

The Legal Education Foundation

The Legal Education Foundation
Suite 2, Ground Floor
River House
Broadford Park
Shalford
Guildford
Surrey GU4 8EP

Rt Hon Robert Buckland QC MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice

5 August 2020

Dear Lord Chancellor,

RE: Urgent action to ensure renters at immediate risk of losing their homes have access to expert legal advice

I am writing to you on behalf of The Legal Education Foundation, an independent grant-giving charity. I am also a member of the Civil Justice Council and the Foundation is represented on the housing possession working group established by the Master of the Rolls.

We welcomed your government's humane and pragmatic decision to suspend housing possession cases during the pandemic. Housing charities are predicting a 'tsunami' of evictions once hearings start again on 24 August 2020, with Shelter estimating that some 227,000 people¹ are two months or more in rent arrears and will be at risk of eviction, once courts are sitting again.

The Housing Possession Court Duty Scheme is recognised as giving a lifeline to people on the brink of eviction, by ensuring expert legal advice is available when they attend court for possession hearings. The role of these duty desks will be more important than ever after 24 August. The Legal Aid Agency is currently retendering for housing duty contracts in a number of geographical areas in

¹ https://england.shelter.org.uk/media/press_releases/articles/230,000_renters_at_risk_of_covid-eviction_when_the_government_ban_lifts

readiness for the resumption of possession proceedings. However, as currently drafted the tender document does not cover travel costs for advice providers to attend court in order to deliver legal support to often vulnerable people who are at risk of losing their homes.

As an independent foundation, it is our view that the failure to fund reasonable travel costs as part of this tender will drive providers to attempt to deliver the duty desk scheme remotely, for economic reasons. This will be a particular problem in advice deserts, where there are no locally based housing lawyers. The best available evidence shows that remote advice provision is a poor substitute for face to face help at court, and will be particularly unsuitable for vulnerable people, many more of whom will end up homeless, as a result.

We recognise that changes to the contract must be reflected across the whole scheme, and the cost of covering travel disbursements for the entire housing duty scheme annually has been calculated by the Legal Aid Agency as between £300,000-£600,000². This sum is marginal when compared with immediate knock-on costs if individuals and families lose their homes for want of receiving effective advice and representation at court.

We urge you to take immediate action to ensure that travel costs are included in the contracts for the delivery of the Housing Possession Court Duty Scheme.

Given the importance and urgency of this issue, the foundation will be making the contents of this letter public.

Yours sincerely,



Matthew Smerdon

Chief Executive

The Legal Education Foundation

² https://consult.justice.gov.uk/digital-communications/housing-possession-court-duty-scheme-service/supporting_documents/hpcdsimpactassessment.pdf pp7