



The All-Party Parliamentary
Group on Legal Aid

Justice In The New Parliamentary Session
Monday, 3rd February, 2020, Jubilee Room, House of Commons

DRAFT ONLY

[In attendance](#)

Parliamentarians:

Karen Buck MP
Lord Charlie Falconer
Sir Bob Neill MP
Bambos Charalambous MP
Baroness Natalie Bennett
Daisy Cooper MP
Lord Colin Low
Andy Slaughter MP
James Daly MP

Fiona Rutherford – Director of Access to Justice policy

Speakers

Lord Charlie Falconer
Sir Bob Neill
Bambos Charalambous
Daisy Cooper
Baroness Natalie Bennett
Amanda Pinto QC – Bar Council
Simon Davis – President of The Law Society
Caroline Goodwin – Chair of the Criminal Bar Association
Chris Minnoch - LAPG
Faith Rowan – on behalf of Young Legal Aid Lawyers

Karen Buck welcomed everyone to the meeting, the first since the opening of the new parliament and introduced the speakers.

[Lord Charlie Falconer](#)

Lord Falconer thanked Ms Buck for the invitation to speak to meeting. He opened by explaining that this is an incredibly important time for legal aid and the law, the last ten years have been problematic for lawyers, for those who have struggled to get legal aid, for victims of crime who have

to wait 500 days before there is any trial in the Crown Court. Lord Falconer added that legal aid isn't about the lawyers, it is about the abandoned partner in an emotional relationship who can't get a lawyer, the victim of a medical accident who can't get a lawyer in order to find out what happened at the inquest.

The crisis is getting worse and worse and has been used by successive governments in order to try and reduce the burden of public expenditure in the wrong way. For all of those public benefit claimants who are wrongly refused and lack legal aid to appeal and get the right answer. The potential of cases where the conclusion is overturned when there is legal aid is terrifying.

Lord Falconer urged the meeting to remember that it this is not about the lawyers but about the people who the lawyers serve and the people who need them. He added that we are entering a crucial period because we are being told that austerity is over. Austerity is over even though last week Sky published a letter from the Chancellor asking all departments to cut 5% of their budget. That these same cuts will apply to a justice department which has already sustained cuts of 30-40%. Lord Falconer went on to add that no one is interested in the justice sector and health, home and fighting terror take priority for the politicians.

Lord Falconer commended both Ms Buck and Mr Neill for their fight for Justice and work drawing attention to the consequences of austerity in relation to the legal services budget. He urged the meeting to make a common cause for the Lord Chancellor, Robert Buckland, because he has an obligation to properly fund a justice system, stating that we need to make proper cause to allow him to fight within government for an increase in real terms to the legal budget. If this fight is not undertaken then things will not change.

Lord Falconer went on to say that a particular problem that we face was illustrated by a tweet that afternoon by the political editor of Sky news. Quoting a senior source from 10 Downing Street, she reported that the problem behind all the counter terrorism failings is that the policy has been influenced by the lawyers. Lord Falconer urged the meeting not to underestimate how much the politicians in charge at the moment hate the lawyers and will try everything to get lawyers views overturned. He added that lawyers views are for those whom we serve. If something is not done to overturn the cuts to legal aid then lawyers will suffer but most of all it will be the poor and disposed who suffer at the expense of a state that couldn't care less.

[Sir Bob Neill](#)

Sir Bob commenced by thanking the meeting for inviting him to speak and stating that it was a pleasure to follow the former Lord Chancellor. He added that even if he didn't necessarily adopt all the language of Lord Falconer there is a great deal of substance that they both agree on. The MoJ has suffered by being an unprotected department for a period of time – vulnerable department funding. Politicians need to raise awareness of the fact that a Government department cannot keep absorbing cuts indefinitely. The Justice committee in the last parliament raised the point that cuts had gone too far in certain areas, particularly seen by the increase of unrepresented defendants in family and debt matters. Unrepresented members of the public lead to injustice and inefficiency in the courts and the judiciary.

Sir Bob declared that a sensible starting point is to say that whatever the broad picture of expenditure, the MoJ cannot be expected to absorb any more cuts while it is essentially providing a social service. Legal services have never been seen as fundamental as healthcare, education or social care and lawyers and concerned individuals need to make the point that access to an independent and well funded justice system to resolve issues between individuals, and the state and individuals is

as much a social service as healthcare or education. As a society, he added, we have not yet done this effectively.

Sir Bob added that the third point that he wished to make is that what happens in individual instances should not be hijacked for easy headlines. He disagreed with Lord Falconers view that the current leadership of the Conservative party hates lawyers – remarking that they have a funny way of rewarding this particular lawyer. He explained that the problem is that people across the political spectrum don't understand. We have had years of lazy politics and reporting that blames things that don't work out on the lawyers –so much so that the legal sector has become the whipping boy. Sir Bob made the point that if decisions go against governments it is not always the lawyers fault. It may be because parliament itself may not have drafted the legislation properly or it may not have been interpreted in a way aligning with the government.

Sir Bob spoke of the need to build on the good and form coalitions in support of legal aid. This is something that constituents are often in support of by reference to their specific circumstances and where the justice system has not worked well for them. He added that when Politicians connect this way there is a real resonance with constituents as ordinary people. There is a potential need to recast the argument in the terms of direct impact and direct benefits for ordinary members of society. If it is real to people there is perhaps a better chance of making the case than there has been so far. **Above all, Sir Bob concluded that we must never stop trying.**

[Bambos Charalambous MP](#)

Mr Charalambous thanked Ms Buck for inviting him to speak. He commenced his speech by looking back at why legal aid was established in the first place. He was reminded about the Rushcliffe committee which set up legal aid. The white paper was published when free legal advice was either pro-bono or ad hoc. The intention at the time was that legal aid should provide advice so that everyone can access legal help regardless of their situation.

Mr Charalambous told the meeting about his experiences working at a legal aid law firm providing green form legal aid advice. He went on to discuss the worrying cuts to legal aid that we have seen since LASPO. Mr Charalambous told the meeting that £3bn has been taken out of legal aid and now the Government have stated their intention to put £6.5m back into legal "innovations". Mr Charalambous lamented the destruction of the legal aid profession that he has witnessed which has caused many lawyers to leave the profession. He went on to cite the number of centres providing free legal advice which has fallen from 2013/14 - 74 to around 47 last year. Mr Charalambous added that those coming for legal advice often have problems in a multitude of areas (or clusters of problems) and if they don't get advice in one area then they can't work on their other issues. Consequently, those savings that are attributed to the legal aid cuts are often simply passed on to other departments and thus not savings at all.

Mr Charalambous concluded that there was a need for legal services to be targeted at areas where they are most needed. He cited the advice deserts that are going to get spread, highlighting his concerns for criminal legal aid in particular. Having working in a criminal law firm for three years, Mr Charalambous drew upon his experience and referred the meeting to the huge areas of the country where only one or two aging solicitors are providing criminal legal aid. He reiterated the case that we have reached a critical time, if things don't change now we risk a catastrophic situation where we could go back to pre-Rushcliffe.

[Daisy Cooper MP](#)

Ms Cooper thanked the meeting for the opportunity to speak to those gathered and explained that despite the fact that she was not a former lawyer or lord chancellor, this was a subject that she has campaigned extensively around. Ms Cooper cited the original vision and intention behind Legal Aid in 1945 which was for legal aid to be the NHS of the legal system. She explained to the meeting that before the recent general election, she worked for a cross party campaigns group called More United, which had the aim of finding common causes across MPs of all parties -legal aid was identified as one of those. Ms Cooper went on to add, that debate on legal aid has had MPs from 5 of the main political parties (Conservatives, Labour, Lib Dem, SNP and DUP) agreeing that there needed to be the restoration of early legal advice. She went on to add that these MPs were all singing from the same hymn sheet and asked the meeting why more has not happened in this area.

Ms Cooper stated that her priority as a newly elected MP will be to focus on the restoration of early legal advice. She continued that it is a false economy that we are spending so much money down the line remedying situations that have escalated, rather than spending money initially. Ms Cooper stated that the Government has saved £945m in real terms since 2011 – twice what was predicted by Government when LASPO came in. She added that there has been little accountability for escalation of and impact of the LASPO cuts. Ms Cooper called for the restoration of early legal advice and assistance where merited across the welfare state. She cited debt, employment, immigration and family matters. Ms Cooper asked that the eligibility criteria applied and ECF be simplified and the legal aid system be more generous across both the civil and criminal sectors.

Ms Cooper concluded her address by touching upon other pressing issues in the justice brief. She expressed her hope for cross party support against attacks on judicial independence, threats to the Human Right Act and Judicial Review, the promise of a Constitutional Democracy and Rights Commission and we need the constitution and Terms of Reference to be tight enough that they don't undermine any crucial rights in society.

Baroness Bennet

Baroness Bennett thanked the meeting for the opportunity to speak to them on behalf of the Green Party. She began her address by explaining that while she has no legal qualifications, she works and has worked with a number of people who have been arrested and have relied upon lawyers to represent them e.g. Extinction Rebellion, fracking campaigners, Occupy etc. Baroness Bennett made the point emphatically to the meeting that Justice unfunded is justice denied. She added that Lord Falconer had also made this clear, legal aid is for the people who need the services, and not about the lawyers. She went on to discuss her involvement with the Truth About Zane campaign, briefly setting out the facts for the meeting. She explained the case as being about Zane Gbangbola, a seven-year-old boy who went to bed one night in a comfortable middle class home in Surrey and didn't wake up. Parents, FBU and PCSU believed that poisonous gas from an unregulated 1930s landfill site infiltrated under their house; killing Zane and crippling his father.

Baroness Bennett reminded the meeting of the importance of equality of arms. She explained that Zane's parents had gone into the inquest with a very limited amount of professional support, a couple of days of legal support. These grieving parents were then up against legal teams from 6 public authorities all claiming that their people had done nothing wrong. Baroness Bennett reported that the Inquest found Zane died of carbon monoxide poisoning, although this finding was not supported by medical evidence in the case. She used this as a powerful individual case with a great deal of media focus which highlighted the imbalanced weight of representation. Behind this notion, the Baroness went on to explain, is the idea of hundreds maybe thousands of similar sites all around the country that people are not aware of – posing an unknown threat at a huge level.

Baroness Bennett concluded by stating that she had begun her speech by thinking about campaigners against fracking and young climate strikers. These individuals need to be able to use the law. She went on to add that the current air pollution emergency is being addressed because of legal work by Client Earth. Law is going to be of more importance now than ever.

As a non-lawyer, Baroness Bennett set out her support for lawyers all the way

Amanda Pinto QC – Chair of The Bar Council

Ms Pinto introduced herself and thanked the meeting for inviting her to speak on behalf of The Bar Council. She commenced her speech by setting out her aim of focussing on access to justice in family cases as illustrative of the principle that there is no point in individuals having rights if they cannot exercise them. She added that there is no point having rights if they cannot be enforced and agreed with the idea that it is a false economy to remove from the equation legal aid for people who are unable to represent themselves properly.

Ms Pinto took the meeting through some statistics for family legal aid, explaining that since LASPO was passed there has been a 36% cut in spending on legal aid since 2010/11 from £2.6bn to 1.6bn. These cuts have been seen in the family courts and over half of law centres offering free legal advice have closed. Ms Pinto went on to elaborate that an unintended consequence is the clogging up of the family courts because people lack representation and an understanding of what they can and cannot get out of family proceedings. She added that it is difficult to find statistics for this but it is possible to view the numbers of Litigants in persons as a proxy for cases that should and would have received legal aid and gone to mediation or have provided individuals with advice that would avoid the courts entirely.

Ms Pinto reported that the National Audit Office had released statistics showing a 22% increase involving cases involving children and a 21% increase in all family cases, in which neither party had legal representation. Ms Pinto added that anyone working in the family courts will know of Support through Court, which used to be the Personal Support Unit. She explained that their volunteers support litigants in person and helped 75.5k people last year adding that this is an astonishing statistic. Ms Pinto went on to say that this highlights the fact that individuals don't feel they can go through the court process without help. It is undoubtedly the case that unrepresented defendants or parties slow the case down and have a detrimental effect in highly emotional cases.

Ms Pinto explained that there are four obvious repercussions to this – there is a requirement for lawyers and people to try to go through mediation before going to court. She explained that this simply does not happen when there are two unrepresented litigants at a highly emotional and critical moment. Ms Pinto described having the parties in front of her with 15 issues that they cannot agree on, with half of the day spent whittling the issues down with the assistance of the judge as a mediator to actually 3 fundamental issues needed a judge to determine. This is half a day of the court's time wasted on people who should have gone to mediation but who lacked lawyers to help them and point them in the right direction and minimise issues. She explained that this means that many cases that shouldn't be in court at all are clogging up the lists which, in turn, has an impact on delays in the system. These are delays which involve other families and children which desperately need to be heard. Ms Pinto stated that what is missing from the situation where you lack lawyers is that every single point that has to be determined by the judge, who doesn't have the assistance of those whose first duty is to the court.

Ms Pinto cited the recent case of JH v MF, a case about access to a child, where a woman had a history of being abused by her partner. The woman had representation, but husband did not, and

appeared as a Litigant in Person with a McKenzie friend. The protections which the woman would have had if both sides had been represented fell by the wayside, judge went into the arena and ended up making a “level playing field” between the two even though the woman was a vulnerable woman who needed special measures. Judge put it that to get the ‘Feng Shui’ in the court correct, both parties had to give evidence from counsel’s row rather than giving the woman the special measures that she needed in place. Ms Pinto went on to explain that this was a shocking case which would never have happened if both sides had been legally represented because many of the issues would never have been raised.

Simon Davis – Law Society

Mr Davis began by thanking Ms Buck for the invitation to speak to the meeting. He commenced by telling the meeting that when he became president of the Law society, The Times described him as an incorrigible optimist, a description with which he agreed. Mr Davis went on to add that it is difficult to be optimistic about the subject matter at hand. What he can be optimistic about, however, is the number of people who came to offer support when the law society building burnt down on Saturday. He added that he can also be optimistic about the huge turnout at this meeting and the number of young people in attendance in the room. Mr Davis added that the theme of his talk would be the human beings who run throughout what we are discussing and we must not allow to get lost in the wealth of statistics.

Mr Davis went on to say that The Law Society hosts a number of admission ceremonies for young solicitors throughout the year. He added that there were a fabulously diverse group of race, gender, religion and backgrounds but there is a distinct lack of diversity in the kind of law they are going to practice with a palpable lack of legal aid or criminal law practitioners. There are simply not enough young people going into the criminal law solicitor.

Mr Davis explained that numbers of criminal duty solicitors are down by 36% from 2010, with the number of firms practicing legal aid down by 40% from 2016. He focussed on criminal duty solicitors, the kind of person regularly called up in the early hours of the morning to attend police stations to assist individuals who are often seriously vulnerable and bewildered. What the individual charged will not be aware of is that the duty solicitor has not had a pay increase for 22 years, and indeed suffered a pay cut in 2014. Is it surprising that there are fewer and fewer people going into the criminal legal profession? Many leave. Some go into the CPS – this can be a good thing, he added, we need to see a well-funded CPS but we do not want to see a CPS which is actively and positively recruiting at the expense of the criminal defence side.

Mr Davis explained that it is not difficult to see why people turn to crime, the causes are regularly the same and have their roots in debt, homelessness, family breakdown, social welfare inadequacy. He added that surely these people should be able to get some legal advice. Surely the Local Authorities should be able to provide some support. Yet, he added, 50% of Local Authorities have no legal aid provision for housing. He went on to ask about the need for community care, pointing out that 80% of Local Authorities have no community care legal aid provision. Throughout the system there is a distinct lack of funding and ambition.

Mr Davis exhorted the young people in the room to come into the criminal law because the work that they will undertake is exactly the work that so many people come into the legal profession to do. To help the vulnerable and the truly needy. He added that what we need is to make sure that those hesitant about coming into the important area of the law because of the financial viability of doing so, ask this government to fund it properly. Thus far, the Government has shown that they are prepared to look at the situation, Mr Davis stated that his hope is that when these reviews are

completed – someone will say ‘that makes a change’. That this will be a government that means what it says.

Caroline Goodwin – Chair of the Criminal Bar Association

Ms Goodwin commenced by asking if there was a doctor in the House because the cuts to the criminal bar and legal aid have resulted in a sector that is bleeding to death. She went on to state that we are in an emergency, explained that if the MoJ is serious about victims of crime, as they claim to be, then there are five areas to look at:

1. There must be a substantial increase in the number of crown court sitting days so that courts are open to hear cases that are ready to be tried. Ms Goodwin stated that it is not acceptable that cases are being delayed for up to a year and that the backlog increases. This situation does not serve the complainants who are placed in a terribly onerous position to be in. Ms Goodwin welcomed the increment in days that was announced on the day of the meeting but went on to say that 30-40% of court centres are not sitting the full quota of crown courts each day, concluding that this was a perfect storm that needs to be rectified.
 - a. Ms Goodwin went on to give the meeting some examples of what is happening on the ground: referring a case in 2019 which was a second time listed fraud matter in a Northern crown court with a 78 year old complainant. The case was listed for trial and then taken out on that morning, relisted to be tried again on the 10th August 2020.
 - b. Another case was listed to float involving threats of violence with the use of imitation firearms. Three civilian witnesses attended at court but were simply sent away.
 - c. A further case was a S47 trial, on its third listing, which was adjourned to a new date in September.
 - d. And finally, Ms Goodwin pointed to three cases listed on Tuesday in the previous week to float – case taken out including the second listing of a trial for sexual assault to an 8 year old child.
 - e. Ms Goodwin concluded that this all points to a backlog not being taken seriously.
2. As her second point, Ms Goodwin called for a swift end to the use of the released under investigation system which she explains allows a number of crimes to go unmonitored; suspects to go unchecked without bail conditions; and allows individuals who have the finger pointed at them to live without knowing their fate. She described this as a proverbial Sword of Damocles, stating that it is not an excuse to say that forensic matters take so much longer. There is a simple answer, she suggests – **invest**. Ms Goodwin asserted that it is not necessary to have 12 months to review telephone evidence or forensic services.
3. Ms Goodwin moved on to consider the use of PCR orders for serious offences including rape. She explained that it was essential that if complainants come forward that there are the resources available to them to enable them to go to the courts.
4. The fourth point that Ms Goodwin focused on was the need to increase legal aid advocacy fees. She explained that there was a burning need to stop the haemorrhage of young criminal barristers and to ensure there is actual financial support for enabling heavy weight cases to be properly handled. She elaborated by stating that there is a need for barristers who can understand and deliver the complexities of long lasting criminal cases, which take, time, effort and investment. The lack of fees that other professions have means we risk being left with no criminal practitioners who can do that.

5. Ms Goodwin also touched upon the need for a more realistic approach to increase police officers. She pointed out that the 20,000 officers [promised by the Government] is simply not enough because of the natural attrition of people coming to retirement. Ms Goodwin suggested that we need more like 40,000. A figure that won't happen immediately because people need training and this will take time.

Ms Goodwin concluded her remarks by stating that the fundamental thing to remember is that we need to have faith in our criminal justice system and to invest in the criminal justice system to protect the sector, protect ourselves and protect the general public.

Fiona Rutherford – MoJ

Ms Buck thanked the meeting for inviting her to speak and said that it was a pleasure to update them in relation to the work that the MoJ has undertaken since the post implementation review of LASPO. In this post-election period, she explained, the MoJ is continuing with the major reviews being talked about last year, namely the criminal legal aid review, means test review and supporting a number of other initiatives.

She remarked that work on the Criminal legal aid review goes across all the schemes that exist. In June, Jelena Lenzo spoke to the Group about the work that the team is leading on in the reform of CLAR. She detailed the two main objectives of the Review which were:

- (i) that fees should reflect the work people do at its heart and be fair, and
- (ii) we must have a sustainable market of practitioners able to provide advice and representation.

Ms Rutherford stated that the MoJ's approach to ensure that the report delivers on these goals is to listen to practitioners in collecting evidence and to work out where there is evidence gaps. Their aim, she declared, is to ensure lasting change and not just a quick fix. In recognition of concerns raised last year by practitioners, Ms Rutherford reported, the MoJ decided to accelerate the most important areas of the review, namely: unused material, crap trials, paper heavy cases, sending cases to the crown court and pre-charge engagement. She stated that their plan is to make announcements on this as an absolute priority. However, Ms Rutherford went on to add that these accelerated items represent only a small portion of the review, especially a wide amount of work in the sustainability of the wider market and the key focus must be in moving forward.

Turning her attention to the means test review, Ms Rutherford explained that the MoJ was looking at the means test in the round, eligibility testing. She went on to say that a central issue is the income thresholds for civil and criminal aid but that the teams are also looking at the circumstances in which benefits recipients should be passported through the systems. She added that this will not be a small review and would consider the experiences of particular groups of legal aid recipients, explaining that the Ministry is particularly interested in victims of domestic violence. She went on to say that the team need to consult as widely as possible and have set up a monthly meeting stakeholder group. The Stakeholder Group is about to embark on a series of regional focus groups and hopes to publish a report on its work later this year. Ms Rutherford gave thanks to LAPG and other third sector bodies that provide representatives to this body and to The Law Society for its regional focus groups.

Of wider focus, Ms Rutherford went on to say, is the Legal Support Action Plan. This sets out actions for building an evidence base on how best to resolve legal problems earlier by ensuring people can access the right sort of advice and when. The plan is about putting people first. Ms Rutherford added

that the Action Plan recognises that legal aid is only part of the picture in ensuring people can access legal support when needed. She detailed a number of initiatives set out in the Action Plan; e.g.

- £5m in legal support innovation fund for tech and other innovations in helping identifying and resolving legal issues,
- £4m in funding to enhance support for litigants in person building on £38m already invested, improving coordination and signposting individuals through building an online service providing information tailored to issues raised that should empower them to resolve issues themselves where they can solve them or signposting them if they can't follow them, piloting bringing support services together in a holistic hub.

Ms Rutherford continued by saying that all of the work of the MoJ is being continually supported by the legal support advisory group and engagement with stakeholders. Their insight will be integral to the success of the programme

She went on to touch upon a variety of topics such as the Early legal advice for social welfare pilot – which will test what putting early legal advice back in will do in terms of upstream / downstream impacts.

Ms Rutherford also mentioned the face to face pilot scheme helping individuals in relation to early legal advice in housing issues to see if this could prevent escalation to homelessness.

Ms Rutherford explained that the MoJ would be working closely with DWP and many third sector organisations.

Ms Rutherford then touched upon the civil legal aid gateway telephone system explaining that going forward, face to face advice was being expanded in the alternative for areas involving special education needs, debt, discrimination. That this expansion would allow eligible individuals to access these advice services in first instance.

This is all part of a bigger plan to give people more routes to access legal advice in a way that best suits their needs.

Ms Rutherford concluded by discussing Inquests, reiterating the Government's commitment to ensuring that bereaved families can participate in the coronial process. She reminded the meeting that the MoJ recently published a guide for bereaved families on participation in the coronial process containing key principles for what will happen when lawyers are instructed. These guidelines were intended to ensure that lawyers remain at the heart of the inquisitorial process but putting the bereaved families at the centre. On 30th Jan 2020, Ms Rutherford went on to add, there was an MoJ event with lawyers instructed by government in coronial matters to advise on how best to go forward with speakers such as Angela Rafferty QC. The MoJ want to promote better participation from all families in the inquest process in order to improve the advocacy in this inquisitorial area.

[Faith Rowan – Young Legal Aid Lawyer](#)

Ms Rowan thanked the meeting for the opportunity to speak to them about her experiences. She explained that she had previously been a trainee solicitor working in crime, housing and welfare up until the 10th Jan 2020. She added that she had worked in criminal defence for approximately 5 years in total, explaining that she was accredited in the police station, and had represented clients in matters ranging from shop theft to terrorism and murders. Ms Rowan explained to the meeting that she had left the profession that had been her dream and passion from a young age because the profession is not sustainable.

Ms Rowan elaborated by saying that the role of criminal defence lawyers is to protect those stuck in the station, in court at the worst times of their lives. These clients often present with complex matters and individual vulnerabilities, housing issues etc. Going into the profession Ms Rowan stated that she knew she would not be on a high-flying salary but did not appreciate the realities of earning £25000 as a duty solicitor in the east midlands when going to the police station at 2am, driving 30 or so miles to represent a client and of how much of an impact those conditions have on your own wellbeing. She added that the fact that she could not see herself doing this in the long-term is why she chose to leave despite feeling passionately about her clients. Ms Rowan added that she continues to want to assist them in whatever way possible and to inform them of why she has left the profession.

Ms Rowan concluded by explaining that criminal defence lawyers are often there to prevent miscarriages of justice caused by underfunding in other areas of the legal system and benefits system. She added that the profession is haemorrhaging solicitors too because the profession is not well funded – individuals are worth more than £25k.

Ms Rowan asked the meeting and the gathered MPs -who will be the future leading the profession? Who will be the next QCs, the Judiciary, who will represent people at their most vulnerable in the future – at the minute it will be no-one.

Chris Minnoch – LAPG

Mr Minnoch thanked Ms Buck for her invitation to speak, adding that the problem of going last after an esteemed panel is that everything has already been said more eloquently. He started by making a direct plea to the Lord Chancellor to confirm how the legal system will move forward and how it will change for the better.

Mr Minnoch added that the meeting has heard helpfully from Ms Rutherford on behalf of the MoJ about what they are doing in terms of policy, and what is being done on the operational side of things by the LAA. What the Government isn't talking about is the sustainability of the civil side of the legal aid profession – there is undoubtedly a criminal crisis but there is also a civil crisis too.

Mr Minnoch then quoted from post LASPO implementation review – which claimed that the data seems to suggest that the market is sustainable at present but needs to be looked at further. He asked the meeting what the evidence was for this statement, adding that there seemed to be nothing substantial behind a rather bold statement. Throughout the report the MoJ recognise and accept the many examples given by groups and rep bodies which point towards a lack of sustainability. Mr Minnoch stated that these were acknowledged in the report but nothing comes out of the report itself to address it. In Feb 2018 the governments stated position was to evaluate the pilots of face to face advice and to compare that with technological pilots. With the time needed to set up the pilots and to evaluate the evidence that is collected, Mr Minnoch made the point that it will take up to 10 years post LASPO before the Govt seriously looks at the sustainability of Civil Legal Aid. He went on that there has been £500m saved each year without reinvestment and thousands of clients being neglected in that time.

Mr Minnoch referred to the statistics mentioned by Mr Davis, specifically the overall 40% reduction in the number of firms practicing legal aid since 2016. A 56% reduction in public law, 39% reduction in housing, 37% reduction in community care. There is a distinct lack of providers in the regions. Almost 80% of Local Authority areas have no Community Care legal aid provider. However, Mr Minnoch elaborated, the statistics only tell part of the story – they only tell you 'where is an office

with a legal aid contract'. They don't tell you the capacity of those offices or what sort of work being taken on – we do not have that data and why? It is a government service, we should have that data.

Mr Minnoch went on to say that other areas are out of scope resulting in a massive exodus from those services. Legal aid lawyers are leaving the profession not because of a lack of demand but because the work is not economically viable to run the businesses – something that is taboo to talk about. He added that compliance and auditing requirements is totally disproportionate to the fees being paid and CCMS was a disaster. Mr Minnoch reflected that legal aid firms are finding it impossible to attract new staff. He went on to add that they cannot retrain staff or recruit supervisors – why would individuals take on management responsibilities at the salaries being offered. Mr Minnoch explained that fees have always been too low but they have not been increased in decades and have mostly been cut. He expanded by saying that the fees don't reflect the financial cost of delivering the service. This cannot be resolved by small cuts or fiddling round the edges.

Mr Minnoch concluded that quality legal advice has a cost, it has to be realistic and it has to reflect the cost of delivering the service. Legal aid service has to be recognised as an emergency service, a public service and a vital part of civil service. He implored the MoJ to please look at everything already committed to but also please look at the supply chain, this is not something talked about in legal aid. There is no point in improving the system if no one is willing or able to do the work.

Karen Buck

Wanted to reflect on two points:

1. Criminal legal aid review and sustainability of the civil legal aid review will be returned to in the future by the APPG
2. There are refreshments at the back of the room for everyone to enjoy!

Questions

Fiona McNelis- Civil Litigation Solicitor for 19 years – legal aid all through practice; Coming from civil liberties background, actions against police, abuse, JR etc – what if anything can we do to help the panel in their discussions with the government in terms of investing more into legal aid?

Maggie Ellis - First of all as a coordinator of the group for technology, pushing hard for people to look at better digital services – in Australia 93% of the population have all their records on their telephone with easy access and know they can trust those records. We should be working for access to our records -govt has not funded this and yet it affects everything talked about. Second – working as an occupational therapist, Ms Ellis sees a number of cases received through legal aid because most people are given a lawyer from a list who knows nothing about the case and has not done it before. Ms Ellis saw a client recently who had an orthopaedic x-ray but no one had seen the x-ray and the lawyer was not aware that this was needed. We need lawyers assigned to better know the facts.

Jenny Beck made a plea for joined up thinking, advocating bringing back early legal advice which would result in considerable savings. Spending the money up front for proper legal advice that gives people choices would provide savings on everything from litigants in person to health . We need a pilot in family as well.

Question 4 -Question for Ms Rutherford primarily – great to hear means test review looked at in the round. Will the review look at behavioural culture in the legal aid agency, culture of refusal in the

LAA where claims are rejected by the LAA who often look down on the clients they should be serving?

Carol Storer – Director of Legal Action Group; reiterating that it is a year since post LASPO review, surely it is time for there to be more publicity about what the legal support action plan is doing. There has been no publicity on this and is a need for more.

Stephen Davies – Criminal Law Solicitor, Explained to the meeting that he was engaging with the criminal legal aid review on behalf of the young legal aid division. Mr Davies made a plea for the Government to inject money into police station fees. He pointed towards the inefficiency of criminal justice system has an impact on the firms, they cannot bill and so they cannot fund their work. Mr Davies added that 80% of matters are RUI for which solicitors cannot bill. For murder cases, the fixed fee for £200. These fees render the profession financially unviable and, like Ms Rowan, he is thinking of leaving.

Simon Davis

Important to keep in mind that it is not the MoJ funding legal services it is the treasury. The way that one can help is by providing human interest cases to the MoJ that they can use to push the treasury for more money.

Karen Buck

APPG is a good recipient for stories too – it makes a difference and are a good organisation to tell powerful stories to.

Fiona Rutherford Answers

In regards to raising awareness of the cuts to civil aid, the MoJ need more people coming forward who are willing to chat.

In relation to technology, it's fair to say a lot more is done in other jurisdictions and there is a need to learn from them, MoJ also looking at what legal tech is delivering and how this can be used in a legal aid context. The MoJ have heard points from Ms Storer before and they will continue to be borne in mind for the future.

In regard to the means test review, both the MoJ and the Chief executive of LAA invite examples of a culture of refusal being raised to the LAA or the MoJ review and Fiona would encourage all to come forward.

In regard to publishing the work of the legal action plan, the website is up and will share the work done by the group. There is no intention for it to remain as secret as it has seemed to date, want to detail who is on it, what has been discussed and what papers have been made.

Lord Falconer

There are fundamental problems identified at the beginning – 5 solutions that re required

1. Proper funding for early advice in welfare areas
2. Restoration for proper advice and representation in private & family matters
3. Proper representation in inquests – Ms Rutherford from MoJ unquestionably on our side but it was very difficult to hear her say that the aim of the government is to put the bereaved families at the centre of the coronial process – everyone else is represented as a right other than the bereaved families. Ultimately the families should get representation as a right.
4. Sustainable criminal justice defence system

5. Return to an entitlement to legal aid subject to a means in test in reasonable cases including civil JR

Thanks to MoJ for all the bits and pieces done on the edges, worth doing but they do not address the savagery of what has happened over the last 10 years and the reduction of our criminal justice system from 2010 to what it is now. People that suffer are the individuals lacking justice. Civil practitioners should let the world know how things are suffering.

Ms Buck gave thanks to everyone from the panel for speaking and invited the audience to give their thanks.