so we're going to make them accountable to the public and we want prisons to be places of punishment with a purpose. So instead of prisoners sitting in their cells we will require them to work hard and reform themselves.

The system today is failing and badly needs reform. Each prison place costs nearly £45,000 a year, but half of prisoners reoffend within a year of leaving. Half of them are on drugs. Over 10% are foreigners, many of whom shouldn't be here at all. And prisoners are often in their cells for 23 hours a day, not doing anything valuable or anything to reform themselves. So we inherited a hugely expensive system that doesn't work. Let me be clear. We will always pay the costs necessary to protect the public and to punish criminals and we will not reduce the prison population by cutting prison sentences. We must do it by making prison work.

For me, there should be three clear principles. First, our whole approach needs to be built around the recognition that the first duty of government is to protect the public and ensure that those who play by the rules are kept safe.

Second, serious and dangerous offenders must go to jail and stay there for a long time, while community sentences must be clearly punitive, making greater use of elements such as curfews and travel bans and we must be tougher on confiscating the assets of criminals as well.

Third, breaking the cycle of reoffending needs to be right at the heart of the criminal justice system. This requires a completely new approach. It means a much tougher view of prison as a real place of punishment and reform with a proper focus on addressing the causes of offending, so when prisoners are released they are much less likely to offend again. And it means those who run prisons or community sentences should be paid according to their success in reducing reoffending at every stage of the criminal justice system, from sentences in the community to prisons and probation.

Anyone who thinks that action to reduce reoffending is somehow going soft on crime could not be more wrong. Whether people feel safe on the streets is a direct result of how good we are at stopping reoffending. And whether it's safe to let serious offenders out of prison will depend crucially on how good we are at addressing their potential to reoffend. Protecting the public, properly punishing serious offenders and cutting reoffending, that is how we plan to transform the criminal justice system.

The legislative proposals that Ken Clarke is setting out today are one part of that approach. They include a tough package to fight crime, putting the system on the side of the victim. So, first, tough action on knife crime, which has been the cause of so many tragedies in our communities. Even after all these tragedies far too many people still think they can go out armed with a knife. We need to send the clearest possible message that this simply has to change. So we will introduce, for the first time in legislation, a compulsory jail term for anyone threatening someone with a knife.

Second, anyone who's had squatters in their property will know how incredibly difficult it is to get them out, so we are proposing and will briefly consult on a criminal offence of squatting, to be introduced in this forthcoming Bill.

Third, the public have rightly been outraged by some prosecutions of home owners defending their property from criminals. So we'll put beyond doubt that home owners and small shop keepers who use reasonable force to defend themselves or their properties will not be prosecuted.

Alongside the Bill we're publishing our response to the consultation on sentencing which we published last December. Discounts for early guilty pleas have been part of the criminal justice system for some time and it's quite right that this should be so. They can help to speed up justice and can mean that victims do not have to relive their ordeal in the court room.

In the Green Paper we consulted on a proposal to increase the current discount available for an early guilty plea at the earliest possible stage to 50%. For the most

serious crimes we have concluded this would certainly not be right. The sentence served would depart far too much from the sentence handed down by the judge and this is simply not acceptable. We also looked at whether the 50% discount could only be applied to less serious crimes, but again we reached the same conclusion: the sentence would be too lenient, the wrong message would be sent out to the criminal and it would erode public confidence in the system. What's more, in reaching our conclusions we considered the strong views expressed by serious people working in the criminal justice system that 50% was just too high and that we needed to find better ways of speeding up the process for victims and witnesses and for the police and the courts. So there will be no change to the current position on early guilty pleas for any category of case. The money that would have been saved through this proposal will be saved through greater efficiency in other parts of the Ministry of Justice budget.

The consultation also raised significant concerns about the effectiveness of indeterminate sentences – so-called 'IPPs' – introduced by the last government. We have inherited a system that is unclear, inconsistent and uncertain. Unclear because actually a large proportion of the public don't really know what indeterminate sentences are or how they work. Inconsistent because they can mean that two people who commit the same crime can end up getting very different punishments. And uncertain because victims and their families don't have any certainty about the sentence that will be served or when their assailants will be let out. So we're going to review the existing system urgently with a view to replacing it with an alternative that is clear, tough and better understood by the public. Let me set out what this alternative would involve.

First, there'd be a greater number of life sentences, including mandatory life sentences for the most serious repeat offenders. I think life sentences are well understood and liked by the public.

Second, instead of serious sexual and violent offenders being released half way through their sentence, we propose they should spend at least two-thirds of that sentence in prison and that such offenders should never again be released early without the parole board being satisfied that it's safe to let this happen.

Third, we also propose there should be compulsory programmes for dangerous offenders while they're in prison to make them change their ways and not commit more crimes when they are eventually released. And we will re-examine the parole board arrangements for the rehabilitation of those with indeterminate sentences to ensure that real work is done to reform offenders while they're in prison.

Now, the review I'm announcing today will assess these changes and consider how such a new sentencing framework would allow us to replace the existing regime. We'll

come forward with legislation in the autumn. In the meantime, indeterminate sentences will continue to be available to the courts as they are now. And let me be clear. The changes we propose will need to maintain or strengthen the protection of the public so they can have full confidence in the system. This is a non-negotiable red line for me and for this government. The public need to know that dangerous criminals will be locked up for a very long time. I'm determined that they will be.

Before I take your questions, let me just say this. I've always believed the following: in a civilised society people give up their right to seek vengeance or act violently when they are done wrong to in return to protection from the state, and if this order is to be maintained it is absolutely vital that the public have confidence in the system the state puts in place. Public confidence isn't a side issue in this debate; it is the issue and that's what our reforms are about: returning confidence to the system, making sure the police answer to the public's priorities, making sure justice is done and seen to be done, and making sure offenders are reformed, so we do everything possible to cut the levels of crime and reoffending in our country.

Thank you for listening. I'm very happy to take some questions.

Question:

Thank you very much, Prime Minister. You may feel that it's terrific to be a government that consults and listens and all the rest of it, but presumably you'd like sometimes to get it right first time. Your administration has made a series of unforced errors on issues that people really care about. Do you bear some responsibility for that?

Prime Minister:

I bear responsibility for everything the government does. That is what the Prime Minister does. But I don't really accept what lies behind your question. We produced a consultation paper, a Green Paper on sentencing. We've listened to views about it and we've now come up with a very tough and robust set of changes to the criminal justice system.

But I think people looking at this government more broadly, even our harshest critics I think would say this government has an incredibly clear view about what is necessary in terms of reducing the deficit, getting the economy going, getting Britain back on track, bold and longstanding reforms to think like public sector pensions and public sector pay, hugely radical programme in terms of reforming welfare, areas that previous governments haven't touched. Hugely bold reforms to education, where we've already created more academy schools in 12 months than the last government did in 12 years. So I don't really accept the idea that this government isn't extremely strong, resolute and

determined. It is, it's seen as such and it will go on being seen like that.

But I think it's right when you're making policies and when you're delivering changes if you consult, if you listen, if you think you can improve on your plans. The weak thing to do is just to keep ploughing on and say, 'I can't possibly change, because I might have a difficult time at a press conference.' The tough, strong thing to do is say, 'Yes, we can make these plans better'. Well, let's do that and that's exactly what we've done in this case; I think a much more robust set of plans than were in the Green Paper. And it's also what we did in the case of the health service, where I think it was right to get back on board the reform of the NHS a whole series of people who ought to support reform, who work in the NHS, who support the NHS, and that's what we've done. Absolutely the right thing and I don't for one minute think that somehow it is weak to listen and then to act. It's a sign of strength and confidence.

Question:

Prime Minister, why did you get the sentencing policy so wrong in the first place, or is it all Ken Clarke's fault?

Prime Minister:

The whole government produced a Green Paper, and a Green Paper with ideas in it for trying to reform a broken system. I think you do have to sort of stand back and say: what are we dealing with here? We are dealing here with a prison system where each place costs £45,000, half of all prisoners reoffend within a year, half of them are on drugs, 10% are foreigners, and a court system that doesn't work very well, where you do have 10,000 cases getting to court where at the last minute the offender pleads guilty. So, there's all sort of inefficiencies and bad arrangements in the system that we need to change. The Green Paper was about trying to address some of those.

The idea of a greater sentence discount – it was right to put that forward, to see whether that might bring forward more early guilty pleas. I think the proof during the process of consultation was that actually the 50% reduction was far too much about cutting the level of sentencing rather than speeding up the court process. As an idea, it failed, and it rightly failed. It wasn't just condemned by a number of victims, but also a number of people involved in sentencing, including judges, who didn't think it was the right approach. The right thing for the government to do is say: right, okay, we are not going to go ahead with that. We will actually save the money in a different way. We will press ahead with trying to make sure the court processes work better and we will also produce a range of measures that will actually mean we get a tougher response to crime.

I think that's the right thing to do. There would be no point in having – why would you have Green Papers or White Papers if you never listened to anything anybody said after you had published them? I think we have gone through a good process. I think we now have a good set of reforms, and we can take those forward in the Bill published today.

Question:

Was it the judges that changed your mind, or the papers?

Prime Minister:

What changed my mind was actually looking at the figures that showed that too much of the reduction in terms of the 50% – that was really about reducing sentences, including sentences for some dangerous offenders, rather than speeding up the court process. If you like, I think the real clarification that comes through what I am saying today, compared with where we were in the Green Paper, is I think as a country we have got to cut the growing costs of the prison system. We have got to stop this massive acceleration in prisoner numbers. But the right way to do that is to reform prison and make it work better, not to cut sentences, particularly sentences for dangerous offenders. That is a very clear statement about what the government wants to do. We have arrived at that through a good process: publishing proposals, listening to what people have to say, and then coming to a conclusion as a government. I think that's, funnily enough, what governments ought to do.

Question:

Thank you, Prime Minister. I hear what you say, that you were consulting, but Ken Clarke clearly told the Commons this policy was likely to survive. Therefore, do you not agree that U-turning too often, caving in in the face of some bad newspaper headlines, is a sign of weak government, indecisive government, and the public will take that conclusion from all of this?

Prime Minister:

I don't accept that for a moment. I think if you look at what this government is doing in terms of a very bold, multi-year plan to reduce the deficit, you look at what the government is doing in terms of reforming long-term problems that the country faces, like the cost of public sector pensions, if you look at the very swift action we took, reducing the budget deficit in-year in 2010, look at the welfare reforms going through Parliament, look at what we are doing expanding the number of academies, look at what we are doing at reforming the criminal justice system. People's criticism of this government,

actually when you go out on the streets, is very often: you are trying to do too many things, you are trying to do them too quickly, or you are too obsessed by the deficit.

Actually, people don't tend to come up to me and talk about U-turns. They talk about, 'You're taking on a lot.' We are taking on a lot. We need to as a government, but I do not make any apology for listening as you go along, and making sure you are getting things right. Where you can improve them, and where you can make them better – as I say, it's a sign of strength to say: I am going to make this better. I am going to make that change. I don't mind if people say, 'That's not what you originally proposed,' or 'You've made a change.' Being strong is about being prepared to admit you didn't get everything right the first time, but you are going to improve it and make it better. That's exactly what we are doing with this. I think that's the right process to follow. If you think of putting it the other way round, if you heard of a way to make your policy better, but you did nothing about it, that's not strength, that's not leadership. That is actually living in fear of being criticised. We must never do that.

Question:

Is the lesson that you're taking from the experience of the last few months, when you have looked again at these policies, that essentially, you have given your members of your Cabinet too much freedom and you need to be more on top of what's happening inside your government? Is that a conclusion you are drawing?

Prime Minister:

I don't think it's that so much. The way I put it is this. If you remember what this government inherited and what we had to do, as we came into office, we needed to put in place very rapid deficit reduction measures and cost savings right across Whitehall. We had to make a number of very difficult decisions and very difficult calls, right at the beginning. I am absolutely convinced that was the right thing to do. You look at your television screens today, you see what is happening in a country like Greece; the reason that we've got such low interest rates and we have economic confidence in Britain's plans to pay its way out of debt, is because we took those steps.

Inevitably, when you take that many steps that quickly, you are building up for yourself a whole series of things you have got to do: reforming legal aid over here; making the police more efficient over there; making sure that local government can deliver more for less. We have set ourselves a huge number of challenges, and I think the impressive thing is we are meeting those challenges, but as we go along, we make sure we are meeting them absolutely in the right way. Now, the money that won't be saved from the sentencing reform, £130 million, we will be able to save in other parts of the Ministry of

Justice, not least because it's an £8 billion budget, and we have a four-year programme of savings in that budget. That is the right thing to do.

So, of course, if you are trying to do as many things as this government, because of the economic situation you inherited, you are always going to have a series of difficult policy choices as you go forward. The question is: do you make the right choices? I think today is another example where we have made the right choice. Let's make sure our system is more affordable by reforming prison and making it work better, not by cutting sentences to dangerous and violent offenders. That would be the wrong thing to do, and we are making the right decision.

Question:

Two questions on protection. Really important point you made on reasonable force, defending your home and property. How is that different to the law as it is at the moment, because we currently have reasonable force? Also, on personal protection, last Tuesday, that oaf of a consultant disrespected, to my mind, the office of Prime Minister. What on earth was he thinking? I know you cannot criticise his professionalism, but will you tell us that he was ultimately professional, and if you don't we will draw our own conclusions?

Prime Minister:

Firstly, on reasonable force, what the law will do will put beyond doubt not just the issue of reasonable force, but reasonable force in defending your home or your premises. That is what is new and being put into the law properly for the first time.

As for the consultant, I have been visiting hospitals for a few years, and this was the first time this had happened. Obviously, for some reason, the consultant hadn't been told a visit was taking place, and he was, quite fairly, concerned about levels of hygiene – not amongst the politicians; we had all wiped our hands and rolled up our sleeves. I think he was a bit more worried about some of the people who were filming us.

The great thing was, I turned to the patient, a charming man, and his daughter was there, and I turned to the daughter and said, 'I'm very sorry about this. This has never happened before.' She said, 'I thought that was all part of the act.' She thought we had laid on some exquisite drama, including a consultant in a bow tie in a state of high excitement.

Question:

Probation services are going to play an important part of your efforts to stop reoffending. Have you explicitly agreed that none of the extra cuts will hit the probation service, or

will they be included in the search for savings?

Prime Minister:

We haven't made that agreement. Obviously the probation service is a part of the Ministry of Justice's bill. The proposed efficiencies in the probation services are less at the moment than the efficiencies we are making, for instance, to the police service. As I say, there is a £8 billion budget that the Ministry of Justice have, and I think if you are looking for what has actually changed in this, I think the key change is this: that we want to make savings through making the services, including prison, more efficient and more effective, and cut reoffending rates. We are not going to save money by cutting sentences. That is the key change that comes out of this consultation and this process.

I think it is a very important thing, and I think the public will be right behind that. They know that prison could be more efficient and effective. They know that the police do a fantastic job, but actually there are efficiencies we can make in terms of making sure civilians are doing jobs that frontline officers should be out on the streets, and all the rest of it. They understand those points, and I want to take the public with us as we go through this process of making our services more efficient. But we are not proposing to save money by cutting prison sentences. That is the key point.

Question:

Several of the things you have announced this morning, Prime Minister, are going to add to the Ministry of Justice's costs: the mandatory sentences for threatening with a knife, for instance; the decision to no longer allow 50% remission for violence and sexual offenders. That will add to the costs in addition to the savings from efficiencies that you've told Ken Clarke to go and find to cover the 50% discount scheme. And isn't this a huge kick in the teeth for a minister who came along and gave you a very generous settlement at a very early stage in the spending round and now you've made him go away and find more savings?

Prime Minister:

No, I mean Ken and I have had some very good discussions about this. We had a very good discussion at Cabinet this morning. Ken knows more than many ministers about how possible it is to reform public services and get value for money – that's exactly what he's doing in his department. I mean for instance there was the recent market testing of one prison on the prison estate and the savings that can be had, even if actually the existing operator continues to run it, can yield very great savings for his department. Ken is happy with the proposals that we're both publishing this morning, that he'll be

explaining to the House of Commons this afternoon as the right way forward. And as I say, it's an £8 billion budget and it's possible to make these savings without cutting the sentences particularly for the most dangerous offenders.

Question:

Will legal aid be cut?

Prime Minister:

You'll see in the Bill that's published there's big plans for reducing the cost of legal aid. We do have the most generous system anywhere in the world for legal aid in the United Kingdom and I think that it's right that we make these savings. We're not proposing further savings on top of what has already been announced but there are other large parts of the budget that Ken will be addressing.

Question:

A couple of questions. Damilola Taylor's father, Richard Taylor, has this morning asked for you to sack Ken Clarke. He said 'Ken Clarke does not know what is going on in the streets; he does not know what criminality is about.' What is your message to him? And secondly, have you now dropped your manifesto commitment to imprison anyone who commits a knife offence?

Prime Minister:

Well, first of all on the knife crime, I think this is a good measure. I think what I've always wanted to see is greater certainty and a clear message sent out about knife crime and I think this proposal that anyone caught threatening someone with a knife goes to prison on a mandatory sentence is a really helpful step forward. I think the criminal justice system does have a role in sending these sorts of signals so I think that is a step forward; it's better than the status quo, it's an improvement. Of course one would often like to do more in these things but I think it is a very good step forward for the system and for having safe and peaceful streets and sending that message out particularly to young people and to gangs.

I have every respect for Richard Taylor, a man I have met with several times. Everyone knows not just how he's suffered as a father but also how much he has put back into wanting to make Britain a safer and better place and I've huge respect for him. I don't agree with him about Ken Clarke. I think Ken is an extremely effective minister. He's a very tough Secretary of State who's got a hugely difficult job to do in trying to deliver

more for less through his department. He's making great steps forward to do that. Like me he's quite robust and prepared enough to put forward proposals, to listen to what people say and then to come up with something better. I think that is a strength in politics, not a weakness, and it's certainly something that Ken has no problems doing.

Question:

I wondered if you could clarify your comments on the radio yesterday that you can't go as far as you'd like to in controlling immigration because you're in a coalition. Did this mean that you've abandoned your hope of bringing figures down to below the figures of the 1980s, and if you can't control it to the extent that you would like to what does that mean for community cohesion?

Prime Minister:

I think we have a very good coalition policy on immigration, which we are delivering and it is tough immigration control and it includes a cap on immigration that we're delivering and I'm very positive about what we're doing. I don't want to go into detail about every discussion we have in Cabinet or quad meetings where one party will want a bit more of this, and another party will want a bit more of that. But the point I was making – I'm very personally keen and attached to this issue. It's something that I want to see solved by this government. It's an issue that I would like to see drop off the political agenda because I think when the public see proper immigration control in place they will stop worrying about that issue and they will turn their concerns to other issues and we can get back to the situation frankly that we had in the 1980s where it wasn't an issue, it wasn't a front-ranked political issue because immigration was at a reasonable level. But I'm very satisfied with the coalition policy that we're delivering and it's agreed cross party. Damian Green's doing a fantastic job as the minister. I think he's one of the unsung heroes who's in his department beavering away, making sure we close off a number of different routes that have been abused over recent years and I'm sure he's going to have more to say in the weeks to come.

Question:

On the euro issue, do you think that Britain would suffer if Greece was forced to leave the euro?

Prime Minister:

I think that Britain suffers when the eurozone struggles. I mean, 40% of our exports go to eurozone countries. Our interest is in a healthy eurozone, a stable eurozone, a eurozone that addresses its problems and I think we should be clear that turbulence in

the eurozone is not good for Britain and the consequences of severe turbulence could be bad for Britain. I think everybody who's studied this knows that.

The point about Greece that the Chancellor and I have both made is that we were not involved in the first bailout of Greece. We don't believe the European Financial Mechanism should be used in any way, for a number of reasons. First of all, we weren't involved in the initial bailout; we shouldn't be involved in subsequent bailouts. Second of all, this has been discussed at a eurozone level, not at a level of the 27, so I think it would be quite wrong now to bring Britain into this bailout. That's why I said very clearly last night that of course we have a role as a member of the IMF, of course we wish the Greek government well, but I don't want to see the European Financial Mechanism involved in bailing out Greece because I don't think Britain should be participating in that bailout and we've set that down pretty clearly.

Question:

I spoke to President Barroso yesterday who told me that Greece should never be allowed to go bankrupt, or any country, and that it would be more disastrous than the Lehman Brothers crash. Do you agree with that?

Prime Minister:

As I've said, I think turbulence in the eurozone is bad for Britain. Countries struggling in the eurozone is bad for Britain. I think it is wrong to speculate about another country, another partner country in the European Union; I don't propose to do that. I think I've set that out very clearly. We are prepared to play our part to help the eurozone to become healthier, but not prepared to take part in this in terms of the Greek situation because we don't believe the European Financial Mechanism should be used. And indeed we have actually bought an end to the use of the Financial Mechanism from 2013, through the negotiations that I held in the European Council.

Question:

Considering the theme of Greece, are you confident that the British banking system will be able to withstand any consequences of the flow from what's happening in Greece? And a question your City minister refused to answer yesterday, do you think the eurozone can survive?

Prime Minister:

First of all on the eurozone, look, I was passionately opposed to Britain joining the

Eurozone. I'm very clear that as long as I'm Prime Minister there's no prospect of us even contemplating joining the euro. I've always believed that a country the size of Britain, with our economy and our situation, it's much better if you have your own currency, are able to set your own interest rates because sometimes different countries in Europe need different interest rates and different circumstances. That's the reason for staying outside. What I would say though is that the countries that joined the euro have an enormous amount invested in it and do not want to, and will not let it, fail. They see it as an absolutely key part now of their national interests and identities and I wouldn't doubt their resolve in any way. I just happen to think that it's not right for Britain to join for the reasons that I gave.

In terms of the British banks, look, the British banks have done a huge amount to strengthen their capital ratios and their situation. I think everyone accepts that. Clearly all banks across Europe need to make the same sorts of considerations and calculations to make sure they're as robust as they can possibly be.

Question:

Thank you very much. Back in opposition when you were detoxifying the Tory brand, you gave a speech that was reported as the 'hug a hoodie' speech. Today you're –

Prime Minister:

I never used those three words. If anyone can find them –

Question:

'Show a little love' was the spirit of the thing.

Prime Minister:

I'm all for showing love.

Question:

And here you are today with a much harder message on punishment. Which is the real you?

Prime Minister:

If I go back to that speech, I can almost quote it word for word. What I said in that speech was that when people cross the line and break the law, I want an incredibly

tough response because I think the state has to do the right job so that the public have confidence that if you break the law, if you smash up someone's home, if you destroy public property, if you're a burglar or a robber or a mugger or a knife criminal, I want to see a really robust response from the state, from the police, from the courts. Whether it's a community punishment or whether it's a prison sentence, you've got to have public confidence in what happens. But what I went on to say in that speech is inside the pale, inside the line, before you've crossed it, yes we should be recognising that there are too many young people that grow up without the love of a father, without the sense of family, without the sense of community.

It is true, as Iain Duncan Smith was talking at Cabinet today, that 1% of our children are in care and yet they make up 30% of the prison population. Now clearly there is a problem of a lack of love, of a lack of parenting. The state is being a bad parent and our children effectively are ending up in prison. So I've never seen any contradiction between the idea of talking about the importance of the love a family needs to give to its children and the love that a community needs to give to children and bringing up children, and having a very tough response to crime when crimes are committed. I think that is what I would say a modern compassionate Conservative should believe in and that is absolutely what I stand for.

Question:

The First Minister has made clear he wants two questions on the ballot paper in the forthcoming independence referendum, the second one being about extra powers for Holyrood as an insurance policy. He's also made clear that Scots will have to wait at least three years before the referendum takes place. Is it right that Scots have to face two questions on a ballot paper and is it right they should have to wait three, if not four, years? Is it possible you might consider short-circuiting this process?

Prime Minister:

Well, what I worry about is that the government of Scotland is going to be too much about how to bring about the right circumstances for his referendum and whether he wants two questions or four questions or six questions or whatever, rather than actually trying to do the right thing by people in Scotland. Now, I genuinely believe in the Respect agenda. I respect the mandate that Alex Salmond has as First Minister. The government here in Westminster will work with him and talk with him about how we can amend the Scotland Bill, how we can make sure everyone benefits from the policies of the UK government and the two governments work well together. But what I won't have is just an endless situation where this isn't about the health and wealth and wellbeing of people in Scotland, it's just about trying to get to a referendum situation to satisfy his needs. That's not right at all.

So, I've always said that if the Scottish Parliament votes to have an independence referendum, that's a vote that we'd have to respect and we'd have to allow that and enable that to happen. I don't believe in Scottish independence, I believe in the United Kingdom. I want to keep the United Kingdom together and I'm not going to play a game with Alex Salmond about the how's and when's and wherefores. I think he should get on delivering good government to people in Scotland and working with the Westminster government to make sure we join with him in that endeavour, but I'm not going to play games over independence.

Question:

In recent days, some very senior military figures, the commander in chief of the air and the head of the navy, have questioned openly how long we can go on in Libya. What's your expectation of how long this conflict will last and how much should taxpayers be prepared to pay to complete the mission?

Prime Minister:

There are moments where I wake up and read the newspapers and think, 'Well, look, I tell you what, you do the fighting and I'll do the talking,' but generally speaking, when I spoke to the CDS and spoke to the First Sea Lord, they are absolutely clear that we are able to keep up this mission for as long as is necessary and that time is on our side, not on Gaddafi's side. We are allied to some of the richest and most powerful and most militarily capable countries in the world. We have the backing of the UN, the backing of NATO, the backing of many Arab League countries; we have the Libyan people on our side. Time is on our side, and we will keep going with this and the pressure is turning up all the time. I think you can see that with the desertions from Gaddafi's regime. You can see it with the pressure he's under in the west of the country where pockets of resistance that I think people assumed would be snuffed out are growing and growing in strength and challenging his authority.

So I'm absolutely confident that we can keep this pressure up, we can maintain this mission for as long as is necessary. Our allies are equally staunch. We're growing in strength in terms of the Transitional National Council in Benghazi and we'll keep working with them to make sure we bring this to a happy conclusion, and I'm very content of the support that I'm getting from Britain's military. They're performing magnificently. I went myself to go and see the RAF pilots and crews in Gioia del Colle in Southern Italy and, I have to say, I found the state of their morale and their enthusiasm for the job they've been asked to do extremely high, because they know that right is on their side and time is on their side and the British government and the British military is on their side too.

Question:

Why are the top brass expressing their views repeatedly and so publicly?

Prime Minister:

Well, all I can say is what they say to me and we have National Security Councils on Libya on a very regular basis. I chaired one yesterday and the Chief of Defence Intelligence and the Chief of Defence Staff were there, and were hugely enthusiastic about what we're doing and about our abilities to bring this to a conclusion.

Question:

Prime Minister, the NHS Bill is going to come back to committee in the House of Commons. It looks like it's going to be set down for just 10 days' debate. Do you think that you risk all that goodwill you've tried to garner in recent weeks with the amendments by suggesting there isn't enough time for those amendments to be considered in the House? And a slight corollary, which is you've said it's a sign of strength to reconsider policy. Isn't it a sign of strength for you to reconsider the ministerial make-up of your government and can we look forward, at non-Cabinet level, to a reshuffle this summer and with Crispin Blunt maybe not having much fuel in his tank?

Prime Minister:

You love reshuffles, and I'm sorry I've disappointed you so far and plan to continue disappointing you for a while yet. 10 days. I don't want to misquote the Monty Python sketch, but when we were in opposition we used to dream of 10 days to debate a government bill. I mean, I remember sitting on Standing – if that makes sense – sitting in a Standing Committee looking at criminal justice legislation where whole parts of the bill would just go rushing through because the guillotines had fallen. I think 10 days is actually a significant amount of time. We've recommitted this bill, so it goes back into the committee stage. It then has a report stage. I think I'm right in saying we're going to have two days on report stage. I don't remember two-day report stages. Maybe it's all gone in a haze of times gone by. I don't remember us having two-day report stages for many bills.

I think what you see in George Young is a genuine parliamentary reformer and parliamentarian who wants to give the House of Commons proper time to consider the legislation and I think, frankly, we don't really get any credit for that. You know, we've got elected select committees and select committee chairmen. We've got the backbench committee making sure the House of Commons has more control over its

timetable and I think very generous in the allotment of time for debates and, as I say, two-day report stages, so I think it will be well aired and well discussed and I think it will get a warm welcome.

Question:

You talk about longer prison sentences, harder work and reform in prison. It sounds expensive and it sounds like the chain gang as well.

Prime Minister:

That's not what I'm proposing, but I do think community sentences – don't worry, I'm not about to announce chain gangs if everyone was about to have a heart attack, but there is a serious point here. If the public can see that community sentences are strong and meaningful and are actually putting back into the community, they will have confidence in them as alternatives to short prison sentences and also, crucially, the sentencers, magistrates' courts, crown courts, will see there is an alternative to the short prison sentence, which is expensive and often doesn't work because there's not much you can do with someone in prison for a short amount of time. So I do want to see community sentences that have an element of punishment in them where the public can see, 'Yes, this person is getting their just deserts, I feel confident so therefore I don't feel they have to go to prison.' I don't think we have enough of that at the moment. In some cases it's working better but I'd like to see more of that.

Question:

The Welsh government is requesting power over energy policy, particularly in planning. Is this something that you're minded to do? And also there's the question of legal jurisdiction for Wales and devolution of criminal justice powers. Would this be a good time to look at that? And is there any hope of reform of the Barnett Formula in the lifetime of this Parliament?

Prime Minister:

Well, first of all, we've just had a referendum. On the Respect agenda, I think people are pleasantly surprised that a new government with a packed agenda and a huge amount to do has already held that referendum, carried out the referendum, a positive result for those who wanted legislative devolution, and that is going ahead, and so I think the first thing is to make sure that works properly. But, as with all these issues, we will look at a case-by-case issue where, under the Respect agenda, where if the devolved administrations want greater power we'll have a look at those arguments and if they can

be done in a way that is good for Wales and right for the United Kingdom we can go ahead, but we'll look at the case on a case by case basis.

As for Barnett, this is a hugely complicated and difficult issue. We made some particular promises about a Calman-like process for Wales and we will be putting forward proposals for how to start that ball rolling and to start that process.

Thank you all very much for coming. It's good to see you all, but as I've got my very exciting lunch guest I'm going to have to ask you all to leave. Thank you very much indeed.

Times Column – 24th June 2011, negating the claim we have the ‘most expensive legal system in the world’.

Ken Clarke and his fellow ministers constantly attempt to legitimise cuts in legal aid by insisting that England and Wales have “much the most expensive legal aid system in the world”. This argument is both inaccurate and misleading. David Cameron and his ministers should know better.

Only one piece of research analyses why we spend so much per head of population on legal aid in this country. It was conducted for the Ministry of Justice. And it concluded that the Government is not comparing like with like.

The first reason for our seemingly higher costs is our adversarial system. Countries with an inquisitorial one, where judges examine the evidence, spend far more on courts than on lawyers: for example, Sweden spends over 51 euros per head on courts, compared with 8 euros per head in England and Wales.

The second is that we prosecute and imprison far more people per head of population than the countries with whom Ken Clarke compares us — 3,800 people per 100,000, compared with 1,500 in the next highest country, France.

The public appetite for being tough on crime also has consequences for the amount we spend on criminal legal aid. But overall we spend less than the Netherlands and only slightly more than Sweden despite processing many more defendants through the courts.

We bring to court the drunk who got out of hand; we prosecute teenagers for consensual adolescent fumbblings if one of them is under 16. And, as in one notorious case earlier this year, we prosecute people for food fights in which no one is sure who threw what. On the civil and family side, the high number of divorces in England and Wales seems responsible for driving up legal bills.

The British system of justice has evolved to suit our beliefs and values. We place maximum emphasis on the individual's rights to be heard and to defend themselves, regardless of their means. We are justifiably proud of our global reputation as a model of justice and fair play, but this ill-conceived bill risks damaging it irrevocably.

The one thing the MoJ research proves without doubt is that Ken Clarke's comparison is simplistic, misleading, and almost certainly wrong. Who will suffer as a result of Ken's hang-up over this random figure? It will be the babies seriously injured in accidents during their birth, for whom there will be no civil legal aid to secure compensation. It will be the woman looking after her disabled mother, who can no longer get advice when her

carer's benefit is wrongly stopped. It will be the man whose ex-wife will no longer let him see his children.

It will be you, and people like you.

Des Hudson is chief executive of the Law Society, England and Wales