
Redbridge Disability Consortium and Centre for Independent and Inclusive Living Redbridge

Response on the proposals for judicial review cases, in the Ministry of Justice consultation paper *Transforming legal aid: Delivering a more credible and efficient system*

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Introduction

As organisations of disabled people, we talk to our members everyday about things that concern them and, specifically, their wish to be heard when dealing with the local authority and other public sector bodies.

Access to the Legal Aid system is not normally a topic of conversation we often have with our membership. However, the proposed changes to the legal aid system that have the aim of cutting costs and save money has caused great concern.

Our members consider these proposals a direct threat to the choice and control they have fought long and hard for. In some instances, they could be a threat to their very **Independence**. This is because the proposals threaten to **limit disabled people's access to representation**. This will make it harder to hold local authorities to account for actions that disadvantage disabled people, who are the group least able to speak for themselves.

Proposal

3.69 We propose that providers should only be paid for work carried out on an application for permission (including a request for reconsideration of the application at a hearing, the renewal hearing or an onward permission appeal to the Court of Appeal), if permission is granted by the Court

Our Response

Judicial review challenges to local and public authorities are a cornerstone of a democratic society. They allow individuals to ensure that local and public authorities are prevented from making unlawful decisions or taking unlawful actions.

One of the most common areas relevant to **disabled people** is when a local authority fails to assess their needs, carries out a poor assessment or fails to provide proper care after an assessment.

The likely impact on Disabled People

If the proposal goes ahead, this would create a situation where lawyers would not be able to bring cases challenging the decisions of local authorities or central government because the risk of not getting paid for this work would be too high.

It is also important to remember that in many cases lawyers have to threaten and begin a court case to force the local authority to act lawfully – for example to carry out the assessment or provide care.

The case then often settles at that stage, before the court has made a decision about whether the case is arguable or not and should carry on to a final hearing. According to research quoted by Matrix Chambers between 60% and 90% of judicial reviews end this way.¹

Moreover, a public sector complaints procedures is often not a solution – either because the decision needs to be challenged urgently and complaints take many months, or because complaints are sometimes ignored.

Increased Costs

Disabled People who do want to bring challenges may instead have to ‘go it alone’ which could in turn clog up courts and incur additional costs outweighing the proposed savings.

This may happen for a number of reasons. For example, if a disabled person receives high quality expert advice from a trusted legal source explaining that the judicial route is not a viable option than the person may then decide not to pursue a challenge via the courts. However, if this source of high quality, expert advice is not available more cases may land up in Court.

About Us - Redbridge Disability Consortium

Our work is driven by the goal of a society in which disabled people are treated with dignity, fairness, respect and understanding.

We are passionate about developing high quality, accessible services for disabled groups, working in partnership to influence policy and outcomes affecting disabled groups; and challenging the stigma and discrimination that disabled people encounter in their day-to-day lives

Redbridge Concern for Mental Health

www.rcmh.org.uk

Redbridge Concern for Mental Health - established over 15 years ago – is a service user led organisation based in the London Borough of Redbridge dedicated to promoting, improving and protecting the mental health and emotional wellbeing of the wider community.

We offer high quality services to local residents seeking mental health support. We also provide information and signposting as well as challenging the stigma and discrimination that people experience in their everyday lives.

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Redbridge Forum

www.redbridgeforum.co.uk

Our aim is to help improve the quality of life for people with a learning disability and their carers, including those on the autistic spectrum.

A lot of our work at present is based around children's services and we run 4 projects Fun 4 All, Bright Ideas, TrueColours and Childrens Advocacy.

We also support people with a learning disability to speak up for themselves and we also engage with local carers to find out what they think about services in Redbridge

Centre for Independent and Inclusive Living – Redbridge

www.redbridgeciil.org

We are run and controlled by local people and we are passionate about promoting independence, inclusive living and a meaningful and credible voice for everyone who uses services in Redbridge.