

# Residence test will have 'huge consequences'

CIVIL legal aid is also in the process of being reformed, with certain cases, including divorce and clinical negligence, no longer eligible for public funds, except in very limited circumstances.

Further cost-cutting measures have been proposed, including a residence test to ensure only British citizens can claim.

Legal aid is currently awarded to anyone who can prove they cannot afford to pay for legal representation or advice.

To qualify under the new proposals, applicants will need to be lawfully resident in the UK and have lived in the country for a continuous period of 12 months at some stage in their lives.

### Harm

Jerry Bull, solicitor at family law firm Atkins Hope, based in North End, Croydon, said the test could only harm children's interests.

"It's trying to stop a relatively small number of people from taking advantage of the system, but the way the test is worded at the moment, it would be virtually impossible for most people to get



**CONSEQUENCES:** Jerry Bull of Atkins Hope

legal aid," he said.

"If you take proposals as they are, no child under the age of one could be represented because they wouldn't pass a residence test as they can't provide documented proof, of which there has been no clear definition.

"When cases run into thousands of pounds, no one is going to take a risk if you can't provide that evidence."

Child protection experts have warned that abandoned migrant and trafficked children will be left destitute by the tests.

Mr Bull believes the consequences will be far-reaching.

"Imagine the council wants to take a child away from his or her mother, but she can't pass the residence test before her first hearing, which ends up in the child being taken into care," he explained.

"Even if she is able to provide the documents further down the line, and qualifies for legal aid, it's much more difficult getting a child out of care than stopping it in the first place.

"Being represented at that crucial first hearing dramatically increases your chances. It's absolutely critical.

"The residency test means that vulnerable people will be without representation at critical times. It's extremely concerning.

"This has had very little publicity but the potential consequences are enormous."

## Solicitors and other



**CHANGES** to the legal aid system with widespread opposition from the profession. Solicitors working for the criminals who should be

"THE job is not just about looking after criminals, but also supporting the poor, vulnerable and innocent," explains solicitor Robert Hardy-McBride.

"The changes to legal aid mean more of those people will end up representing themselves, leading to clogged up courts and miscarriages of justice.

"It will create super-firms whose employees, under cost constraints, will feel pressured to look at profit before quality, and lead to more people pleading guilty, even if they have not committed a criminal offence."

In the face of overwhelming opposition from the legal profession, justice secretary Chris Grayling this week dropped one of the most controversial aspects of plans to cut £220 million a year

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