*Extract from Hansard, 11 July 2013, Column 475-476 - debate on Legal Aid in House of Lords*

**Baroness Howe of Idlicote:** My Lords, like other noble Lords, I have significant concerns about all these proposals. However, I shall focus my comments on the impact that they will have on children and young people.

This generation of children and young people is a particularly important one upon which we will all need to depend. Regrettably, they are facing unprecedented challenges in achieving their potential and negotiating a smooth path to a happy and successful adulthood. The phenomena of high youth unemployment, rising youth homelessness and widespread adolescent mental health difficulties are well documented. They help to highlight why it is incumbent upon our lawmakers to ensure that children and young people are able to receive all support to which they are legally entitled and to consider what impact new policies and laws will have on young people.

I understand that the Government have yet to publish any kind of age impact assessment relating to these proposals. This is highly regrettable and I hope that the Minister will be able to reassure the House that the Government intend to publish such an assessment. If they do not, there is surely a danger that they will be in breach of their commitments and undertakings, including those under the United Nations Convention on the Rights of the Child, to protect children, and that the changes will be open to legal challenge.

In the mean time, we should all listen carefully to expert voices, such as that of the Children’s Commissioner, who has expressed her concern that the legal aid proposals that we are debating today will have a disproportionate and profoundly negative impact on children and young people by curtailing their access to justice. I am indebted to JustRights for its detailed assessment, which makes it clear that children and young people’s very safety and well-being would be jeopardised if the proposals were to be implemented. In other words, the changes would have major implications for child protection as well as for access to justice.

I shall give two examples. I shall not go into trafficking in detail because it has already been dealt with by the noble Lord, Lord Touhig. However, the Court of Appeal has recognised the importance of treating people who have been trafficked as victims. The proposals would take away a crucial route to protection for trafficked children and young people who are extremely vulnerable to sexual exploitation, abuse and violence. Extraordinarily, even British-born babies aged less than 12 months will be excluded by the residence test.

Also, the removal of prison law from scope will deny children and young people in detention access to legal aid. These young people are in another exceptionally vulnerable group, often with learning difficulties or mental health problems. Many will have endured troubled childhoods and spent time in care. It is simply inhumane to deny them a crucial route to challenging and preventing bullying and abuse in prison or obtaining support to aid their resettlement on release.

Meanwhile, limiting the circumstances in which judicial review can be brought will have a devastating impact on young people. For example, where a local authority has not, as corporate parent, provided the correct package of support to a young person in care or a care leaver, or has housed a young person in unsuitable accommodation, the circumstances under which its decisions can be challenged will become very limited. The power imbalance inherent in the relationship between the individual and the state, and between a child or a young person and the state in particular, necessitates mechanisms for challenging decisions and unfair treatment by state authorities that, if left unchallenged, can often have devastating consequences for the young person well into their adult lives.

We are all aware of the Government’s need to find savings but this cannot come at the expense of weakening our systems for protecting vulnerable young people and exposing them to abuse, homelessness and destitution. Common sense tells us that these proposals would cost the public Exchequer far more in the long term than the Government hope to save. This is confirmed by rigorous research for Youth Access, which shows that a young person with a legal advice problem typically costs local public services as much as £13,000 before they manage to obtain advice. Much of this cost falls on councils, social services, housing departments and on the NHS. Huge savings could be made by ensuring earlier advice.

The noble and learned Baroness, Lady Scotland, and the noble Lord, Lord Bach, reminded the House that its support for protecting access to legal aid for children and young persons was abundantly clear during the passage of the LASPO Act. Indeed, I remember it all very deeply myself. Therefore, I hope that the Minister will tell us how the Government intend to ensure that children and young people will be able to continue to receive age-appropriate legal advice and representation if they push ahead with these ill conceived proposals.