



£8m pledged for 'innovative' and LiP support as LASPO review published

Ministers have promised new money to fill the gaps in access to justice created by the 2013 legal aid reforms. Publishing a long-awaited review of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO), the Ministry of Justice (MoJ) announced a legal support 'action plan'.

Promises include:

- £5m for 'innovative' forms of legal support, such support could be a Skype tool or a program that converts lengthy written arguments into an appropriate presentation which people can automatically put into a claim form
- £3m over two years to support litigants in person. The ministry will also test 'legal support hubs'

The pledges acknowledge the damage done by the coalition government's decision to cut vast swaths of civil law from the scope of legal aid. However they are unlikely to appease critics.

The Bar Council described the money as '*a drop in the ocean*'.

As part of the action plan the department will pilot face-to-face early legal advice in a specific area of social welfare law. Frazer told a media briefing that this area could be housing.

The ministry will also:

- Review the legal aid means test (by summer 2020)
- Bring forward proposals to expand legal aid to include separated migrant children in immigration cases (by spring 2019)
- Bring forward proposals to expand legal aid to cover special guardianship orders in private family law (by autumn 2019)
- Work with the Law Society to explore an 'alternative model' for family legal aid
- Consider introducing an emergency procedure for urgent matters to access the exceptional case funding scheme (by the end of 2019)
- Remove the mandatory requirements from the telephone gateway for debt, discrimination and special educational needs, and reinstate access to immediate face-to-face advice (by spring 2020)

The findings of a review of part 2 of LASPO, designed to reduce the cost of civil litigation, encourage early settlement and discourage unmeritorious claims, is also being published.

Christina Blacklaws, Law Society president, said: *'We hope these changes will make it easier for ordinary people to qualify for legal aid and access essential help and support. However, welcome as this further work is, the government must give urgent attention to amending the means test thresholds because the current levels are preventing families in poverty from accessing justice.'*

Up to £5m investment has been promised to improve technology for accessing legal advice and £3m over two years to help litigants in person navigate the court system, such monies are but a drop in the ocean given the impact LASPO has had on restricting individuals' access to justice.

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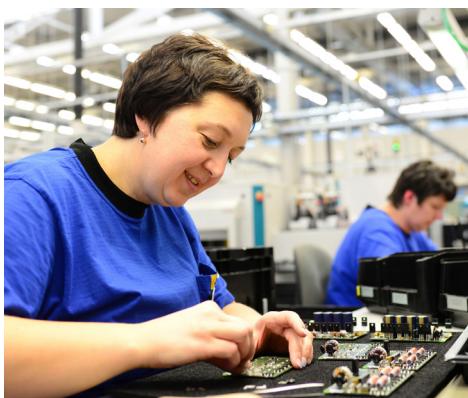
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Labour Party announces flexible working plans to support women in work



Speaking on Saturday 23 February, at Labour's standalone Women's Conference, Labour's Shadow Secretary of State for Women and Equalities, Dawn Butler, announced new rights for all workers to have flexibility over their own hours from the first day of employment.

Under Labour's plans, employers will be required to allow their employees to work flexibly from day one.

The overwhelming majority of caring responsibilities are currently undertaken by women who are most likely to request flexible working. According to a recent survey by the ONS, around 46% of women are sandwich carers, who look after both young children and elderly or disabled relatives, and feel unable to work at all or as much as they would like.

The new rights are designed to help tackle the gender pay gap and gender segregation in the workplace by increasing employment and promotion opportunities for women. It will also bring wider benefits such as reducing commuter congestion and reducing business costs such as office overheads. The right to flexible working will be open to all employees and will particularly benefit parents, those studying part-time and older workers.

Announcing Labour's plans to ensure flexible working from day one of employment, Dawn Butler said; *"Women do the vast majority of unpaid care, but this must not be a barrier to women in work. That's why I'm announcing Labour's plans to introduce rights to flexible working from day one of employment."*

"This change to the law is essential to closing the gender pay gap and dismantling the structural barriers that hold women back from promotion and progression. It may also result in more men taking on caring responsibilities themselves, finally lightening the load that women bear."

"Under Labour's plans, no woman will be shut out of the workplace because they're a mum or they care for a parent or a disabled loved one, or both. We need an economy that works for women, not against us."



Care sector update – Supreme Court decision

Care worker Clare Tomlinson Blake, has successfully argued that "sleep-in shifts" should count as working time. The Supreme Court has granted permission for an appeal against the Court of Appeal's ruling that considered whether or not care workers who work sleep-in shifts are entitled to the national minimum wage.

In last year's ruling, the Court of Appeal found that sleep-in residential care workers are only entitled to be paid the national minimum wage for the time that they are awake and "actually working." The Court of Appeal found

that during their periods of sleep, care workers were only "available for work" and this therefore did not constitute working time. The Supreme Court will now consider whether this practice is correct.

Should the appeal succeed, care providers could be forced to pay an estimated £400m in arrears allegedly owed to care workers who will then be deemed underpaid in respect overnight shifts.

The date of the Supreme Court hearing has not yet been confirmed, but is not expected to be before October 2019 at the earliest.

Increase in UK compensation limits from 6th April 2019

The Government has announced new limits on certain employment tribunal awards and other amounts payable under employment legislation. The two key changes to be aware of are:

- The limit on the compensation award for "ordinary" unfair dismissal will increase from £83,682 to **£86,444**
- The maximum amount of a week's pay for the purpose of calculating statutory redundancy payments and the basic award in unfair dismissal claims will increase from £508 to **£525**

These new limits will apply to dismissals that take effect on or after 6th April 2019.

Please note that the cap on the compensatory award for "ordinary" unfair dismissal is the lower of the statutory limit set out above and 52 weeks' pay of the individual concerned.

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