

Specialist Support Services Rerieved
By Conrad Haley, Director, PLP
Published in LAG



During the course of November 2005, the Big Lottery Fund announced that the Public Law Project had been successful in its bid for the funding of a new service entitled 'Empowering the Voluntary Sector'. This service, (which started on the 3rd April), will advise the sector on the public law dimensions of decisions made by public authority funders. It was therefore somewhat ironic that little over two months after that announcement, the Legal Services Commission announced the termination of the Specialist Support Service, with PLP being one of the providers. (Well, what better way to get into the swing of things? ...)

PLP resolved to challenge that decision, calling a meeting of all Specialist Support Providers, and proposed a twin track approach involving litigation and campaigning. These elements would draw upon the considerable breadth of knowledge and experience contained within the group of Providers, as well as on the considerable support and encouragement of our clients - the legal and advice sector undertaking civil legal aid work.

Following an intensive campaign by and on behalf of a number of Providers, which included the commencement of judicial review proceedings and parliamentary lobbying, the Commission announced on the 22nd March through its solicitors that it had reversed its decision. All termination notices would be withdrawn and a proper consultation process would take place prior to any fresh decision over the future of the Service.

The proceedings [PLP & others v LSC CO/2040/2006] were issued on the 7th March with HHJ Calvert Smith granting interim relief 3 days later, extending the life of the Service until October. This was to ensure that staff employed to provide Specialist Support would be relieved of any immediate threat of redundancy, thus 'holding the ring' pending trial.

The campaign work had already commenced in January, with an Early Day Motion, (EDM 1542), which at the time of writing has attracted some 169 signatories. The Select Committee on Constitutional Affairs was concerned enough to hold an emergency hearing, summoning senior LSC officers to explain their decision, and subsequently issued a highly critical report. The report is also notable because the Committee referred to a separate session that it had had with the Lord Chancellor, in which Lord Falconer appeared to distance himself from the LSC's decision, and agreed to personally look into the matter.

Cynics may say that only a pyrrhic victory has been gained. However, the reaction across the board to the cut has and continues to be, incredibly supportive of the Service, a factor the LSC can no longer ignore. Just as importantly, it is now aware that its behaviour can be checked.