On 1 April 2013, the Legal Aid Sentencing and Punishment of Offenders Act 2012 removes new employment law cases in England and Wales from the scope of legal aid, except in relation to discrimination law. Fewer claimants will obtain legal assistance, with more litigants in person appearing at tribunal hearings without prior advice.

Legal help is available currently from public funds for those claimants who meet a merits and financial test:

- under the Legal Help Scheme (formerly the Green Form Scheme). The scheme provides public funding for advice and assistance and disbursements for the preparation of tribunal claims up to, but not including, representation at ET hearings; and also
- full legal aid provides representation at the EAT, Court of Appeal and Supreme Court.

As at May 2012, there were 179 offices franchised with the Legal Services Commission for legal aid for employment law. These include private firms, law centres and legal advice centres and some CABs. Some 20,203 employment cases were started in England and Wales under the scheme during 2011/12, with 18,216 employment cases reported closed.

**Raising concerns**

ELA, along with around 5,000 others, responded to the government consultation phase on LASPO raising concerns about the affects of the removal of employment legal aid.

Legal aid funding is crucial for many law centres and legal advice centres, which are likely to face cuts to employment advice provision, endangering their ability to continue with this work. The need for further support from the profession for the voluntary legal sector and its clients is bound to increase.

**Discrimination advice**

Discrimination cases will remain within the scope of legal aid. They are defined by Schedule 1 Part (1) 43(1) of LASPO as: ‘Civil legal services provided in relation to contravention of the Equality Act 2010 or a previous discrimination enactment.’ However, the service will be provided remotely through telephone or online advice, with clients only getting face-to-face advice if the provider considers that they cannot be advised over the phone or by email.

From April 2013, there will be three providers of telephone legal aid discrimination advice across England and Wales: Howells based in Sheffield; Stephensons in Manchester; and Merseyside Employment Law.

Clients access the service by an initial call with an operator who determines whether they have a problem that falls within the scope of the service and whether they are likely to pass the means test for assistance.

Once put through to a specialist adviser the client is given up to two hours’ advice, which usually constitutes initial instructions and advice over the phone, followed up in writing. Where a client has an imminent limitation deadline, a claim form may be completed and submitted if that appears appropriate. After the initial two hours, a client must provide documents to satisfy the means test and sign a Legal Help form. They can then continue to receive advice while their case has merit and they remain eligible.

It may be helpful for respondents’ representatives, Acas conciliators and even employment judges to be aware of the remaining service if they encounter claimants who are struggling to manage their own discrimination claims.

The number for Civil Legal Advice is 0845 345 4345 or advice can be obtained online via https://claonlineadvice.justice.gov.uk/