

## The effect of LASPO Act 2012 on children and young people

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 came into force in April 2013, vastly reducing entitlement to legal aid in many areas of civil law.

Although JustRights and other campaigners were successful in gaining a few minor concessions during the passage through parliament of the LASPO Bill, the changes will have a major impact on children and young people's access to justice. Few adults, let alone children, are capable of navigating the legal system alone, yet the Act will leave thousands of children and people without advice or representation.

This short briefing explains the impact of the LASPO Act on children and young people acting independently from parents/carers.

### How many children and young people will lose entitlement to civil legal aid each year?

- 6,000 children under 18 year olds
- 69,000 young people aged 18 to 24<sup>1</sup>

### What types of cases are affected?

The following cases are among those that will now be outside the scope of the legal aid system. Numbers relate to cases where children and young people were the recipients of legal aid before the Act.<sup>2</sup>

- **Employment – 1,990 cases p.a.**  
Eben, a 17 year old in his first job, would have been unable to challenge exploitation by his employer and enforce his rights.
- **Debt – 9,040 cases p.a.**  
Sophie, a 19 year old with mental health problems whose bank account was used without her knowledge by a thief to launder £20000, would have been unable to challenge the bank's insistence that she was liable for the sum.
- **Immigration – 10,990 cases p.a.**

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<sup>1</sup> These figures are drawn from official Ministry of Justice data supplied to JustRights in response to FOI requests and parliamentary questions.

<sup>2</sup> Ibid.

Haleem, a 16 year old granted refugee status after being raped and tortured in her own country, but left isolated and traumatised in the UK, would have been unable to obtain help with her case to be reunited with her family.

- **Education – 210 cases p.a.**

Samantha, 15, would have had no support to challenge the local authority's failure to find her a school place after she moved house following her parents' divorce.

- **Welfare benefits – 9,130 cases p.a.**

Jack, a 22 year old with a learning disability living independently after being thrown out of the parental home, would have been unable to appeal successfully against the refusal of Disability Living Allowance, which brought him backdated benefit that prevented his eviction.

- **Clinical negligence – 1,090 cases p.a.**

Paul, a 15 year-old left paralysed after a medical mistake during a routine operation, would have been unable to secure the compensation that will help pay for his ongoing care.

- **Private law children – 34,580 family cases p.a.**

Whilst children will still get legal aid in these cases, young people aged 18 and over will not.

- **Criminal injuries compensation – unknown no. cases p.a.**

Ellie, a 16 year old looked after child, would have had no help to collate the highly sensitive evidence about her sexual abuse – she would have had to rely on support from the same local authority that had failed to protect her from abuse.

### **Wider impact on access to advice**

Even where types of cases remain in scope of legal aid, it will be harder for young people to access advice and representation. For example:

- The number of voluntary sector advice agencies undertaking legal aid work is likely to fall from 270 to a few dozen.
- For certain types of case, clients aged 18 and over will no longer be able to access legal aid through a face-to-face advice provider; they will have to go through a telephone gateway.

### **What type of children and young people will be affected?**

Research shows that 80% of young people reporting civil legal problems also face other disadvantages, including lone parenthood, mental health issues or exclusion from education, employment or training.<sup>3</sup> Recent research using a validated mental health screening tool has shown that two-thirds of young people presenting at youth advice services with social welfare legal problems had scores that met or exceeded common cut-off points for cases of mental illness.<sup>4</sup>

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<sup>3</sup> Pleasence, P. (2011) *Civil legal problems: Young People, Social Exclusion and Crime*. Youth Access and Law Centres Federation.

<sup>4</sup> Balmer, N.J., and Pleasence, P. (2012) *The Legal Problems and Mental Health Needs of Youth Advice Service Users: The Case for Advice*. Youth Access.

## **What impact will these changes have on young people and on wider society?**

Removing legal advice from vulnerable children and young people may save money in the short term, but it will have long-term costs:

- 45% of young advice service clients reported their health suffering as a result of their social welfare problems; 26% visited a doctor or counsellor; 40% became homeless; 12% had contact with social services.
- A young person with a social welfare problem relating to housing or money has typically already cost local health services, housing services and social services around £13,000 before finding their way to an advice service. This expenditure could be avoided by ensuring earlier access to advice.<sup>5</sup>
- Research for JustRights has established clear links between young people's civil legal problems and crime: 55% of 16-24 year olds who have recently been arrested have reported experiencing at least one 'difficult to solve' civil justice problem.<sup>6</sup>

## **Concessions gained during passage of LASPO**

There was strong cross-party support in Parliament for protecting legal aid for children and young people during the passage of the LASPO Bill. An amendment that would have retained legal aid in all civil cases where a child under the age of 18 needed legal aid in their own right was passed in the House of Lords, but eventually overturned by MPs. There was also widespread support for protecting 'vulnerable' young people up to the age of 25, including care leavers, disabled young people and young victims of trafficking.

The following concessions were gained by JustRights and other groups campaigning on behalf of children and young people during the formulation and passage of the LASPO Bill:

- The Government did provide protection for *most* cases where the recipient of legal aid is under 18 years old, including all public family law cases. However, 6,000 children will still lose entitlement to legal aid each year.
- Children (under age 18) will be exempted from having to access legal aid via the telephone gateway.
- Minor concessions were made by the Government relating to 16-25 year olds with Special Educational Needs, victims of trafficking, people who lack capacity and clinical negligence cases involving brain damaged babies.

### **About JustRights**

JustRights is a coalition of charities, co-ordinated by the Law Centres Network and Youth Access. We are working towards a legal system that provides ready access to high quality independent legal advice and representation for all children and young people, whenever they need it. JustRights campaigns in the interests of children and young people (not lawyers!).

[www.justrights.org.uk](http://www.justrights.org.uk)

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<sup>5</sup> Ibid

<sup>6</sup> Pleasence op. cit.