



Statement: Coronavirus and the Criminal Justice System: Saving Access to Justice

YLAL welcomes the Shadow Minister for Legal Aid Karl Turner MP's recent report *Coronavirus and the Criminal Justice System – Saving Access to Justice*. The report can be read [here](#).

The report recognises the importance of fair remuneration for criminal defence representatives as part of a just criminal justice system. It highlights that there have not been any rises in criminal solicitors' legal aid fees for over 25 years, only significant cuts. It notes the conclusions of the Law Society's 2014 *Otterburn Report* that, even long before the current public health crisis, most criminal solicitors firms' finances were "precarious", with profit margins of approximately 5%. Mr Turner's report correctly highlights that without "serious and immediate intervention" in terms of funding "the entire system could collapse".

We support the proposals contained in the report, including:

- A reversal of the 8.75% cut to criminal legal aid fees imposed in 2014;
- The Ministry of Justice should expedite the ongoing Criminal Legal Aid Review and should accept the feedback provided by the professional bodies;
- The Legal Aid Agency should continue to make payments to criminal solicitors firms at the same rate as before the COVID-19 pandemic started and delay making any recoupments until the cash flow crisis has eased;
- Business Rates Relief for solicitors firms and barristers chambers;
- Proper financial help should be given to junior barristers who do not qualify for the COVID-19 Self-Employed Income Support Scheme.

However, YLAL is clear that a properly functioning criminal justice system can only be saved by a complete and radical overhaul of the payment structures for defence representatives and a substantial increase in the levels of fees paid.

YLAL has been engaging with the Ministry of Justice extensively in relation to the Criminal Legal Aid Review and our response to the consultation relating to the accelerated areas of the review can be read [here](#).

During the COVID-19 pandemic, YLAL has twice surveyed its members and has produced two comprehensive reports suggesting a number of measures that can be put in place to help mitigate against the difficulties faced by its members, many of whom work in criminal defence. The reports can be read [here](#) and [here](#).

YLAL calls on all parties across the political spectrum to acknowledge the very real funding crisis that is ongoing within the criminal justice system, and recognise that without imminent and substantial action it will fail. We request that all politicians support not only the proposals put forward in Mr Turner's report but also commit to ensuring that further funding is made available to fairly remunerate criminal defence practitioners and ensure the survival of a properly functioning criminal justice system.

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08 July 2020

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