

LEGAL SURGERY PROVISION

In September 2018 the Legal Aid Agency (LAA) commenced new legal aid contracts. Under the previous contracts, three larger providers had exclusive contracts to provide Immigration and Asylum Category Controlled Work (including initial advice and assistance, bail hearings and appeal hearings before the First-tier Tribunal) to detainees held in immigration removal centers (IRCs). Now there are more than 50 firms who can attend the weekly legal advice surgeries. Approximately half of these firms had not provided services under a legal aid contract in any category of law prior to being awarded a contract.

As a result, there is a big disparity between the capacities of the firms and the quality of advice that they provide, many also do not have experience of working in detention or working with specific client groups (survivors of trafficking and modern slavery, Iraqi-Kurds, EEA Nationals, Third Country Cases). This creates a legal lottery with vulnerable clients struggling to access timely, good quality legal advice.

We are looking for ways in which the firms are breaching the contractual obligations set out by the Legal Aid Agency. Their obligations include providing a client care letter after a surgery appointment, having sufficient capacity within their firm to take surgery cases, advising each client they see on bail and informing clients when they cannot represent them. We are also recording issues relating to quality of advice and delays.

If someone has just been to see a firm at the surgery it would be helpful to ask:

- What was the name of the firm, name of the solicitor, contact information (check they were given this)?
- Was the client given a letter stating what was discussed in the surgery after the appointment?
- Did they receive advice on bail during the appointment?
- Was their case taken for bail? Substantive case? Both? Or neither?
- When did they next hear from the solicitor?
- It would be also helpful for you to record general issues regarding quality of advice and delays.

If you discover that there are issues with these points, please let us know. We can follow through with phone calls to specific lawyers, or support you to do the same if you would like to be involved in this area. We can also feedback this knowledge to Detention Action who are gathering information on this to support The Public Law Project who are raising concerns about the quality of legal aid provision.