

# Legal aid for victims of discrimination: inquiry terms of reference

Statutory inquiry under section 16 and schedule 2 of the Equality Act 2006 into legal aid provision for victims of discrimination in England and Wales.

1. The inquiry will examine the extent to which legal aid provides effective access to justice for individuals who raise a complaint of discrimination in England and Wales.
2. It will examine:
  - a) how discrimination cases are funded by legal aid
  - b) how many individuals receive legal aid funding for discrimination claims, including representation or assistance with bringing a case in a court or tribunal, and how this compares with evidence of the number of individuals who seek advice about discrimination
  - c) whether there are barriers to effective access to legal aid
  - d) whether some individuals experience specific difficulties in accessing legal aid, for example language or literacy difficulties, or because of a protected characteristic
  - e) the operation of a mandatory telephone gateway as the access point for most discrimination advice, and
  - f) in light of the above, whether legal aid provides effective access to justice for individuals who complain of discrimination, and whether improvements could be made to reduce barriers and improve access to justice.
3. The inquiry's focus is on the position in 2017-2018 but it may examine earlier evidence from 2010-2016 where relevant.
4. The inquiry will make recommendations as appropriate.
5. Interpretation:
  - a. **'Discrimination'** in this inquiry means conduct in breach of the Equality Act 2010, or a previous discrimination enactment as further set out at schedule 1 paragraph 43 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), and a complaint, claim, or case of discrimination means a complaint, claim or case that alleges such a breach.
  - b. **'Legal aid provision for a victim of discrimination'** means civil legal services that can be provided under LASPO to an individual who complains of discrimination.
  - c. The mandatory telephone gateway is called **Civil Legal Advice (CLA)**. In most cases, an individual seeking legal aid for a complaint of discrimination must contact CLA as the access point for legal aid.

- d. **‘Protected characteristic’** means the characteristics protected by the Equality Act 2010 (set out at section 4 of that Act), which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

### Communications about this inquiry

Any communication concerning this inquiry may be sent to [legalaidinquiry@equalityhumanrights.com](mailto:legalaidinquiry@equalityhumanrights.com)

Published 4 September 2018.