

31 March 2022

Dear Lord Chancellor and Ministerial Team,

Today, LAPG has launched the findings of the 2021 Legal Aid Census, which provides yet more evidence of the urgent need for Government action to ensure that legal aid provers are sustainable and can respond to the needs of the public.

The sector stood together in 2021 and created the most comprehensive picture of the Legal Aid Sector yet. We now stand together to ask Government to provide support for a sector in crisis.

[Read the Legal Aid Census report here](#)

[Read the Executive Summary here](#)

The Legal Aid Census provides the robust evidence that we need to demonstrate what life is really like for practitioners and organisations on the legal aid front line. You have accepted the parlous state of the criminal legal aid sector and the need for urgent investment in the system and its people if we are to ensure that legal representation is there for those who need it. The same is no less true for those in civil legal aid where years of cuts and underfunding have taken their toll. The Census demonstrates that practitioners are highly motivated and committed to their clients and to social justice. However, a lack of investment has caused significant issues across the legal aid sector, including:

- Considerable barriers for those seeking to enter the profession – from limited training opportunities to high levels of student debt that cannot be serviced by low salaries – this is creating a recruitment crisis across the sector
- Difficulties in retaining staff due to low salaries, a lack of career progression and a range of issues impacting adversely on staff wellbeing
- Fixed fees and hourly rates are too low and fail to reflect the complexity of the work, the vulnerabilities of clients, and the time taken to provide the services that clients require, leading practitioners to do unpaid work, work far longer than they are remunerated for and limiting the type of cases that can be taken on

These factors are primary reasons cited by practitioners for leaving legal aid and help to explain the steady exodus of lawyers and organisations from the sector over the last decade.

The Census was devised and undertaken by an independent academic panel, and their findings can be summarised as follows:

'The Census demonstrates that the legal aid sector is characterised by significant financial insecurity, which in turn has led to crisis. This poses significant threats to the ability of legal aid organisations and chambers to operate, the sustainability of the



Junior Lawyers Division





current workforce, the possibilities for recruiting and retaining the future generation of legal aid practitioners, and the accessibility of justice.'

The Government's recent response to the Independent Review of Criminal Legal Aid acknowledges that major steps need to be taken to secure the future of criminal defence work. The same must be said for civil legal aid. There are now just over 1400 organisations across England and Wales with a Civil Legal Aid Contract – a massive reduction in client access in the last decade – and this erosion of access to justice shows no sign of waning. Without a sufficient supply of practitioners to provide legal advice, there can be no true levelling up in our society. The Census shows us that there are fewer people going into legal aid, fewer people choosing to practice in legal aid and fewer organisations undertaking publicly-funded work throughout the whole sector.

That is why we, the undersigned, are asking the Government to take urgent action on both civil *and* criminal legal aid. The Means Test Review will ensure that thousands more will be eligible for legal aid but we need investment in the system now if we are to meet those demands. There has been talk of a civil sustainability review since 2019 but we believe that this is now not necessary as the Government is aware of the issues and the action needed to address them.

We are calling on Government to:

- Commit to an immediate increase in civil and criminal legal aid fees, accounting for historical inflation, and index-linked in the future to ensure that fees increase in line with the cost of delivering services
- Give more people the opportunity to forge a career in legal aid through, for example, a return to government-funded training and qualification processes for both civil and criminal areas of law
- Establish an expert advisory panel to conduct further research on access to justice and sector sustainability, to inform future government policy on all aspects of legal aid

The Government must recognise legal aid organisations as part of the backbone of the high street and a vital part of levelling up our communities, and must address burgeoning legal aid deserts to make access to justice a reality for all.

Now is the time for the Government to stand up and be counted on all aspects of the legal aid system.

Yours sincerely,

Jenny Beck QC (Hon) and Nicola Mackintosh QC (Hon), Co-Chairs, **Legal Aid Practitioners Group**

Chilli Reid, Executive Director, **AdviceUK**

Jack Ridgway, Vice Chairman, **Association of Costs Lawyers**



Cris McCurley, Vice President, **FIDA UK (International Federation of Women Lawyers)**

Simon Mullings, Co-Chair, **Housing Law Practitioners Association**

Julie Bishop, Director, **Law Centres Network**

Suzanna Eames, Chair of **The Law Society of England & Wales' Junior Lawyers Division**

Sue James, Director, **Legal Action Group**

Jo Hickman, Director, **Public Law Project**

Emma Cordock, Co-Chair of the Legal Aid Committee, **Resolution**

Catherine Atkinson, Chair, **Society of Labour Lawyers**

Kaya Kannan and Paige Jones, Co-Chairs, **Young Legal Aid Lawyers**