

Young Legal Aid Lawyers

Submission to the Independent Review of Administrative Law

October 2020



YOUNG
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LAWYERS

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1. About us

Young Legal Aid Lawyers (‘YLAL’) is a group of aspiring and junior lawyers committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. We have around 3,500 members including students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers throughout England and Wales.

We believe that the provision of good quality, publicly funded legal assistance is essential to protecting the interests of the vulnerable in society and upholding the rule of law. One of our core objectives is campaigning for a sustainable legal aid system to ensure that those who desperately need access to legal advice and representation are able to obtain it.

2. Background

1. On 31 July 2020, the Government established the Independent Review of Administrative Law (‘the Review’), consisting of a panel of six practitioners and academics, and published its Terms of Reference (‘the TOR’).
2. The Review is tasked with considering options for reform to the process of Judicial Review (‘JR’). On 7 September 2020, it launched a call for evidence (‘CFE’) on ‘how well or effectively judicial review balances the legitimate interest in citizens being able to challenge the lawfulness of executive action with the role of the executive in carrying on the business of government, both locally and centrally.’
3. YLAL has undertaken two evidence gathering exercises to inform our response for the Review:
 1. On 23 September 2020, we hosted a virtual roundtable discussion about the Review with a panel of 11 junior public lawyers with more than 100 virtual attendees sharing their views (see Annex 1).
 2. Between 29 September - 16 October 2020, YLAL conducted a survey of legal aid lawyers about how JR operates (see Annex 2).
4. In formulating our response, we have considered the priorities for the Review as set out in the TOR and the CFE. We have decided to focus on aspects of JR that our members have direct experience of to ensure that our response is evidence based.

5. Our members have extensive experience of how JR can secure relief for the most disadvantaged in society; the causes of unlawful decision-making that lead to JRs; and how to reform the rules on JR to improve access to justice. However, our members are less well placed to address issues of standing and justiciability as they rarely arise in a social welfare law practice.
6. As such, our response focuses on three areas:
 1. The role of JR;
 2. How to reduce the need for JR;
 3. How JR should be reformed.

3. Executive summary

7. YLAL's evidence highlights the following aspects of JR:
8. **It facilitates effective governance.** It promotes lawful decision-making by providing a check on public authorities, ensuring that they cannot act with impunity. The JR process, including the Pre-Action Protocol ('PAP'), allows for a dialogue between parties that can lead to public authorities properly understanding their legal duties and improving their policies and practices.
9. **It has a vital 'protective role' in securing urgently needed relief for people in crisis.** Legal aid lawyers use JR to prevent children from street homelessness and to compel the release of vulnerable adults being unlawfully detained. It is essential that the Review remembers that without JR, there would be no remedy to enforce these individuals' rights.
10. **It operates differently when the defendant is a central government department.** Our evidence shows that JRs against local authorities are more likely to settle before a claim is issued than JRs against central government departments. In our view, early settlement is evidence of JR working effectively. We consider that further evidence is required as to why JRs against central government departments are resolved later in the process, at greater cost for all involved, before reforms aimed at 'streamlining' JR can be recommended.

11. **There would be fewer JRs if public authorities made better decisions and engaged with claimants from an earlier stage.** To improve public authorities' decision-making, they need adequate resources to comply with their statutory duties, their decision-makers need to be properly trained and there needs to be proper compliance with the duty of candour and cooperation from the PAP stage.
12. **It needs to be made more accessible.** The civil legal aid means test needs to be reformed as approximately 80% of individuals are financially ineligible for legal aid. The 'no permission, no payment' rule should be abolished as it deters legal aid lawyers from acting for meritorious claimants where it is hard to predict whether permission will be granted. There is no effective cost protection for individuals with meritorious claims who are not legally aided. YLAL recommends that Qualified One-Way Cost Shifting (QOCS) is introduced.
13. **There is a greater role for dispute resolution.** YLAL recommends the Review panel obtain further evidence about the role of Alternative Dispute Resolution ('ADR') in the JR process. We recommend that the Civil Procedure Rules ('the CPR') are amended to allow for parties to agree extensions of time between themselves to allow for more effective settlement negotiations.

4. Survey

14. There were 78 responses to our survey. The questions were designed to gather evidence from junior legal aid lawyers practising in public law. 77% of respondents were solicitors, trainee solicitors or paralegals, and 17% were barristers. A plurality (33%) had 0-3 years of post-qualification experience and 25% were in pre-qualification roles. More than half of the respondents worked in a law firm specialising in legal aid work. The next largest cohort of respondents (19%) worked in Law Centres.
15. 45% of respondents represented clients in community care matters. The next largest practice areas were housing and homelessness (43%) and then asylum and immigration (35%). A substantial number of respondents also brought JRs related to asylum support, criminal justice and prison law, education, health and social care and welfare benefits.

16. For all respondents, most of their work was funded by legal aid, with 64% responding that all of their JRs were funded by legal aid.
17. For 53% of respondents, half or more of their JRs were against local authorities. For 47% of respondents, half or more of their JRs were against central government departments. Other common defendants were housing associations and Clinical Commissioning Groups ('CCGs').
18. We asked respondents how often issues of justiciability and standing arose in their JRs. 87% of respondents reported standing issues 'rarely' or 'never' arose, and 85% reported that justiciability 'rarely' or 'never' arose.

5. The Role of JR

19. The TOR states that the Review should *'bear in mind how the legitimate interest in the citizen being able to challenge the lawfulness of executive action through the courts can be properly balanced with the role of the executive to govern effectively under the law.'* This is reflected in the CFE question, *'Does judicial review strike the right balance between enabling citizens to challenge the lawfulness of government action and allowing the executive and local authorities to carry on the business of government?'*
20. The references to a 'balance' needing to be struck assumes that JR is an impediment to, rather than facilitative of, effective governance. YLAL is unaware of any empirical evidence underlying this assumption and our members' experiences suggest that the opposite is true.
21. Our evidence shows that JR:
 1. Promotes lawful decision-making;
 2. Protects individuals at risk of harm;
 3. Operates differently where the Defendant is a central government department.

5.1 Promotes lawful decision-making

22. Respondents to our survey were clear that JR plays an essential role in ensuring effective governance. The most frequent observation was that JR is an important check on public authorities, ensuring that they do not act unlawfully with impunity:

- *'Without judicial review... unlawful decisions would be made by public authorities without them being questioned.'*
- *'I think the tool is specifically important in the criminal justice/prison system, where accountability is severely lacking.'*
- *'Without it, there would be no accountability, and no incentive for the government body to comply with the law.'*
- *'Judicial review holds public bodies to their legal obligations. Without an effective means for citizens to challenge the lawfulness of decisions and actions by public bodies, there can be no doubt that there will be a greater number of unlawful decisions which go uncorrected. Judicial review is therefore vital to participatory democracy within the rule of law.'*
- *'There are a large number of statutory duties which Local Authorities and central government departments are subject to... but these duties are unenforceable either through private law (monetary claims) or through alternative remedies such as Ombudsman schemes so without judicial review or the threat of it they are little more than mission statements for what the relevant public body would like to do if it had the funds.'*

23. Governments have recognised this important constitutional role of JR. Since 1987, the 'The judge over your shoulder – a guide to good decision making' has been issued to civil servants to ensure that decisions are lawful and to remind them of the supervisory function of JR.

24. Respondents also suggested that JR is such an effective remedy that most unlawfulness is resolved before claims are issued, either following a threat of bringing a claim or a Pre-

Action Protocol ('PAP') letter. Across all types of JR undertaken by respondents to our survey, more than half were resolved without issuing a claim. The early stages of JR appear to be particularly effective at preventing unlawful delay:

- *'A client challenging an extremely long release delay [from prison] had been ignored for many months and letters from [their] previous solicitor had also been ignored. It was not until [a] PAP letter that [the prison] responded and provided a release date.'*
- *'Threats of JR against the Home Office are often the only way to ensure that asylum seekers are actually provided with the Asylum Support accommodation which they have been granted in theory.'*
- *'In one case a client had been waiting for over a year for a mandatory reconsideration about disputed earnings in the context of a claim for UC. We wrote to the DWP on multiple occasions to request the mandatory reconsideration notice. We eventually issued a PAP letter... and the DWP responded within a month and made a back payment of the benefit due.'*

25. Respondents also noted that the early stages of JR are effective at ensuring public authorities reverse decisions where they have misapplied the law. For example, one respondent noted that: *'[t]he bulk of the judicial review work that I do is in relation to local authorities failing to comply with their statutory duties with regard to homeless applicants. I find that in the vast majority of cases, where their unlawful action has been brought to their attention, and in the knowledge that I can and will issue a claim for judicial review... the unlawful decision is overturned.'*

26. JR is often welcomed by some public authorities as it helps them to understand their legal duties and to improve their processes and policies. Respondents stated that:

- *'The housing team at the local authority against which our firm most often has housing cases will say themselves that our frequent challenges meant that they had to become better at the way they dealt with homelessness applications.'*
- *'Many of the challenges I have brought have led to the withdrawal of unlawful policies, better decision-making processes etc. Lambeth Council, for example, recently agreed*

to re-add hundreds of families to its council housing register after it conceded a challenge to a long-standing policy'

- *'I spend close to half my time acting for public bodies (the rest against) and none of my public body clients regard judicial review as an impediment to good governance. Some of them welcome it.'*

5.2 Protects individuals at risk of harm

27. The Review appears to be primarily concerned with JRs challenging the policies of central government departments rather than JRs brought to secure essential relief for individuals in crisis.

28. It is vital that this 'protective' function of JR is considered by the Review, and it was highlighted by numerous respondents to our survey:

- *'I have been involved in 3 judicial reviews in the last month which have led directly to homeless children who had been in the streets for some time being housed.'*
- *'We act for individuals who are often vulnerable, destitute or homeless. Quite simply if the Defendant in any particular case did their job properly and in a timely manner there would be no need for JR proceedings to be threatened or issued. If JR were removed there would be no accountability and this would have a devastating impact'*
- *'[JR] ensures that assessments of vulnerable or disabled people, including children, are conducted in a thorough manner that takes account of their specific circumstances, leading to better decisions that protect an individual's interests and safety.'*
- *'JR is a final defence against unlawful decisions, which... affect those that need the most help in society.'*
- *'The areas I practice in clients would be left in life threatening situations such as street homelessness and destitution were they to be deprived of the means of challenging actions / inactions of government bodies.'*

- *‘Every year me and my colleagues secure the safe release of children from prison who are legally entitled to support and accommodation but do not get it without the threat of judicial review.’*
- *‘...without the threat and recourse to judicial review these families will be rendered homeless and destitute.’*
- *‘In one of my cases the threat of judicial review challenge potentially saved my client’s life because he needed separate accommodation because of a health problem and possibly would have died if still living in shared accommodation.’*

29. Many of these JRs were resolved without a claim being issued. However, but for the existence of JR the claimants would have experienced significant harm, such as destitution and unlawful detention.

5.3 JRs against central government departments operate differently

30. The Review appears to be primarily concerned with JRs against central government departments. In our view, it would be a mistake not to recognise that there are important differences between JRs against central government departments and JRs against other public authorities, such as local authorities. We disaggregated our survey data into Groups A and B to interrogate these differences.

Group A: consists of practitioners where 80% or more of their JRs are against central government departments. This group comprises just over a third of respondents (38%), who primarily specialise in asylum and immigration, asylum support and/or criminal justice and prison related JRs against the Home Office and Ministry of Justice.

Group B: consists of practitioners where 20% or less of their JRs are against central government departments. This group comprises just over a third of respondents (37%), who primarily specialise in community care and/or housing and homelessness related JRs against local authorities and CCGs.

31. We excluded the remaining respondents, who had more mixed practices.

32. For practitioners in Group A, the threat of JR was rarely effective. For 73% of practitioners in this group, the threat of JR only resolved issues in under 10% of cases, and for 93% of practitioners in this group, the threat of JR resolved issues in no more than 20% of claims. By contrast, the threat of JR was significantly more effective for practitioners in Group B. Only 41% stated that the threat of JR was effective under 10% of the time. For 55%, the threat of JR resolved the issue in 20% or more of their cases. For a not insubstantial number (7%), the threat of JR resolved the issue 60% of the time.
33. PAP letters were also more effective for practitioners in Group B than in Group A. A PAP resolved a claim in 60% or more of cases for 72% respondents in Group B, whereas for only 7% of practitioners in Group A did a PAP resolve a claim in 60% or more of JRs. However, a PAP was still effective in 40-50% of JRs for 46% of respondents in Group A. While the data is difficult to disaggregate further within Group A, it is our understanding that asylum support JRs are more likely to resolve following a PAP than asylum and immigration JRs. Further research is required to understand why asylum support related JRs are more likely to settle at an earlier stage of proceedings than asylum and immigration JRs.
34. For practitioners in Group A, JRs were more likely to proceed to final hearing than JRs brought by practitioners in Group B. For more than a quarter (27%) of practitioners in Group A, in 30% or more of their cases where a PAP was sent it proceeded to final hearing. By contrast, for Group B, no respondents stated that 30% or more of their JRs proceeded to final hearing. In Group A, 40% of practitioners stated that under 10% of their cases proceeded to final hearing. We understand that the number of JRs proceeding to final hearing in Group A would likely be higher if asylum support JRs were excluded, although a more granular analysis of our survey data is not possible. In Group B, 71% of practitioners stated that under 10% of their cases proceeded to final hearing.
35. Our survey data therefore shows that JRs against central government departments are more likely to proceed or be settled later on in the process. This suggests that the JR is more expensive and time consuming in cases against central government departments than local authorities. In YLAL's view, the Review should recognise that JR operates less effectively when the defendant is a central government department. Further evidence is needed to interrogate why these differences exist, as this is an important dynamic that needs to be properly understood before recommendations for reform should be made.

6. Reducing the need for JR

36. JRs can only be properly brought where there is unlawful decision-making. If public authorities always acted lawfully, there would be no need for JR.
37. The CFE asks: *'What more can be done by the decision maker or the claimant to minimise the need to proceed with judicial review?'* There is no empirical evidence that YLAL is aware that suggests lawyers frequently bring unmeritorious JRs.
38. In our view, the onus is on the decision-maker to prevent the need for JRs. The following steps should be taken to improve public authority decision-making:
1. Ensure sufficient funding and resources to decision-makers to allow them to comply with their legal duties;
 2. Provide adequate training to decision-makers to ensure that they understand their legal duties;
 3. Meaningfully engage with claimant lawyers at an early stage.

6.1 Resources

39. In YLAL's view, there is a clear correlation between unlawful decision-making and austerity.
40. While all public authorities have constrained budgets, the situation appears to be most acute in local authorities. Data from the Local Government Association ('LGA') shows that local authorities have lost almost 60% of their funding from central government for local services since the introduction of austerity measures in 2010. The LGA has stated that local authorities in England face a funding shortfall of £8 billion by 2025.
41. In the past decade, local authorities have had to step in to support individuals where central government has rolled back support. One respondent commented that in the local authority they previously worked for *'the number of children in care doubled between 2012 and 2018 - *doubled*. That's the result of welfare reform, cuts to funding for Sure Start centres, a lack of community mental health provision for adults and children, and these are just examples. The impact of the doubling of the number of children in care? A lack of resources elsewhere in the council, so you end up with this cycle, which really is pernicious.'*

42. Enhanced statutory duties have also been imposed on local authorities, including the Children and Families Act 2014 and the Homelessness Reduction Act 2018. To be clear, YLAL considers these pieces of legislation to be important for securing the rights of the most disadvantaged in society. However, central government needs to provide local authorities with sufficient resources to enable compliance otherwise these duties will continue to contribute to unlawful decision-making and the proliferation of JR.

6.2 Training

43. Our evidence shows that decision-makers in public authorities need improved training. Many decision-makers do not appear to understand their legal duties, and in some public authorities there are cultures of refusal.

44. Numerous respondents noted that decision-makers appeared to be poorly trained with little grasp of statutory duties or guidance that they are required to comply with. For example, one respondent noted that public authorities should *'[t]rain their frontline officers to understand and implement procedures correctly, especially where their actions can have devastating effects for clients.'*

45. A large number of respondents noted that certain public authorities had cultures of refusal, with decision-makers appearing to be deliberately obstructive or disengaged. Several respondents noted the lack of *'political will'* to make fair decisions and the need for a *'culture change to ensure decisions are made with individuals in mind'*.

46. In YLAL's view, improving training for decision-makers would be a cost-effective way of reducing the need for JR.

6.3 Engagement

47. Our evidence shows that a lack of engagement by public authorities during the early stages of JR proceedings led to disputes not being resolved. Respondents made the following observations about the need for meaningful engagement from public authorities:

- Reply to applicants. *'We use JR in our homelessness cases. The number one reason applicants seek legal advice is because they are unable to get a response from whoever is dealing with their case.'*
- *'...public bodies need to respond to PAP letters more effectively. Particularly in the case of claims against local authorities, many of these are entirely uncontroversial and the claim actually issued is a repeat of the PAP letter.'*
- Avoid *'the use of cut and paste in decision letters and instead actually engaging with the issues and facts.'*
- *'Listening to the claimant before the case gets to judicial review and cooperating with the legal representative before having to serve a letter before claim. Communication is key.'*
- *'Often government bodies simply ignore people who try and resolve matters in other means, e.g. by raising that they require a response to a benefit appeal, raising that they are in need of accommodation that should be lawfully provided to them etc., complaining, chasing people etc. Were these responses actioned then threat of JR would not be necessary.'*
- *'Take PAP letters seriously (and actually respond to them).'*

48. Improved engagement with claimants at an early stage would also likely result in more JRs being discontinued. Our evidence shows that public authorities often withhold information that would render a JR meritless. For example, if a claimant alleges a breach of the Public Sector Equality Duty ('PSED') and the public authority has an unpublished Equality Impact Assessment, it may be able to dispense with the claim at an early stage by disclosing it to the claimant. As such, it is YLAL's view that public authorities complying with the duty of candour and cooperation from an early stage would reduce the need for JRs to be continued.

7.Reform to JR

49. The TOR asked whether procedural reforms to JR are needed to ‘streamline the process’. The CFE posed a number of questions to government departments and other public bodies on how JR. In our survey, we asked respondents what ‘one recommendation to improve’ JR the Review should make.

50. Respondents to the survey and participants in our roundtable highlighted a number of areas for reform. These broadly fall into three categories:

1. Legal aid;
2. Cost protection;
3. Dispute resolution.

7.1 Legal Aid

51. Legal Aid for JR remains in scope following the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (‘LASPO’). However, there are two aspects of the legal aid scheme that stymie access to JR:

1. The civil legal aid means test;
2. The ‘no permission, no payment’ rule.

7.1.1 Means test

52. JR is inaccessible to most due to the strict legal aid means test thresholds that render most people ineligible for legal aid. The thresholds are set out in the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013. Subject to some limited exceptions, the means test criteria include a gross monthly income limit of £2,657, a monthly disposable income limit of £733 and a disposable capital limit of £8,000. When civil legal aid was introduced in 1945 it is thought that 80% of the population was financially eligible. However, that figure is now thought to be under 20%.

53. One respondent noted ‘...at the moment you need to be destitute in order to get legal aid, and if you can’t get legal aid you essentially can’t bring a judicial review due to the costs risk. This

leaves the vast majority of people unable to access judicial review so no wonder people do not appreciate the benefits.'

54. Privately funded JRs can cost hundreds of thousands of pounds, which denies access to justice for many with meritorious claims.

7.1.2 No permission, no payment

55. As per Regulation 5A of the Civil Legal Aid (Remuneration) Regulations 2013, any work done by legal representatives prior to permission being granted is at risk. This means no permission, no payment. Providers of legal services work at risk at the pre-permission stage even when the Legal Aid Agency has decided to grant funding for the relevant judicial review challenge. Respondents expressed concern that this risk deters lawyers from bringing important and meritorious where the prospects of obtaining permission are uncertain.

56. Respondents were unanimous that the 'no permission, no payment' rule should be abolished. For example, one respondent noted that *'legal aid should no longer be 'at risk' in cases where permission is not granted. It is a huge fetter on access to justice and, frankly, abuses the goodwill of lawyers who are keen to ensure that abuses and excesses by government do not go unchallenged.'*

7.2 Cost risks

57. The general rule in JR is that the loser pays the winner's costs. Respondents noted that this rule and the lack of effective cost protection means that JR is inaccessible to all apart from the poorest, who are eligible for legal aid, and the richest, who can shoulder the risk of a six figure adverse costs order.
58. Our evidence suggests that Cost Capping Orders ('CCOs') do not provide adequate cost protection. CCOs are only available once permission is granted, which requires claimants to already have committed to the risk of cost exposure. CCOs are also only available in public interest cases.

59. Even where a CCO is granted, claimants must still be willing to take substantial -albeit certain- financial risks, with even 'low' CCOs requiring claimants to accept a cost risk of several thousand pounds.
60. Multiple respondents recommended introducing Qualified One-Way Costs Shifting ('QOCS') for JR, as was introduced in personal injury cases following the Jackson Review of Civil Litigation Costs. QOCS create a general rule, subject to certain exceptions, that defendants cannot recover their costs against unsuccessful claimants, thereby protecting claimants from adverse cost orders.
61. As an alternative to QOCS, some respondents echoed Lord Justice Jackson's recommendation of extending the Aarhus costs regime for environmental cases to all JRs.¹ These rules limit the costs recoverable from claimants in environmental claims to £5,000 for individuals and £10,000 for companies (with a reciprocal cap on the costs that claimants can recover if successful of £35,000). The scheme is optional for claimants, and parties can apply to vary the caps.
62. Respondents were clear that costs are a significant barrier to claimants accessing JR and often lead to public authorities acting unlawfully with impunity.

7.3 Dispute Resolution

63. Multiple respondents considered that there was a role for Alternative Dispute Resolution ('ADR) in JR to '*save time, money, court resources and stress*'.
64. Respondents also recommended longer time limits and provision for agreeing extensions of time to facilitate dispute resolution. One respondent noted that longer time limits for issuing a claim '*would enable more time to follow PAP and may result in settlement of claims, rather than being required to issue anyway due to short limitation*'. They also suggested that '*this could go hand in hand with cost consequences for defendants who settle after pre-action/issue but before permission decision, putting emphasis on attempts to reach settlement at pre-action if possible*'.

¹ Review of Civil Litigation Costs: Supplemental Report Fixed Recoverable Costs, Lord Justice Jackson, July 2017 <https://www.judiciary.uk/wp-content/uploads/2017/07/fixed-recoverable-costs-supplemental-report-online-2-1.pdf>,

65. Respondents also recommended improved compliance by public authorities with the duty of candour and co-operation in order to aid early dispute resolution.

8. Conclusion

66. JR is an essential remedy that helps public authorities to govern effectively. We invite the Review panel to make evidence-based recommendations for reform that consider the perspectives of junior legal aid lawyers. We would particularly welcome reforms to JR that make it accessible to anyone with a meritorious claim.

October 2020

Young Legal Aid Lawyers

<http://www.younglegalaidlawyers.org>

ylainfo@gmail.com

[@YLALawyers](#)

Annex 1: YLAL roundtable on the Independent Review of Administrative Law

On 23 September 2020, YLAL hosted a virtual roundtable via Zoom to discuss the Review. These discussions informed YLAL's response. Our response should therefore not be understood to represent the views, individually or collectively, of roundtable participants and attendees.

Chair:

Rebecca Kingi (ATLEU and YLAL Committee)

Participants:

Georgia Banks, Duncan Lewis

Jessie Brennan, Bindmans

Miranda Butler, Garden Court Chambers

Oliver Carter, Irwin Mitchell

Lois Clifton, Simpson Millar

Clare Duffy, Doughty Street Chambers

Claire Hall, Child Poverty Action Group

Mira Hammad, Garden Court North

Jessica Jones, Matrix Chambers

Rowan Smith, Leigh Day

Robyn Taylor, Deighton Pierce Glynn

The roundtable was open to all YLAL members. There were more than 100 attendees, with many contributing their views through Zoom's chat box function.

Annex 2: Survey questions

To inform our response to the Review, YLAL produced a survey with the following questions:

1. Name
2. Location
3. Email
4. Role
5. How many years post-qualification are you?
6. Where do you work?
7. What areas of public law do you act in judicial reviews?
8. What % of your public law cases are against a central government department?
9. What % of your public law cases are against local authorities?
10. What other bodies do you bring judicial reviews against apart from central government departments and local authorities?
11. What % of your public law cases are resolved following a warning that your client may bring a claim for judicial review (no PAP letter)?
12. What % of your public law cases are resolved following a PAP letter?
13. What % of your public law cases are resolved after issuing a claim for judicial review but before a permission decision?
14. What % of your public law cases are resolved or discontinued immediately following a paper permission decision?
15. In public law cases where you have sent a PAP letter, what % go to a final hearing?
16. What % of your judicial review claims (where PAP letter has been sent) are legally aided?
17. Where your clients are not legally aided, what % of your judicial review claims are discontinued because of cost risk?
18. What role does judicial review play in promoting effective governance? Please outline your experiences, providing examples where possible.
19. How often do issues of standing arise in your judicial review work?
20. How often do issues of justiciability arise in your judicial review work?
21. What steps could public bodies take to reduce the need for judicial review?
22. If the IRAL could make one recommendation to improve judicial review, what should it be?