

Press release

Westminster Commission on Legal Aid

19 October 2021

MPs from across the house call for reforms to improve the sustainability and recovery of the legal aid sector

The Westminster Commission, an initiative of the All-Party Parliamentary Group on Legal Aid, today publishes its report on the sustainability and recovery of the legal aid sector in the wake of the pandemic

Over the last year, the Commission has heard directly from current, former, and future legal aid lawyers, and from clients, through a series of oral hearings and written submissions. Over the course of the Inquiry we found that:

- There has been a continued and gradual decline in access to justice with increasing numbers of people across England and Wales unable to access legal advice when they need it.
- It seems likely that this need will increase as we emerge from the pandemic, rebuild our communities and 'level up'.
- This decline in access to justice has a number of causes including the areas of law taken out of the scope of legal aid, firms and organisations leaving legal aid and difficulties recruiting and retaining lawyers in civil and criminal legal aid.

Overall, we found that the service being provided to the public is not sufficient and the legal aid profession as it stands is not sustainable.

To improve the sustainability and sufficiency of the legal aid sector, we have made specific recommendations for government in relation to:

- Legal aid fees
- Recruitment and retention
- Broadening the scope of legal aid and meeting legal need
- Exceptional case funding
- Means testing

The Commission is chaired by Labour MP Karen Buck, with support from Vice-chair Conservative MP James Daly.

Rohini Teather, Head of Parliamentary Affairs at Legal Aid Practitioners Group, who coordinated the Commission, says:

'The Westminster Commission has been the biggest ever Inquiry into the financial and emotional health of the grassroots legal aid profession. The first to try to view the profession as a whole. Through our six oral evidence sessions, written submissions, our independent research and the closely aligned #LegalAidCensus, we have gathered vital, qualitative and quantitative data. It has been genuinely humbling, and our focus has been on the "social work" function that legal aid lawyers provide, which often goes unrecognised. We focused on the lawyers themselves, particularly issues with recruitment and inclusion, and the impact of Covid-19 measures on access to justice.'

The number of organisations with legal aid contracts has fallen consistently over recent years from 2,129 civil providers in 2012 to 1,401 in September 2021. The picture is much the same in crime. In 2012 there were 1,652 providers with criminal legal aid contracts. There are now just 1,080 of these left, and we believe that the Westminster Commission is the first detailed exploration of the reasons why both lawyers and organisations are giving up publicly funded work.

Karen Buck MP (Chair of the Westminster Commission) says:

'We began this Inquiry fearing that life during the pandemic has intensified the underlying stresses on the legal aid system and those who work in it. The wealth of evidence we heard confirmed this to be the case. Levels of need have soared whilst access to legal aid and to legal aid providers, in both civil and criminal law has declined. Legal aid lawyers go above and beyond in serving the public, but the business model on which they rely is increasingly unsustainable. Our report provides an in depth analysis of the state of legal aid in 2021 and, we believe, a roadmap to rebuilding a service upon which justice itself rests.'

James Daly MP (Vice-Chair of the Westminster Commission) says:

'As a practising criminal defence solicitor for 16 years I know how important a vibrant legal aid sector is to ensuring access to justice for all. The profession is going through a period of unprecedented challenge and I hope this Inquiry can be part of an ongoing review to ensure criminal legal aid has a sustainable future and a realistic career option for young lawyers.'

Chair and Vice-chair Karen Buck and James Daly were supported by Commissioners: Baroness Helena Kennedy QC (Labour); Baroness Natalie Bennett (Green Party), Lord Willy Bach (Labour), Lord Colin Low (Cross-bencher), Laura Farris MP (Conservative), Yvonne Fovargue MP (Labour), Andy Slaughter MP (Labour), and Gareth Bacon MP (Conservative).

The work of the Commission will complement the Justice Committee's inquiry into the future of legal aid.

The #LegalAidCensus data has been analysed by Dr Jacqueline Kinghan, senior lecturer in law and social justice at Newcastle Law School, Drs Daniel Newman and Jess Mant, senior lecturers in law at Cardiff University and Dr Catrina Denvir, Associate Professor at Monash University.

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Notes for editors:

1. The Westminster Commission has been supported by the All-Party Parliamentary Group on Legal Aid, which promotes parliamentary and public understanding of the importance of the role of publicly funded legal services. The APPG receives secretariat support from Legal Aid Practitioners Group and Young Legal Aid Lawyers. For more information visit <https://www.apg-legalaid.org/>
2. The Commission's report *Inquiry into the Sustainability and Recovery of the Legal Aid Sector* can be downloaded from the APPG website (<https://www.apg-legalaid.org/node/735>). Hard copies can be requested by emailing rohini.teather@lapg.co.uk
3. A report based on the closely-aligned #LegalAidCensus is expected to be published in November 2021. For further information contact LAPG's CEO Chris Minnoch – chris.minnoch@lapg.co.uk