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LAPG Member Update

Issue 8 of 2022



Legal Aid Census

#WeAreLegalAid

Dear Members,

Today we publish the findings of the 2021 Legal Aid Census. With your help, we obtained over 2200 responses and an absolute wealth of both qualitative and quantitative data which the independent academic team has used to compile a detailed set of findings about the health and viability of the legal aid sector. The Report, [which can be downloaded here](#), provides key demographic data for current, former and prospective legal aid practitioners and the characteristics of the organisations delivering legal aid. The analysis is divided into sections focussing on:

- Establishing a career in legal aid – financing education and training, the availability of training and employment, recruitment
- Working in legal aid – working hours, challenges and stressors, wellbeing, salary and working arrangements, and job satisfaction
- Fixed fees – the viability of fixed fees and how organisations seek to make them work
- Hourly rates – working under hourly rates and carrying out unpaid work
- Exiting practice areas – why practitioners and organisations withdraw from delivering categories of legal aid
- Exiting the sector – why practitioners and organisations give up legal aid altogether
- The impact of Covid-19 – service demand, delivery and sustainability

- Facing the future of legal aid – identifying the challenges ahead and how to meet those challenges

The Census data provides the most comprehensive and detailed understanding of the legal aid workforce ever collected. In conjunction with the [Westminster Commission on Legal Aid's report from October 2021](#), it will form the backbone of our campaign seeking further investment in legal aid (more on that below) whilst also informing our responses to government initiatives such as the Criminal Legal Aid Review and Means Test Review consultations. The Census is also a tool for others as the data is now available for use by the sector as a whole. And of course we hope that the data will be influential by demonstrating that more should be done by the Ministry of Justice to ensure that policy is based on data, evidence and what the sector actually requires if it is to respond effectively to public legal need.

The Census demonstrates that you are highly motivated and committed to your 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.

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

[Read the Executive Summary here](#)

[Read our Census Publication Press Release here](#)

Campaign on Legal Aid Sustainability

While the government has, for the first time in decades, released positive public statements about the value and importance of legal aid, we are yet to see concrete plans and financial commitments that will make a meaningful difference to the viability of legal aid providers. We share [The Law Society's serious concerns](#) about the government's proposals in response to the Independent Review of Criminal Legal Aid. There are no plans afoot to improve the sustainability of civil providers. Current policy initiatives within the Ministry are limited and peripheral to what is actually required to ensure access to justice. And of course we have publicly stated our concerns that while the Means Test Review is a positive and progressive attempt to open up legal aid to more clients, the sector is in decline and doesn't have capacity to respond to increasing legal need.

That is why we are today launching a campaign seeking greater investment in legal aid. The Census data, Westminster Commission report, [Justice Committee report](#), [Criminal Defence Data Compendium](#), [Law Society advice desert maps](#), and [Independent Criminal Legal Aid Review](#) all provide the government with incontrovertible evidence that the legal aid sector is crisis. Indeed, [the government's own data](#) (scant that it is) demonstrates a steady decline in both crime and civil provider numbers and a reduction in capacity across the whole sector, pointing to a sustainability crisis caused by decades of under-investment in legal aid. Crucially, this also equates to an access to justice crisis, with hundreds of thousands of people each year unable to get the advice and representation they need and deserve.

We have published an [Open Letter to the Lord Chancellor](#), supported so far by 11 other sector bodies, calling on the 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

We think that it is vitally important for the future of legal aid that the government address the viability of both criminal and civil legal aid providers. Almost 400 firms and NFPs carry out both criminal and civil legal aid and any action by the government should consider the sector as a whole, particularly given the Ministry of Justice's acknowledgement through the Early Legal Advice Pilot that clients have complex, interconnected legal need spanning multiple categories of legal aid. While the government's response to the Criminal Legal Aid Review is facing increasing criticism as being misleading and inadequate, it at least signals an awareness that action needs to be taken and is shift away from its recent habit of cutting fees and curtailing access.

Now is the time for the government to stand up for legal aid, to support the practitioners who keep the justice system afloat, and to ensure that clients have meaningful access to justice.

Please support our campaign by amplifying our voice, and the voice of our partner organisations, on social media. If you want to provide additional support for the campaign by, for example, raising this with your local MP, please get in touch with us so we can do so in a co-ordinated way. Access to legal aid has a significant bearing on MP constituency casework, so the case can be made to every single MP across England & Wales that there is real, practical benefit to supporting further investment in publicly-funded advice services. We are also developing communications based on the government's own levelling-up agenda, a central plank of the government's current strategy, and can work with you to tailor these efforts towards your local MP.

WE ARE LEGAL AID FINDINGS FROM THE 2021 LEGAL AID CENSUS

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Let's all stand together once again for legal aid.

Warm regards,

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Thank you for being brave enough to be part of the LAPG community!

LEGAL AID LAWYER OF THE YEAR AWARDS



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