

PSAP NEWS ISSUE 28 2018

Welcome to **PSAP News**. The Penal and Social Affairs Panel of the Unitarians brings news of some current issues in criminal justice, Human Rights, prisons and now social problems. Follow the links for fuller information.

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1 High Court defines “Fundamental Dishonesty” – False and exaggerated legal claims have caused lawyers and insurers many problems in recent years. They are said to form a major part of the cost of motor insurance for all drivers. The High Court has decided that dishonesty in any part of the claim, whether compensation, expenses or costs, will now amount to “fundamental dishonesty” and lead to the whole claim, rather than just a part of it, being struck out. See www.lawgazette.co.uk/law/high-court-provides-guidance-on-fundamental-dishonesty/5064470.article

2 Patients detained under Mental Health Acts need more protection – A review of the Mental Health Act 1983 was announced by the Prime Minister. The 1983 Act allows patients “sectioned” to be treated for three months and detained for six months without adequate challenge. The Law Society, which includes most mental health lawyers, has objected to the lack of restraints. See <https://www.lawsociety.org.uk/news/press-releases/patients-detained-under-mental-health-act-need-stronger-safeguards/> And judges in the Court of Protection have said the same about vulnerable people suffering from dementia, Alzheimer’s or a learning disability. Without legal aid, they cannot get representation to challenge the deprivation of their liberty. See <https://www.lawsociety.org.uk/news/press-releases/court-of-protection-highlights-human-cost-of-cuts/>

3 Failure by Police to disclose evidence to defence a major problem – A joint report by the HM Inspectorates for the Police and the Crown Prosecution Service found that around 55% of the cases examined included evidence useful to the defence of the accused, the “unused material”, was not given up. See <https://www.independent.co.uk/news/uk/home-news/police-crown-prosecution-service-disclosure-lawyers-trial-a7846021.html>

4 Forced resignation of Parole Board Chairman a mistake? – Prof. Nick Hardwick’s letter to David Gauke, the Justice Secretary and Lord Chancellor, made clear his objection to Gauke’s demand. He took no part in the Parole Board’s decision and the High Court’s decision to overturn the release of Worboys was a surprise to many lawyers. The Court’s requirement on the Parole Board to take into account matters not the subject of conviction reverses parole practice of decades. But there are more surprises. For a Lord Chancellor to threaten the Parole Board questions its independence. Moreover, Hardwick had been the Chief Inspector of Prisons and made repeated complaints about prisons and lack of action by the Government. He had called for reform to the Parole Board rules.

See <https://www.theguardian.com/society/2018/mar/28/parole-board-chair-sacrificial-lamb-nick-hardwick>

5 Crisis in UK Prisons grows – An “Urgent Notification” scheme only started in November has been first used by the Chief Inspector of Prisons in March about conditions in Liverpool. The poor conditions contribute to the record violence and deaths in UK prisons. See <https://www.independent.co.uk/news/uk/home-news/prison-crisis-laid-bare-as-government-issued-unprecedented-warning-over-dying-inmates-as-inspectors-a8166676.html>

6 Indefinite detention of immigrants a “stain on our democracy” - The UK is the only EU country without a statutory time limit for the detention of immigrants. The UK has paid more than £21 million to immigrants over than last five years for unlawful detention practices. Two former Conservative ministers have protested at the indefinite detentions and conditions at the immigration detention centres. See <https://www.independent.co.uk/news/uk/politics/theresa-may-immigration-detention-home-office-tory-revolt-amendment-time-limit-a8179846.html>

7 One Hundred Women on strike at Yarl’s Wood Detention Centre – More than 100 women detained for possible removal from the UK have gone on hunger strike in protest at the conditions at the Detention Centre, in particular at the poor health care. The Immigration Minister has responded by serving official letters on the individual protestors threatening their accelerated deportation. The ECtHR has repeatedly found the UK’s immigration removal centres to be prisons. See <https://www.theguardian.com/uk-news/2018/mar/06/minister-defends-deportation-threats-over-yarls-wood-hunger-strike>

8 Tribunal Judges say immigration system “far too complex” – Governments have made 11 immigration statutes and altered many immigration Rules with inadequate scrutiny in the past 50 years, according to MPs and judges. See www.lawgazette.co.uk/law/tribunal-judges-criticise-far-too-complex-immigration-system/5064449.article

9 Government forced to restore Legal Aid for Prison Law – The Howard League and the Prisoners Advice Service together took legal action in 2017 to have legal aid for prisoners cut in 2013 restored. The Court of Appeal was told that the cuts had contributed to more than 300 deaths in UK prisons. See <https://www.lawgazette.co.uk/law/government-widens-legal-aid-scope-for-prison-law/5064149.article>

10 Sir James Munby tells the history of Family Law – Sir James Munby, President of the Family Division of the High Court, made the landmark decision in 2002, in the first legal case made by the Howard League, that children in prison are entitled to the protection of the Children Act 1989. He is now pressing for more reform. See <https://www.judiciary.gov.uk/wp-content/uploads/2018/03/speech-pfd-changing-families-edinburgh.pdf>

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