



YLAL STATEMENT ON THE LORD CHANCELLOR'S ANNOUNCEMENT REGARDING THE CRIMINAL LEGAL AID REVIEW

YLAL notes the [announcement](#) of the Lord Chancellor on 21st August 2020 in respect of the Accelerated Areas of the Criminal Legal Aid Review ('CLAR'). These changes are estimated to add an extra £36-51 million to criminal legal aid. Whilst YLAL welcomes any funding injection into the criminal legal aid scheme, we have concerns about the amendments to the Advocates' Graduated Fee Scheme and the Litigators' Graduated Fee Scheme.

YLAL's concerns about the Accelerated Areas proposals are set out in full within our submission to the Ministry of Justice ('MoJ') consultation, which can be found [here](#). In short, YLAL is concerned that whilst the justice system of England and Wales is often lauded as 'the best in the world', it has been decimated by decades of cuts and austerity, slashing it to the core and threatening the basic premise of justice for all.

YLAL is pleased that the Lord Chancellor and the MoJ have recognised "the huge contribution the criminal defence profession makes to our society", the impending crisis facing the criminal legal aid sector, and that the current fee schemes are simply not fair on defence practitioners. We recognise that the Accelerated Areas are an interim measure – a sticking plaster intended to stem the bleeding of the sector – in the period until a full review of the criminal legal aid schemes can be completed.

YLAL understands that following the consultation process, the MoJ have amended the proposed fee for sending cases to the Crown Court from approximately £90 to £180. However, this is still significantly lower than the £318 fee previously paid, which was abolished in 2011 under austerity measures.

Whilst YLAL appreciates the commitment of the MoJ to reform the broken system of criminal legal aid, we do not believe the proposals for the Accelerated Areas go far enough to mitigate the harm caused by the significant underfunding of the profession through the current fee schemes. This is particularly so when one

considers that these measures were intended to provide interim relief from early 2020 until Summer 2020. It is now Summer 2020 and the Accelerated Area proposals are yet to be implemented.

In a survey of some of YLAL's members who work in criminal defence, 15% of those who practise in crime stated they would only remain in criminal law for a further 12 months, with 27% stating that they would continue for between 1-2 years. This is a direct consequence of the cuts to, and sustained lack of investment in, the criminal justice system. YLAL is concerned that, by the time substantive changes are made to the fee schemes to make working in criminal legal aid a sustainable career option, it will be too late.

For too long, the profession has been stretched to breaking point in our attempts to protect our criminal justice system and maintain its functioning. There has been no increase in rates in over two decades and the system has become completely reliant on practitioners' goodwill to function. There is none left to give and the profession is at breaking point and unable to continue to operate within the current system.

YLAL calls upon the Lord Chancellor to protect the future of our profession and enable junior criminal legal aid practitioners to continue serving the criminal justice system and contributing positively to society.

We welcome the Lord Chancellor's announcement that there will be an independent review of the criminal legal aid system, which will run alongside the MoJ's CLAR part II. However, it is vital that this process is properly independent. YLAL will continue to engage with both the independent review and the Criminal Legal Aid Review, representing the voices of our members and advocating for the creation of a sustainable criminal legal aid system, promoting fair payment for work and a system which truly ensures justice and enables social mobility within the profession.

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