



OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR NORFOLK

NORFOLK
COMMUNITY
LAW SERVICE

"Providing Access to Justice & Equality"

Legal aid for domestic abuse victims in Norfolk

Liam Bannon, OPCC
Judi Lincoln, NCLS

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Funding

Funding of legal aid work provides a challenge to both victims and solicitors involved. For victims the challenges relate to the means test, as they felt they can not afford legal fees despite not being able to get full access to legal aid. Solicitors feel the funding levels are not commercially viable.

83%

Of victims surveyed felt that the means test limits set are unfair or very unfair.

75%

Of solicitors felt costs paid through legal aid do not cover the costs of providing legal aid to domestic abuse victims.

Two of the 12 victims surveyed about accessing legal aid had to contribute to the cost. Both said that having to contribute to costs impacted negatively on their ability to fund essential aspects of modern life.

Availability

Related to funding is the availability of legal aid providing solicitors. Norfolk has a small legal community made up of small law firms. Given this, the capacity of Norfolk's law community to provide legal aid is limited.

54%

Reduction in the number of local solicitor firms providing legal aid to victims of domestic abuse.

65%

Reduction in the number of legal aid funded representations locally for domestic abuse victims.

Accessibility

Accessibility is also related to funding and availability. Norfolk is a large, sparsely populated county which means that services, such as legal support, are not easy to access. Further, some law firms are not offering legal aid for domestic abuse victims due to funding not covering all costs.

150

Collectively, the solicitors that responded estimated they turned away over 150 victims of domestic abuse.



A small proportion of victims were frustrated by the lack of local law firms offering legal aid funded support.

Acknowledgements

This report would not have been possible without the support and input of third sector organisations working to support victims of domestic abuse in Norfolk, many of whom are members of the Domestic Abuse Partner Forum run by the Office of the Police and Crime Commissioner for Norfolk.

Norfolk Community Law Service was crucial to this research project being undertaken and completed as they undertook initial analysis of legal aid data and highlighted it as an issue to the domestic abuse partner forum. They also provided consistent expert advice and support in the creation of this document.

Leeway Domestic Violence Services played a key role in enabling the completion of the victim survey by undertaking the survey with victims of domestic abuse who they knew to have attempted to access legal aid in relation to being the victim of domestic abuse.

Finally, without the views that both law firms and victims of domestic abuse this report would be lacking the insight of core stakeholder groups. Thank you to those who helped this research report by responding to the surveys, facilitating the surveys and providing expert input.

Executive Summary

This research project sets out to understand the provision of legal aid to victims of domestic abuse in Norfolk. This issue was first raised by NCLS through their early research and was raised as a key concern by NCLS and partners as a key concern at the Domestic Abuse Partner Forum, facilitated and supported by the Office of the Police and Crime Commissioner for Norfolk.

Victims of domestic abuse can apply for legal aid for advice and representation. Domestic abuse victims must also pass the means and merit test and provide evidence. This report details what three data sources tell us about how legal aid for domestic abuse victims works in Norfolk. The data sources were: Legal Aid Agency published data; a survey of victim experience; and a survey of family law solicitors.

The Legal Aid Agency data showed that in Norfolk the provision of legal aid for victims of domestic abuse had decreased at a faster rate compared to the average for England and Wales. Between 2012/13 (the year before LASPO was introduced) and 2016/17 there was a 57% decrease of legal aid funded representation for domestic abuse victims in Norfolk, compared to a 16% decrease across England and Wales. Proportionate to the population and the number of police recorded domestic abuse incidents, Norfolk has a much lower number of legal aid funded representations for domestic abuse victims, as shown in Figure 1 and Figure 2. In addition there were far fewer law firms that had provided legal aid to domestic abuse victims in 2016/17 (12) compared to 2011/12 (26). The victim survey and family law firm survey were designed to understand why this was the case, in addition to getting a local understanding of what challenges exist.

The survey of victims of domestic abuse who had tried to access legal aid showed that victims in Norfolk did experience challenges regarding legal aid representation. That is access can be limited, the process is complicated, the limits for access can result in people who cannot afford it, being required to contribute toward legal costs, victims feel the process is unfair and that it limits their safety as they may experience further abuse.

The findings of the law firm survey showed both general challenges regarding legal aid for victims of domestic abuse and why these challenges have had a particularly large impact in Norfolk, when compared to the rest of the country. Nationally, concerns have been raised about the amount of legal aid funding for solicitors making this type of work unprofitable. A survey respondent noted that locally, a small legal community made up predominantly of small law firms, limits the capacity to effectively respond to the level of demand for domestic abuse related legal aid in Norfolk. These challenges have led to some local law firms not taking up or renewing legal aid contracts. Some firms will only take legal aid type work on as a charitable activity and many firms admitted they turned away potential clients. Therefore, Norfolk's legal aid response has been affected on two levels: nationally, there has been a decline in the use of legal aid in domestic abuse due to the changes in brought in through Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO); and locally, Norfolk's small legal community has not got capacity to effectively respond to all demand it experiences, which means that the national reduction in legal aid provision has been experienced to a greater degree in Norfolk.

In light of the issues identified by this research project several options for action that can be undertaken locally to positively impact on the provision of legal aid to victims of domestic abuse in Norfolk can be proposed:

- Fund a solicitor to provide legal support to victims of domestic abuse.
- Fund a service to undertake preparatory work on behalf of legal aid firms to maximise capacity for solicitors to provide legal aid representation.
- Raise the issues and findings of the research with the Legal Aid Agency, Ministry of Justice and other national policy leaders, such as the Law Society and LawWorks.
- Encourage Norfolk Constabulary to improve interaction with solicitors, particularly to improve the speed with which they respond with information.
- Explore a Not for profit partnership bid for a Legal Aid Agency contract (current bidding timetable would start again around 2020/21)

The proposed options are explored in more detail in the conclusions and recommendations section. The actions that will have the greatest impact on the immediate provision of legal aid to domestic abuse victims are those that seek to expand the capacity of provision. We would also wish to share the findings with policy makers and campaigners, to ensure that the differential accessibility of legal aid for domestic abuse victims is an issue that taken into consideration as legal aid develops in the future. The LASPO is currently being reviewed, due to be released in early 2019. The findings of this report suggest that significant changes are needed to legal aid remunerations to positively impact victims of domestic abuse's access to legal aid. It is hoped that this will be reflected in the review of LASPO.

Introduction

The Domestic Abuse Partner Forum was set up at the end of 2017 by the Office of the Police and Crime Commissioner for Norfolk and set out to better understand what is needed to respond to domestic abuse in Norfolk. Norfolk Community Law Service (NCLS) is a member of that Forum and, along with others, shared their concerns regarding the legal aid response to domestic abuse in Norfolk. Legal Aid was identified from the list of concerns as a priority by the Forum which led to this research project being undertaken.

The report was completed by the Office of the Police and Crime Commissioner for Norfolk (OPCCN) as a commitment to supporting the members of the Domestic Abuse Partner Forum. Part of the role of the Office of the Police and Crime Commissioner for Norfolk is to commission services that support victims of crime. This report was completed to assist the OPCCN understand the service provision needed for victims of domestic abuse.

Norfolk Community Law Service (NCLS), who provided expert insight and helped produce this report, is a local charity that exists to identify gaps in the provision of legal advice. It works with partner agencies to provide a range of free, confidential and independent legal advice and support services to meet identified gaps, particularly targeting vulnerable clients.

Legal aid is a complex yet important part of the response to domestic abuse as it can give victims access to civil legal remedies that help to ensure their safety, such as non-molestation orders. Some research has been undertaken at a national level regarding domestic abuse and legal aid but local research regarding local access challenges is lacking. There was anecdotal evidence which suggested that access to legal aid in Norfolk is worse than other parts of the country. This research project was initiated to better understand the barriers, challenges and opportunities for accessing legal aid in Norfolk.

The research centred on three data sets:

- Published Legal Aid Agency statistics on the provision of legal aid representations for victims of domestic abuse in Norfolk.
- The experience and perceptions of victims of domestic abuse who have attempted to access legal aid representation regarding their domestic abuse victimisation in Norfolk.
- The experiences and perceptions of law firms regarding the provision of legal aid to victims of domestic abuse in Norfolk.

The findings from the research were used to understand what makes Norfolk different when it comes to the provision of legal aid to victims of domestic abuse in Norfolk and to make recommendations to address the issues.

Context

This section will outline key aspects of the legal aid system that are important in the provision of legal aid to victims of domestic abuse in Norfolk. It then goes on to discuss some of the challenges to providing legal aid generally, as well as those specific to the representation of victims of domestic abuse.

Legal aid system

Legal aid helps people access legal services when they cannot afford it. It is accessed through a means tested application and is dependent on four variables: the type of legal problem, income and capital of the applicant, whether there is a reasonable chance of winning a case, and whether it is worth the time and money to win. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) brought in changes to legal aid. The scheme is run by the Legal Aid Agency and overseen by the Ministry of Justice. Legal Aid is available in both civil and criminal cases, but eligibility is determined differently. In civil courts both disposable income and capital are considered, whilst Magistrate and Crown Courts (Criminal) only consider disposable income.

In criminal cases involving domestic abuse, regarding the victim, the Crown Prosecution Service and Police cover the cost of prosecution and investigation. Therefore it is unlikely that the victim will need to pay for costs in a criminal case. A victim of domestic abuse can access legal aid for private family law cases, so long as they can provide evidence they have been the victim of domestic abuse within the last 5 years.

Victims of domestic abuse must also satisfy the legal aid means tests to be able to access legal aid. The legal aid means test states that “[a]n applicant will be eligible for civil legal aid where their monthly disposable income does not exceed £733 and their disposable capital does not exceed £8,000”. There are exceptions to this ([Ministry of Justice, 2017](#)). Of particular relevance is that if an applicant’s disposable income is between £316 and £733 or they have capital between the values of £3,000 and £8,000 then they must contribute to civil representation¹. In addition, a household must not have a gross income of over £2,657 per month, known as the gross income test. A household will automatically pass the gross income test if they collect the qualifying benefits².

The implication of the qualification requirements are that many domestic abuse victims have to pay for legal representation at civil court as they do not qualify; even if a person does qualify for legal aid then they may still be required to contribute to legal costs if they require legal representation; being able to access legal aid requires there to be a solicitor willing to provide it.

In an effort to measure whether the legal aid limits are set at levels where people can afford to contribute to costs, the Centre for Research in Social Justice compared the legal aid financial thresholds to the Joseph Rowntree Foundation’s Minimum Income Standard (Hirsch, 2018). It found that those households with a gross income above the limit (£2,657 per month) could afford to contribute significantly to legal costs in the majority of household scenarios and still meet the Minimum Income Standard.

¹ Calculators to determine if a person is eligible for legal aid can be accessed [here](#) or [here](#).

² The qualifying benefits are income support, income-based jobseeker’s allowance, income-based employment and support allowance, state pension guarantee credit and universal credit (ibid).

However, the analysis also shows that all the disposable income limits (£733 per month) are at levels which do not meet the Minimum Income Standard completely. At all thresholds where an applicant might be expected to contribute to legal fees, the applicants disposable income will reduce further, meaning that they are further from the Minimum Income Standard. The analysis also showed that generally, full access to legal aid support is reserved for those completely reliant on benefits. Some families that are considered close to the poverty line would be expected to contribute to legal costs. This suggests that the application of LASPO has resulted in prohibitive costs to accessing legal aid for civil representation, which impacts on victims of domestic abuse seeking civil orders.

It is important to note that the reduction in access to legal aid is as a result of significant legal and policy change that aimed to create savings to the Ministry of Justice's budget, discourage unnecessary legal costs, deliver value for money for the tax payer, and target legal aid at those who need it most. A great deal of cost has been saved in relation to legal aid to meet its first objective. However, the trade-off is that legal aid is less accessible for those who need it.

Methods

This research report utilised different methodologies for the three data sets, each of which are briefly explained in this section.

Legal Aid Agency statistics

The Legal Aid Agency publishes annual statistics on what legal aid provision they have funded. The data set enables the identification of legal aid provision based on location and whether legal aid funded representation was provided because the applicant was the victim of domestic abuse. This data set was analysed to identify the percentage change in provision of legal aid funded representations for domestic abuse victims in Norfolk, compared to the rest of the country. This will also be contextualised by showing percentage change in proportion to the population of the areas and the number of recorded domestic abuse crimes.

Victim Survey

A survey targeting victims of domestic abuse was developed based on the information presented in the context section and the findings from the Legal Aid Agency statistics analysis. The survey was developed to identify the experience of domestic abuse victims in Norfolk in accessing legal aid. Victims were sampled from Leeway Domestic Abuse and Violence Services' clients during a two week period and administered by Leeway staff. In 2016/17, 69 people accessed legal aid in relation to domestic abuse, so the number of responders can be seen as a good level of response in a very small cohort of people. The questions were a mixture of open ended and closed and focused on victims' understanding of accessing legal aid, their experience of applying for legal aid and if there was any financial implication of accessing legal aid.

Law Firm Survey

This survey was developed in conjunction with Norfolk Community Law Service, which specialises in providing civil legal advice. It was informed by the context section, Legal Aid Agency statistics and the findings of the victim survey. It targeted solicitors that have experience in providing representation in domestic abuse cases funded through legal aid and took place over a two week period. A total of 45 separate law firms were invited to take part and 12 responses were received, a response rate of 27%. Law firms were identified through the published Legal Aid Agency data on solicitor firms that have provided legal aid representation to victims of domestic abuse. This list was supplemented with lawyers that the Norfolk Community Law Service engaged with. The questions explored the capacity of law firms to deliver legal aid representation to victims of domestic abuse, the process challenges that they face including the client's eligibility and asks questions relating to why Norfolk appears to have more acute challenges to legal aid provision than other parts of the country. The questions were asked through both open and closed questions as appropriate to the subject matter.

For both surveys there were just 12 responders each, meaning that responses must be interpreted with care. The surveys had small sample size so representivity is limited. This was an anticipated challenge so questions were designed to identify qualitative data, rather than attempting to measure the issue's scale. Clearly there is a need to understand the scale of the issue, which has been approached here through data published by the Legal Aid Agency

Results

As set out already, this research used three data sets to inform its findings. This section will report on the findings of all three.

Legal aid provision in Norfolk

The [Ministry of Justice and Legal Aid Agency \(2017\)](#) publishes detailed data on legal aid provision in different local authority areas annually. The data set does not include Broadland, suggesting that no submissions were made by solicitor firms in Broadland. This data can be used to inform on three aspects legal aid provision currently in Norfolk regarding domestic abuse: the number of domestic abuse cases which were submitted by a solicitor in one of Norfolk's districts, and which solicitor offices are providing legal representation.

The data set tells us that Norwich based solicitors have historically submitted the most applications for legal aid. Norwich has also experienced the greatest decline in legal aid representations in domestic abuse cases (86 less cases or a 79% decrease between 2011-12 and 2016-17). In 2016/17, Norwich accounted for 33% of all submissions for legal aid in Norfolk. Breckland (33%), Great Yarmouth (20%) and King's Lynn (13%) districts also contributed significant numbers of legal representation in domestic abuse cases. The level of submissions in districts represents where solicitor firms were located, not the provision of legal aid to people living in these districts.

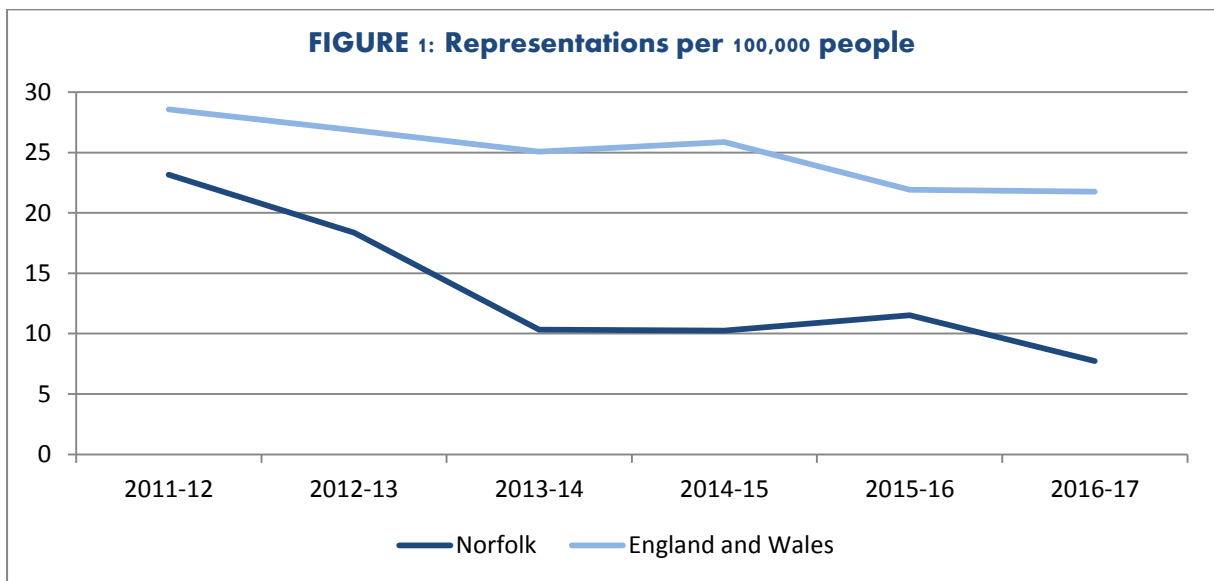
Area	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Breckland	42	46	20	31	35	23
Great Yarmouth	16	20	17	8	23	14
King's Lynn and West Norfolk	24	14	7	4	15	9
North Norfolk	7	5	2	0	1	0
Norwich	109	74	41	46	27	23
South Norfolk	1	0	3	1	1	0
Norfolk	199	159	90	90	102	69
England and Wales	16,044	15,183	14,282	14,848	12,722	12,704

Since the introduction of the LASPO there has been a significant decrease in the number of submissions for legal aid across Norfolk. In the subsequent years after becoming law, the number of legal aid submissions had been fairly stable. However, in 2016/17 there was a steep drop. It is unclear what caused this most recent drop, although it has been suggested that less requests are being made because it is not financially viable for solicitors due to small remunerations paid through legal aid.

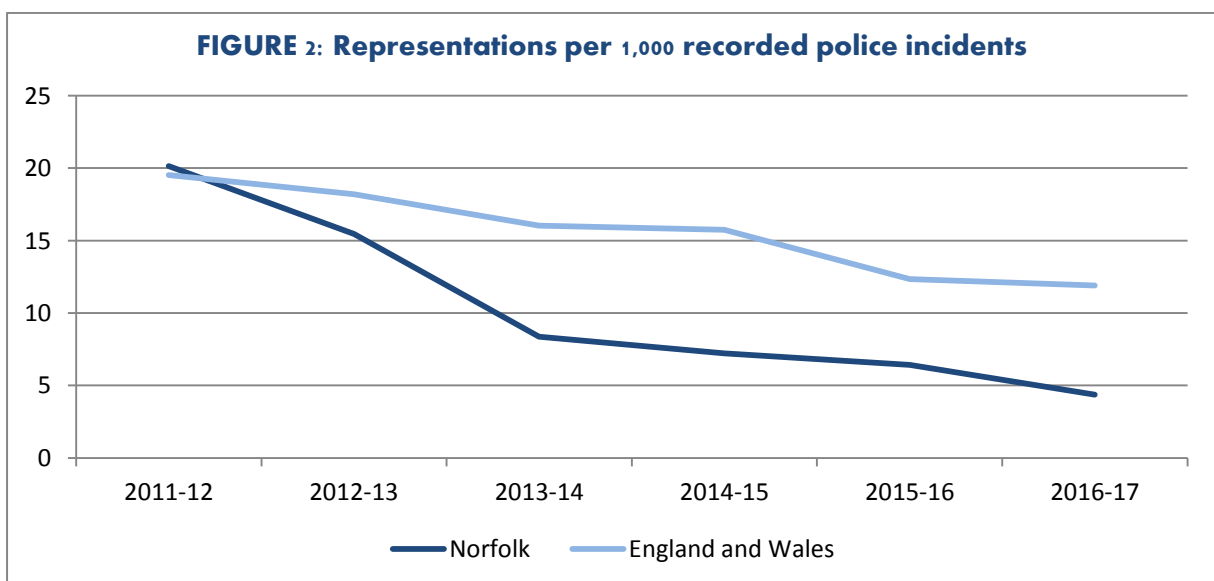
When the percentage change between 2012-13 (the year before LASPO was introduced) and 2016-17 experienced in Norfolk is compared to that experienced across England and Wales for legal aid provided to victims of domestic abuse, we see that proportionately, Norfolk (57%) experienced a much bigger decrease, compared to England and Wales (16%). This is not replicated when we compare the percentage change for provision of all legal aid as both Norfolk and England and Wales experienced a decline of 37% in all legal aid provision. Therefore it appears Norfolk has experienced

a greater decrease in provision of legal representation for domestic abuse, which is not repeated for other forms of legal aid.

This raises the question, has Norfolk provision declined from a higher level of provision toward a similar level of domestic abuse legal aid provision nationally, or has Norfolk's representation declined from a similar level of representation to one that is much below the national level. Two measures have been developed to expose the nature of the relationship between the declines in domestic abuse civil representation locally and nationally. The first uses estimated populations and the second uses the number of domestic abuse incidents in the corresponding years to the number of domestic abuse civil representation to produce a rate of representation per 100,000 people and a rate of representation per 1,000 incidents.



The representations per 100,000 people shows that Norfolk has less representations relative to its population when compared to England and Wales and the greater decline in representation in Norfolk has resulted in an increase in this difference in representations per 100,000 people.



Norfolk's and England and Wales' representations per 1,000 recorded police incidents were similar in 2011-12. However, Norfolk's greater decline in number of Civil Domestic Abuse Representations means that significantly less people are represented when compared to the number of domestic abuse incidents reported³.

Clearly, these rates are crude measures, and their accuracy will be impacted on by differences in the population of Norfolk and England and Wales, such as differences in the number of people able to satisfy the means test or number of domestic abuse victims. Further the various factors that influence police recording practices, such as implementing the National Recording Standard, will impact on the validity of the rate of representations for domestic abuse incidents. However, they do show (crudely) Norfolk's greater relative decline when compared to England and Wales in domestic abuse legal aid funded civil representation is a decline from a similar level of representation to one that is much below the national level.

In addition to the decline in number of legal aid cases provided in Norfolk, the number of solicitor firms applying for legal aid remuneration for domestic abuse related civil representation has declined continually since the implementation of LASPO from 26 in 2011/12 to just 12 law firms in 2016/17. There is no clear reason for the drop in submissions. Those who submitted a higher volume of legal aid cases tended to be those who continue to submit legal aid applications.

Why has provision of legal aid reduced?

There are several explanations for the national decline of legal representation for domestic abuse victims, in addition to the policy change seeking to reduce Ministry of Justice costs. They include:

- Victims need to be able to show they have been the victim of domestic abuse to access legal aid funding, often with evidence provided by police or other statutory agencies. This means that if a victim has not reported the abuse they will not be able to access funding. Recently, domestic abuse victim services and housing providers have become accepted evidence sources. This change came into law on the 8th January 2018. These changes may positively impact upon future legal aid eligibility for domestic abuse victims.
- The Justice Committee raised the following concerns in its report ['Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012'](#):
 - There is a lack of clear information on how to access legal aid.
 - There are some local authorities that have very low provision of legal aid advice.
 - Both for-profit and not-for-profit organisations that have departments dealing with legal aid work have decreased in size.
 - There has been an increase in the number of litigants in person, which poses two further concerns:
 - Firstly, that people who are unable to pay for legal representation are not able to access legal aid to cover these costs.
 - And secondly, that people are inadequately represented at court because they do not have adequate legal knowledge.
- Even when a person has a right to access legal aid it can be difficult to access due to process driven conditions, such as the availability of advice or representation.

³ Norfolk has a similar level of working age claimants of main benefit claimants to national levels (10.4% compared to 10.7% nationally).

- The Mandatory Telephone Gateway has been underused and criticised for creating a barrier to those for whom telephone support is not appropriate, such as domestic abuse victims in some cases.
- According to the [Law Society](#), there has not been an increase in the fees paid for legal aid since 1998-99, resulting in a real terms decrease in payments.
- As displayed by the [Centre for Social Justice's](#) analysis of disposable income, some of those who are required to contribute financially to legal aid representation will be stretched to afford legal aid. This may provide a disincentive to victims of domestic abuse to access family law.

The [Equality and Human Rights Commission \(2018\)](#) concisely assert the impact of these barriers to accessing legal aid has resulted in “reduced access to civil and family justice”. For victims of domestic abuse, accessing justice can be an important part of coping with and recovering from abuse and Norfolk’s victims are not as likely to access legal aid as those in other parts of the country. However, the proposed explanations do not account for why Norfolk is different. Therefore this study has explored the experiences of victims and legal professionals locally in order to understand the reasons behind this anomaly.

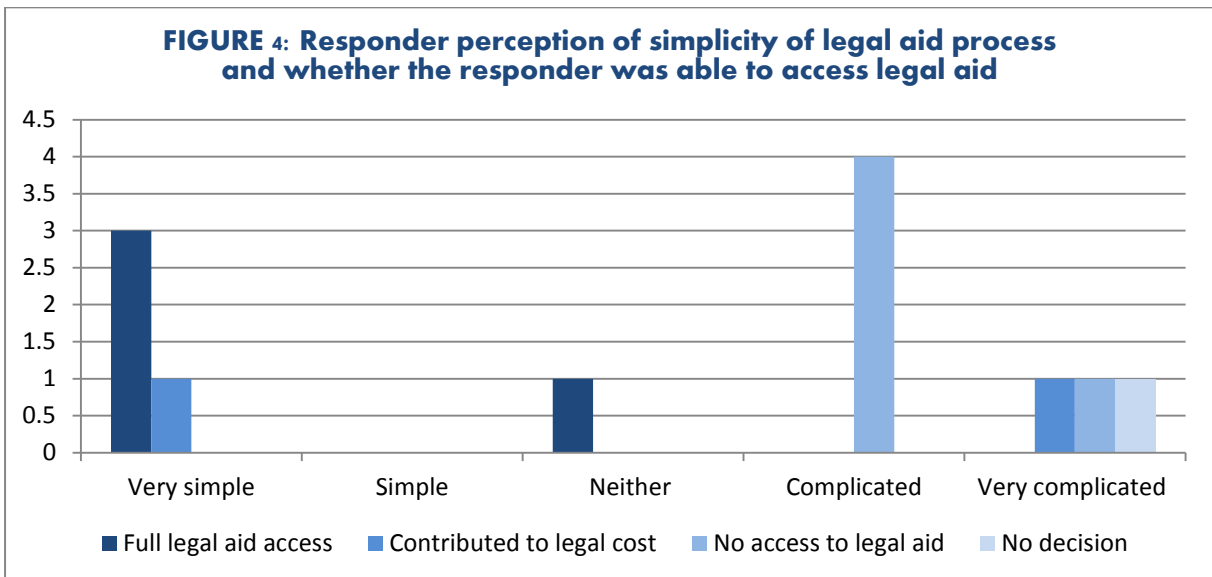
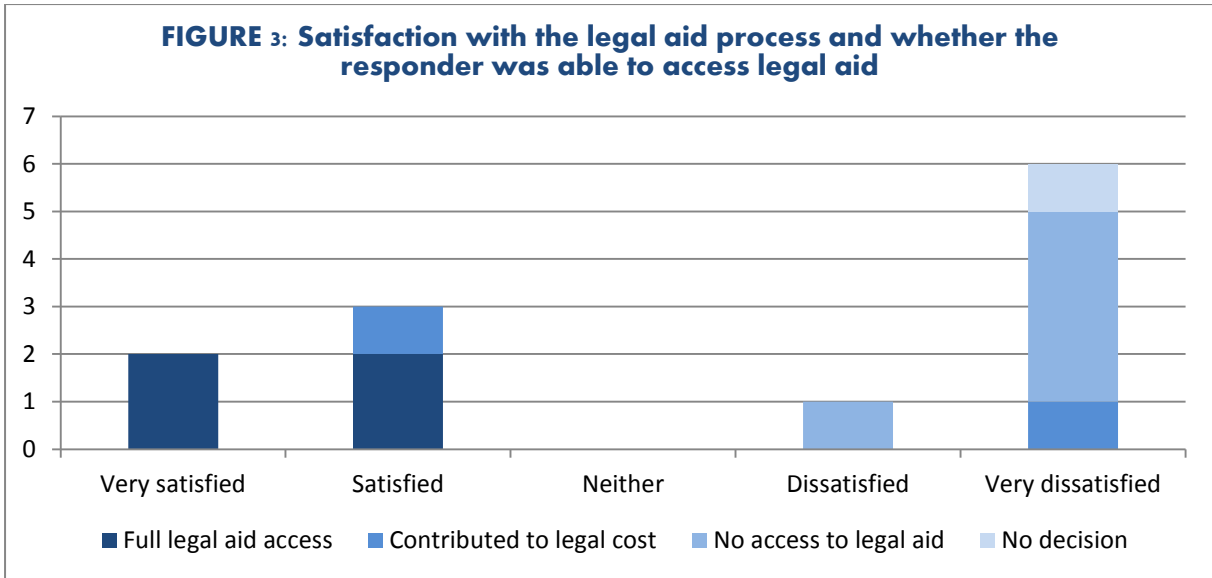
Victims’ voice

In total, 12 victims responded to the survey, all of whom had applied for legal aid. Of those responders who had received a decision (11), five were unable to access legal aid for representation at court. Of the six that were able to get access, four were given full access, and two had to contribute costs.

Ten out of the 12 responders were already aware that victims of domestic abuse were able to access legal aid for representation at the family court if they satisfied the requirements before applying. However, only half of victims felt it was easy to establish if they did meet the requirements. The majority of responders (7) felt that there was not enough information available publicly on whether a person can access legal aid. A small number felt there was enough information available (2).

Table 2: Q7 – Did you find the application process simple?	
Very complicated	3
Complicated	4
Neither simple, nor complicated	1
Simple	0
Very simple	4

As previously mentioned all responders have applied for legal aid and all but one have received a decision and had help applying for legal aid. The responder who had no help applying found the process very simple. Perhaps unsurprisingly not being able to access legal aid support or not getting full access to legal aid was correlated with feeling the process was complicated. Question ten asked responders about their satisfaction with the process and again, dissatisfaction was correlated to a negative outcome (not getting legal aid access) and getting access was correlated with satisfaction.



Question 11 asked responders if they had to go without anything as a result of paying for legal representation at court. This was designed to test whether having to contribute to costs of legal aid meant that the responders would be living below the Minimum Income Standard. Only two responders were in the specific position of having to contribute to legal aid costs. Both had to forgo multiple items that formed part of the minimum income standard. This includes buying new clothes, paying for insurances, transport, household goods, household bills, spending time with family and friends and going without food. Whilst this is a very small sample, it provides anecdotal evidence that the minimum income standards are not being met for those who have to contribute to legal aid.

As the surveys were completed on paper, additional responses could be captured where responders wanted to provide additional insight. By reviewing the sentiment of these comments it is clear that responders felt that the criteria for access were unfair (2) and that it is too costly to access the legal system (2). In addition, the inability to access the justice system left victims feeling unsafe (2) and meant that they experienced further abuse (2), be that financial control or as a result of self representation. Lastly, one respondent mentioned the difficulty of having to travel to Norwich to

access solicitors simply to provide documents, suggesting Norfolk's geography also provides a challenge.

Law firm feedback

Responses were kept anonymous therefore it is not possible to identify which law firms provided responses to the survey or where they were located. 45 law firms were invited to take part in the survey, of which 12 took part. Therefore the response rate for this survey was 27%. The law firms invited to take part in the survey all operate in Norfolk and five⁴ of the 12 law firms that responded provide legal aid representation for domestic abuse cases, the majority of whom felt that they had capacity within the firm to respond to all domestic abuse related legal aid requests their organisation receives.

The responders to the survey consistently felt that there is not enough legal aid provision in Norfolk to meet the demand for domestic abuse related legal aid. 83% of responders felt that there is not enough legal aid provision in Norfolk to meet the demand for domestic abuse related legal aid, with remaining responders indicating they did not know. There is also evidence to suggest a reduction in the size of departments who provide legal aid in domestic abuse cases. Whilst one firm said they increased in size by more than 25% and another experienced no change, the remaining firms said they had experienced either a decrease of more than 25% (17% of responders) or no longer had a department offering legal aid in domestic abuse cases (58%)⁵. This suggests there has been a decrease in the availability of legal aid providing law firms operating in Norfolk.

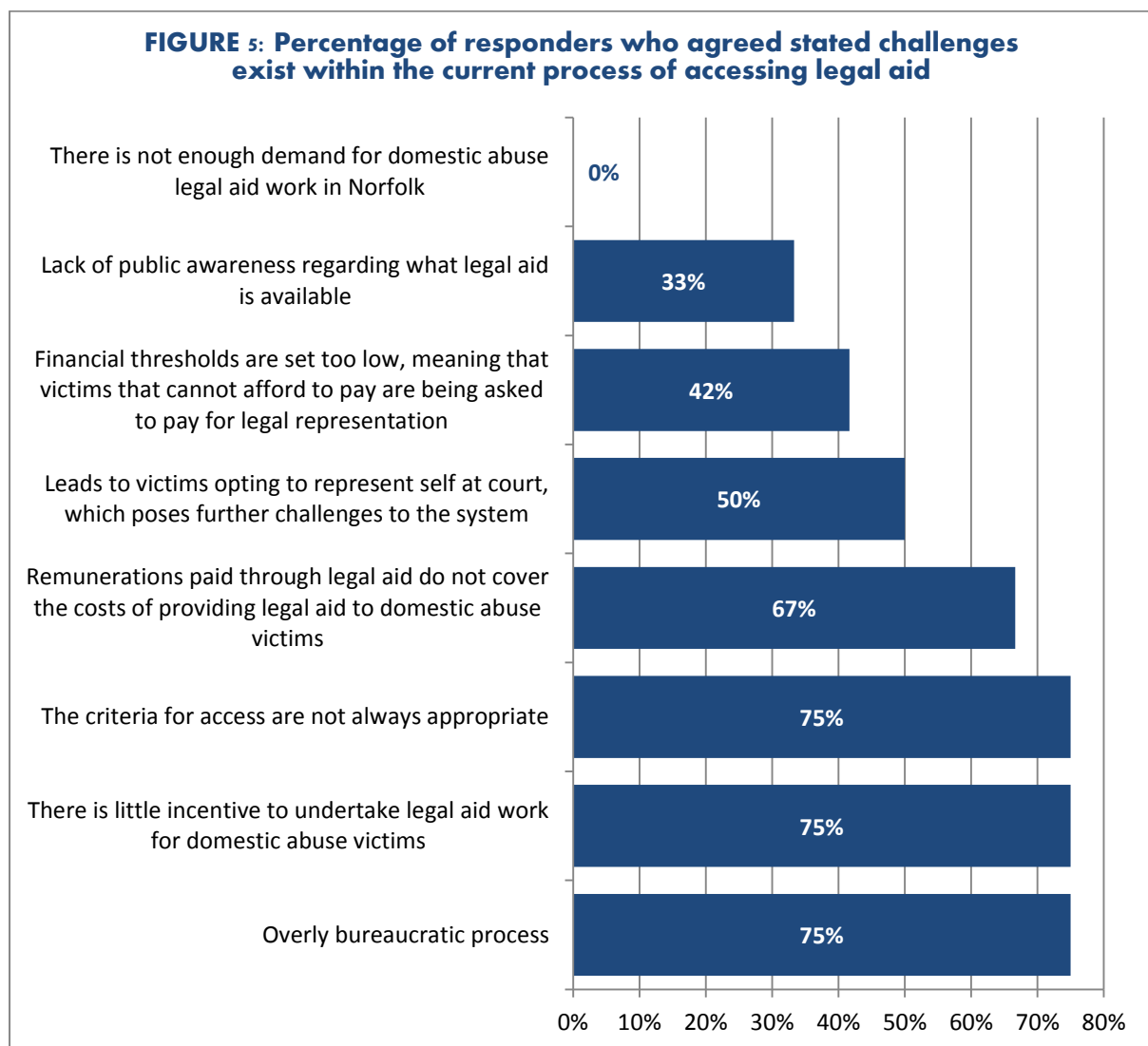
In addition to the decreasing number of legal aid providers in Norfolk, many firms said they have turned away clients and that clients are dissuaded from accessing legal aid support if they have to contribute to costs. 50% of law firms had turned away domestic abuse legal aid requests, half of whom were providers of legal aid regarding domestic abuse. In total the law firms had turned away more than 150 victims of domestic abuse, whilst firms offering legal aid to domestic abuse victims estimated they turned away over 40 potentially qualifying applicants. One responder suggested that this might not be the full picture of unmet need as referrals decrease as referrers realise that a firm is taking on less or no legal aid cases. Therefore, victims of domestic abuse who might have been eligible to access legal aid representations in the family court are not able to do so due to a lack of capacity.

The three most prominent challenges according to survey responders were the bureaucracy of the process, the criteria for accessing legal aid and the lack of incentive to undertake legal aid funded work. No solicitors felt there was a lack of demand for legal aid in Norfolk. One solicitor also pointed out that injunction work, which is often needed for domestic abuse victims, requires a rapid response which can result in other clients being let down. One challenge for providing legal aid is financial. Law firms felt there is little financial incentive to provide representation and 50% of responders felt that the cost paid through legal aid remunerations are not nearly enough to cover the costs of providing legal aid to domestic abuse victims. This has resulted in a reduction in provision of legal support for domestic abuse victims in Norfolk.

⁴ One law firm only provides legal aid support for existing clients or contacts of the firm.

⁵ One law firm stated other in response to the question, as they do not offer legal aid.

Solicitors confirmed that providing legal aid in domestic abuse cases is not a profitable or rewarding task. The bureaucracy of the process means that it is very time consuming and the payments are small. In fact, the financial incentive is so low that one solicitor classed undertaking legal aid work in domestic abuse cases as a charitable activity. One solicitor set out why legal aid work is seen as unrewarding: “It is seen as stressful, difficult, and troublesome to run, at a practical level, without offering any compensating characteristics such as the opportunities for advocacy or interesting legal points arising from care work”. Norfolk’s legal community is made up of a small number of small firms, according to responders. It is this that means that Norfolk has lower levels of legal aid funded representation in domestic abuse cases as there is a smaller capacity to undertake unprofitable and unrewarding legal work.



Finally, responders were asked whether services could be developed to overcome the challenges the legal aid system presents in order to better support victims of domestic abuse. Responses focused on the need for more funding, which cannot be remedied locally as it is a nationally funded scheme. However, other responses that could be influenced locally were also suggested by responders. Norfolk Constabulary plays an important role in supporting victims to access legal remedies by providing useful information. However, two responders felt that the police’s response could be

improved, particularly regarding the speed of their response. It was also acknowledged by two responders that the charitable sector could contribute to improving access to legal remedies.

Conclusions and Options

Currently, the legal aid offer for victims of domestic abuse presents some substantial challenges, which means that domestic abuse victims are not receiving the best possible support. Financially, some victims are being put in a difficult position, where they must choose between accessing legal remedies and having an acceptable standard of living based on their financial resources. Further, there is limited availability of legal aid nationally and the processes to access it are complicated. This can and does lead to victims feeling dissatisfied and unsafe, which is a key performance measure for the success of the legal system.

Based on the findings of the three data sources analysed it is clear that the legal aid offer in Norfolk regarding representation for domestic abuse is worse than average for England and Wales. There are proportionately fewer people receiving this type of legal aid in Norfolk for compared to England and Wales. The survey of victims of domestic abuse who had tried to access legal aid showed that victims in Norfolk did experience the nationally recognised challenges regarding legal aid representation. That is access can be limited, the process is complicated, the limits for access can result in people who cannot afford to be asked to contribute to legal costs, victims feel the process is unfair and that it limits their safety as they may experience further abuse.

The findings of the survey of law firms identified both general challenges regarding legal aid for victims of domestic abuse and why these challenges have had a particularly large impact in Norfolk, when compared to the rest of the country. This is due to a small legal community made up predominantly of small law firms, who do not have the capacity to effectively respond to the level of demand for domestic abuse related legal aid in Norfolk, given the small financial incentive. These challenges have led to law firms reducing their offer of legal aid and in some cases only taking it on as a charitable activity and many firms admitted they turned away potential clients. Therefore, Norfolk's legal aid response has been affected on two levels: nationally, there has been a decline in the use of legal aid in domestic abuse cases due to the changes in brought in through LASPO; and locally, Norfolk's small legal community has not got capacity to effectively respond to demand.

Options

Based on the challenges identified in this research project, several options (table 3) have been proposed which could improve the response to victims of domestic abuse who could qualify for and benefit from legal aid. The actions that will have the greatest impact on the immediate provision of legal aid to domestic abuse victims are those that seek to expand the capacity of provision.

TABLE 3: Options to improve response for domestic abuse victims

Option	Pros	challenges
Fund a solicitor to provide legal support to victims of domestic abuse.	<ol style="list-style-type: none"> 1.) Increase capacity to provide legal support to victims of domestic abuse, which can improve the victim experience. 2.) Remove bureaucracy of applying for legal aid, freeing up time to provide support. 	<p>2The money to fund this approach needs to be found.</p> <ol style="list-style-type: none"> 1.) 1 .Provision of legal aid for DA is a Government policy so work done should funded by the Legal Aid Agency May be misused by those who can afford to pay for legal support so raises issue for means testing
Fund service to undertake preparatory legal aid assessment on behalf of legal aid providers to get client's appointment ready and therefore reduce legal aid provider admin time and increase their capacity maximise incentive for solicitors to provide legal aid representation.	<ol style="list-style-type: none"> 1.) Increase capacity to provide legal support to victims of domestic abuse, which can improve the victim experience. 2.) Limits the bureaucracy for firms of applying for legal aid, freeing up time to provide support. 	<ol style="list-style-type: none"> 1.) The money to fund this approach would need to be found. 2.) . 3.) Potential risk of supporting one firm more than others.
Raise the issues with the Legal Aid Agency, Ministry of Justice and other national policy leaders.	<ol style="list-style-type: none"> 1.) Highlights the disparity between regions that exist regarding the provision of legal aid to domestic abuse victims to the departments who are responsible for their delivery. 2.) Enables policy makers to positively respond to unequal provision of legal aid nationally 	<ol style="list-style-type: none"> 1.) Any policy change would not be responsive enough to meet current need.
Encourage Norfolk Constabulary to improve interaction with solicitors. Particularly to improve the speed with which they respond with information.	<ol style="list-style-type: none"> 1.) Improvement in law firms ability to provide a quality service to victims of domestic abuse. 2.) Improve Norfolk Constabulary's image with the legal community. 3.) Improve outcomes for victims of domestic abuse 	<ol style="list-style-type: none"> 1.) The scale and standards of response for this issue is unknown.
Not for Profit provider or partnership secure a legal aid contract	<ol style="list-style-type: none"> 1.) Expands provision of Legally Aided work locally. 	<ol style="list-style-type: none"> 1.) The Not for Profit sector would be in competition with private sector who are partners. 2.) The bureaucratic burden

		would simply be transferred to the Not for Profit Sector.
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Annex 1

Solicitor	Number of cases in 2016/17	Number of cases between 2011/12 and 2016/17	2011/12 to 2016/17 % change
Lucas & Wyllys	0	6	0 in 2011/12
Butcher Andrews	0	1	-100%
England & Co	0	19	-100%
Family Law Consultancy LTD	0	29	-100%
Fraser Dawbarns LLP	0	3	-100%
Hansells	0	14	-100%
Hatch Brenner LLP	0	7	-100%
Hawkins Ryan Solicitors	0	13	-100%
Jackamans Solicitors	0	6	-100%
Kester Cunningham John	0	1	-100%
Malletts Solicitors	0	8	-100%
Metcalfe Copeman & Pettefar	0	7	-100%
Nicholas Daykin	0	7	-100%
Staveley, Johnson & Procter Sols	0	4	-100%
W F Smith LLP	0	4	-100%
Fosters	1	76	-97%
Ronaldsons Family Law Ltd	2	29	-89%
Cozens-Hardy LLP	1	19	-86%
Longe & Co	3	42	-84%
Law For All Thetford	1	7	-83%
Spire Solicitors LLP	6	92	-80%
Norton Peskett Solicitors	9	60	-25%
Leadenhall Law Group LTD	10	67	11%
Kenneth Bush LTD	9	41	50%
Rudlings & Wakelam	22	134	83%
HKB Wiltshires	2	6	100%
Chamberlins	3	7	200%