



Report of the Bach Commission on Access to Justice: Response by Young Legal Aid Lawyers

Young Legal Aid Lawyers (YLAL) welcomes the final report of the Bach Commission on Access to Justice, published today (22 September 2017), as a vital contribution to the public debate about access to justice and legal aid¹.

The report, titled *The Right to Justice*, calls for a new Right to Justice Act which will codify existing rights to justice and establish a right for individuals to receive reasonable legal assistance without costs they cannot afford. The report also recommends reform of the financial eligibility and scope rules for legal aid in order to create a simpler, more generous system which will enable many more people to access publicly funded legal help.

YLAL co-chairs Oliver Carter and Katherine Barnes said: "YLAL welcomes *The Right to Justice* and believes this report by the Bach Commission represents a vital contribution to the public debate about access to justice and legal aid. We believe it could form the blueprint for access to justice policy for decades to come.

"The report contains both urgent and long-term recommendations to improve access to justice, and we particularly welcome the proposals for a new individual right to reasonable legal assistance, for reform of the legal aid financial means assessment and for wider scope for civil legal aid, including early legal help for all social welfare law. The proposed replacement of the Legal Aid Agency with an independent body is also welcome.

"We know that as a result of cuts by the Coalition Government, the number of people receiving civil legal aid each year has fallen by several hundred thousand², and it was recently revealed that the number of legal aid providers has fallen by 20 per cent since 2012³. The Bach Commission has recognised that this represents a crisis in access to justice which requires urgent and long-term action.

"In our submission to the Bach Commission⁴, we set out our serious concerns about the current state of access to justice and our proposals for practical steps which could and should be taken by the Government to ensure access to justice for all is a reality. Our key proposals were as follows:

- Repeal the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and bring the areas of law which were removed from the scope of civil legal aid back into scope;

¹ The Right to Justice, 22 September 2017: <http://www.fabians.org.uk/publications/right-to-justice/>

² *Overdue review into legal aid cuts is a denial of justice*, letter by Young Legal Aid Lawyers and others, 22 July 2016: <https://www.theguardian.com/law/2016/jul/22/overdue-review-into-legal-aid-cuts-is-a-denial-of-justice>

³ *Number of legal aid providers falls 20% in five years*, figures show, 19 September 2017:

<https://www.theguardian.com/law/2017/sep/19/number-of-legal-aid-providers-falls-20-in-five-years-figures-show>

⁴ YLAL submission to the Bach Commission on Access to Justice, May 2016: <http://www.younglegalaidlawyers.org/YLALresponseLAreview>

- Increase the thresholds and simplify the financial means tests for civil and criminal legal aid to ensure that legal aid is not reserved for only the poorest and most vulnerable in society, but is available to anyone who is unable to afford to pay for legal advice and representation; and
- Conduct an independent and comprehensive review of the impact of court and tribunal fees on access to the courts and recognise that the cost of justice should be primarily borne by society as a whole, rather than by people using the courts to defend or protect their rights.

“We are encouraged to read the recommendations of the report, which have the potential to greatly advance access to justice in this country for future generations.

“We hope that the current Government will carefully consider the conclusions and recommendations made by the Bach Commission as part of its forthcoming review of the cuts to legal aid, and that the Labour party will use this report as the foundation of its access to justice policy.

“We call on the Government to acknowledge the serious harm caused to access to justice by the cuts to legal aid, and to take urgent steps to address the growing access to justice crisis in this country.”

Young Legal Aid Lawyers

22 September 2017

www.younglegalaidlawyers.org

ylainfo@gmail.com

@YLALawyers