

Citizens Advice Jersey

Given the tight timeframe and the fact that I will be on leave after today, I hope the Panel will accept this email as my written response to the call for evidence. I will respond to each point, in red, beneath the numbered questions;

1. What changes are being proposed to Jersey's legal aid system through the draft Access to Justice Law?

It is fair to say that the proposed changes are to reduce the numbers of people who would have access to legal aid, whilst protecting the most vulnerable and disadvantaged in our community. The most notable changes and the ones that will have the biggest effect are to the financial criteria, reducing the income threshold from £45k to £35k and changes to the percentages and thresholds within the tiered brackets of those thresholds. There are also proposed changes to who will be eligible for Legal Aid in family law cases (divorce) with this only being available to divorcing couples where there are dependent children.

2. What is the rationale for the proposed changes?

There was a comprehensive review of the Legal Aid scheme in the 1990s but little was accomplished and none of the recommendations in the review were carried forward. More recently, the Law Society of Jersey instigated a further review in 2014. As a result The Access to Justice Review was set up to assess the long-term viability of the scheme and to consult with the public and stakeholders to gauge opinion and gather evidence. There have also been a number of Scrutiny hearings on this subject which I have been involved in and I have provided both written and oral evidence to the previous Scrutiny Panel on this subject.

3. Will the changes improve the legal aid system for:

- a. Service users

Having a legal framework to take the scheme forward and protect Legal Aid in Jersey along with the introduction of a Government funded Legal Aid office that is not attached to a law firm will be two of the changes which will undoubtedly bring benefits to service users.

- b. The States

Knowing that the public of Jersey will continue to have access to the justice system has to be the biggest benefit for the States.

- c. The legal profession

In my experience, the vast majority of Lawyers are happy to provide Legal Aid and see it as part of their Corporate Social Responsibility. However, small Law firms can be disproportionately affected by the Legal Aid burden and these changes should reduce the numbers of Legal Aid certificates to a more manageable and sustainable level.

4. Does the draft Access to Justice Law implement the desired policy objectives effectively?

In my opinion, yes.

5. Are there any other areas of concern or issues that need to be considered in relation to the draft Access to Justice Law?

This piece of work has been ongoing for a number of years now and whilst I appreciate that a new administration needs to be satisfied that these changes are necessary, there have been many different incarnations of the Legal aid Guidelines, the final version of which is Annexed in the Draft Law. There has been plenty of 'ground' given on both sides in order to arrive at a

place where the Expert Group of the Access to Justice Review is comfortable in putting these proposals forward. I also gain comfort from the fact that Article 6 of the Access to Justice (Jersey) Law 201- makes provision for the establishment of a Legal Aid Guidelines Advisory Committee to continue to monitor the guidelines and make recommendations for changes, as and when it is appropriate. I would recommend that this Scrutiny Panel considers this point when producing their report.

Kind regards,

Malcolm Ferey

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Citizens Advice Jersey