

Ref. A085/551

PRIME MINISTER

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In his minute to you of 18 February the Secretary of State for Social Services sought your agreement to his proposals to reorganise means assessment work for civil legal aid following a recent efficiency scrutiny. The main proposal is the centralisation of all assessment work in England and Wales. This will save 165 posts.

2. There is one machinery of government issue.

3. The scrutiny report recommended the transfer of responsibility for means assessments from the Secretary of State for Social Services to the Lord Chancellor in England and Wales and in Scotland to the Secretary of State for Scotland. Both already have policy responsibility in each country. The scrutiny team identified no immediate savings from such a move (and indeed in Scotland some small transitional costs) but thought the end result would be higher priority for means assessment work, better co-ordination between case work and policy and eventually more soundly based criteria for aid.

3. The Secretary of State for Social Services advised you, after consultation with the Lord Chancellor and the Secretary of State for Scotland, to agree to the transfer in Scotland, but to leave responsibility in England and Wales as it is.

5. The Lord Chancellor is, I understand, concerned on two counts - first, his Department's lack of expertise, and second, the constitutional propriety of making the head of the judiciary also the final arbiter of the individual's access to the courts. The second objection would not apply in Scotland, where the relevant functions would be divided between the Lord Advocate and the Secretary of State.

6. If there had been substantial additional savings from a transfer in respect of England and Wales, then I think you would have wanted to look very carefully at the scrutiny team's arguments and the Lord Chancellor's objections. But, as matters stand, I think you can accept your colleagues' advice and leave the question of transfer in England and Wales on one side, at least for the immediate future, while approving the transfer in Scotland. A transfer of responsibility in England and Wales at the same time as centralisation could just make centralisation, which may be controversial with staff and their union representatives, that much more difficult to achieve, and delay the manpower and efficiency savings expected from it.

ROBERT ARMSTRONG

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22 February 1985