



## THE WESTMINSTER COMMISSION ON LEGAL AID LAUNCHES NEW REPORT ON THE SUSTAINABILITY OF THE SECTOR

Young Legal Aid Lawyers (‘YLAL’) is pleased to note that the report of the Westminster Commission on Legal Aid’s Inquiry into the Sustainability and Recovery of the Legal Aid Sector has been published today. The report makes several recommendations to revitalise legal aid services to individuals in England and Wales.

The Commission is a cross-party initiative formed by the All-Party Parliamentary Group on Legal Aid to carry out an independent review of the viability of the legal aid profession as it emerges from the pandemic. The inquiry saw a series of evidence hearings spanned over six months that provided a forum for current legal aid practitioners to share their testimonies of life in legal aid.

If you ever needed evidence for why legal aid is important to ensure access to justice, this report is it. It builds on years of reports on the future of legal aid and the impact of LAPSO. It shines a light on the stark issues facing the sector which are all too familiar to our membership: the unsustainability of a career in legal aid for junior and aspiring lawyers; the ageing of the profession; and the rise of legal aid deserts throughout England and Wales.

Crucially, the report highlights that these problems existed pre-pandemic but have only been exacerbated by the public health crisis and consequent demand for high quality legal advice and representation. As outlined in the foreword, the pandemic ‘*exposed the underlying fragility of a system already struggling to provide services everywhere in the country and to recruit and retain the lawyers to deliver those services.*’

### **YLAL supports and endorses the Commission’s recommendations:**

- A. Increase fees in line with inflation
- B. Reverse the 8.75% cut made to criminal legal aid fees
- C. Establish an Independent Legal Aid Fee Review Panel

- D. The Ministry of Justice should fund training and qualification placements within legal aid firms and Not for Profits and publicly-funded chambers
- E. Review the scope of civil legal aid and link scope to independent research on legal need
- F. Immediate changes to legal aid scope to increase access to justice
  - F1. Restore legal aid for early legal advice to the pre-LASPO position
  - F2. Restore funding for housing disrepair cases
  - F3. Remove barriers to legal advice and representation for those seeking protection from domestic abuse and their families
  - F4. Restore legal aid for private family law and for both sides in a dispute
  - F5. Expand access to legal aid for bereaved families for inquests
- G. Conduct further research into how to increase the capacity of providers in areas that are currently in scope
- H. Develop robust research mechanisms for measuring legal need, and link the commissioning of services to that research
- I. Ensure legal aid is paid for all judicial review cases (irrespective of the outcome of the case)
- J. Overhaul the Exceptional Case Funding scheme
- K. Ensure the legal aid means test does not prevent those without means from accessing justice

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