



DEBATE PACK

Number CDP-2017-0239, 28 November 2017

Provision of legal aid

Westminster Hall, Wednesday 29 November 2017, 2.30pm

A Westminster Hall debate on the Provision of legal aid is scheduled for Wednesday 29 November 2017 at 2.30pm. The Member leading the debate is Paul Sweeney MP.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

1.1 LASPO: the basics

The current civil legal aid scheme is set out in the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#), or LASPO.

Under the previous scheme, set out in the [Access to Justice Act 1999](#), the general approach was that any civil legal matter would be eligible for legal aid provided that it was not one of the “excluded” matters listed in Schedule 2 to the 1999 Act. Individual applications for legal aid funding were assessed by reference to a “Funding Code”, which set out general principles on eligibility for legal aid.

LASPO effectively reversed the 1999 Act’s general approach to legal aid: civil legal matters are excluded from the scope of legal aid unless they are one of the matters listed in [Schedule 1 to the 2012 Act](#). Many areas of civil law were therefore removed from the scope of legal aid.

In very broad terms, the coalition Government argued repeatedly that it had to make savings from the legal aid budget in England and Wales. It also wished to discourage cases from coming to court when they might better be resolved by other means, such as mediation. Critics of the changes, on the other hand, argued that people seeking help with legal problems might be left with nowhere to turn.

The eligibility tests

Generally speaking, in order to be eligible for civil legal aid under LASPO, an applicant must pass three basic tests:

- 1 The first test is that the case must be **within the scope of the legal aid scheme**. This means it must be of a type listed in [Schedule 1 to LASPO](#). The Bar Council’s guidance [Civil legal aid: Practical guidance for the Bar](#) provides a useful technical summary of the matters covered.
- 2 The second test is a **financial means** test. This is a complicated procedure and the calculations are usually conducted by a legal aid solicitor on the applicant’s behalf. See Gov.uk, [Civil legal aid: means testing](#) (accessed 24 November 2017) for further details.
- 3 The third test is a **merits test**. This involves looking at (among other things) the applicant’s prospects of success in bringing the case, and a cost benefit analysis of providing legal aid funding. Detailed guidance on the merits test is set out in section 4 of the [Lord Chancellor’s Guidance under Section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#).

The exceptional case procedure

Legal aid for civil legal matters not listed in Schedule 1 will only be available if the legal aid applicant successfully applies to the Legal Aid Agency for an “exceptional case determination” under [section 10 of LASPO](#). Under section 10, a successful exceptional case determination will involve demonstrating that:

...it is necessary to make the services available to the individual under this Part because failure to do so would be a breach of—

(i) the individual’s Convention rights (within the meaning of the Human Rights Act 1998), or

(ii) any rights of the individual to the provision of legal services that are enforceable EU rights, or

(b) that it is appropriate to do so, in the particular circumstances of the case, having regard to any risk that failure to do so would be such a breach.

The Lord Chancellor has issued two sets of guidance for the Legal Aid Agency to follow when making a determination, one relating to inquest cases and one to non-inquest cases:

- [Lord Chancellor’s Exceptional Funding Guidance \(Non-Inquests\)](#)
- [Lord Chancellor’s Exceptional Funding Guidance \(Inquests\)](#)

Further details on exceptional funding for inquests is set out in [Library Briefing Paper SN04358 Legal aid for representation at an inquest](#).

1.2 The impact of LASPO

Commentators such as the [National Audit Office](#) and [Commons Public Accounts](#) and [Justice Committees](#) agree that the changes have reduced spending on civil legal aid (as was one of main policy intentions behind LASPO), but have questioned whether they have increased costs elsewhere in the legal system. They have also drawn attention to the increased difficulties that people may face in obtaining help with legal problems.

Concerns have also been raised about “advice deserts” — that is, areas where people cannot access certain legal aid services. The Law Society has drawn particular attention to what it says are advice deserts in the field of housing law, commenting that “Almost one third of legal aid areas have just one and – in some cases – zero law firms who provide housing advice which is available through legal aid”.¹ In 2016, however, the then Justice Minister Sir Oliver Heald argued that the number of providers did not directly equate to the availability of advice:

The point about housing advice is that in some areas of the country there are many more housing cases in which people might lose their homes than there are in others, so the provision is not exactly the same in each place, but it is national. The fact that there is one provider with a number of offices in one place does not mean that there is no advice. There is advice from that provider, and often the provider is very expert. If we said that that

¹ Law Society website, [End legal aid deserts](#) (accessed 24 November 2017)

area had to have two firms, we would reduce the amount of work available to the provider that has the expertise, so it is not [a simple question].²

More information on the impact of the changes made by LASPO is available in the following Library Briefing Papers:

- [Civil legal aid changes since 2013: the impact on people seeking help with legal problems](#)
- [Have changes to legal aid in England and Wales since 2013 created more “advice deserts?”](#)
- [Litigants in person: the rise of the self-represented litigant in civil and family cases in England and Wales](#)

1.3 The Bach Commission

In September 2015, Jeremy Corbyn and the then Shadow Lord Chancellor Lord Falconer asked Labour peer Lord Willy Bach to undertake a review of the legal aid system.³

The Commission published an interim report in November 2016, in which it identified six key concerns with the current system for accessing justice:

- 1 Fewer people can access financial support for a legal case
- 2 Exceptional case funding has failed to delivery for those in need
- 3 Public legal education and legal advice are inadequate and disjointed
- 4 High court and tribunal fees are preventing people pursuing legal claims
- 5 Bureaucracy in the Legal Aid Agency is costly and time-consuming
- 6 Out of date technologies keep the justice system wedded to the past⁴

The Commission acknowledged that it was unrealistic to address these issues by repealing LASPO altogether, given what it described as “the current political and economic climate”:

For all its adverse effects, significant savings have been made: in 2010 the legal aid budget was £2.1bn out of an overall Ministry of Justice budget of £8.5bn; now that figure is down to £1.6bn. As much as we believe these cuts should not have been made in the first place, reversing them in their entirety is not immediately viable in a context of squeezed finances. Moreover, a purely financial response to the crisis – although further funding may be part of the solution – would fail to solve deep-seated structural problems within the justice system. Reforms are badly needed and these should include, but not be limited to, re-examining

² [HC Deb 30 November 2016 c584WH](#)

³ Labour press release, [Lord Bach to lead review into Legal Aid](#), 22 September 2015

⁴ The Bach Commission on Access to Justice, [Interim Report: The crisis in the justice system in England & Wales](#), November 2016, p5

the scope of legal aid with a view to its partial re-expansion and the rationing and distribution of money within the legal aid sector.⁵

Instead, the Commission indicated that it hoped “to devise plans to simplify the legal system, use new technologies, focus on the journey of the user through the system and build public support – as well as looking at reversing some of the deepest and least cost-effective LASPO cuts.”⁶

The Commission published its final report on 22 September 2017.⁷ It recommended a new Right to Justice Act to codify existing rights to justice and to establish “a new right for individuals to receive reasonable legal assistance without costs they cannot afford”.

It also recommended that the Government should take the following “first steps required to make the right to justice a reality”:

- **Legal aid eligibility rules** must be reformed, so that the people currently unable either to access legal aid or to pay for private legal help can exercise their right to justice. This includes establishing a simpler and more generous assessment scheme for civil legal aid; ensuring all benefit recipients automatically qualify for legal aid; and making the contributions to legal aid more affordable
- **The scope of civil legal aid**, which has been radically reduced, must be reviewed and extended. The priority should be to bring early legal help back into the scope of legal aid – across a broad range of legal issues – in order to encourage early dispute resolution and prevent further distress and cost downstream. All matters concerning children should be brought back into the scope of legal aid. With respect to representation at court, some areas of family and immigration law should also be brought back into scope
- **The operation of the legal aid system** needs reform. The legal aid system is creaking at the seams, and practice as a legal aid lawyer is becoming increasingly unsustainable. An independent body that operates the legal aid system at arm’s length from government should replace the Legal Aid Agency and action must be taken to address the administrative burdens that plague both the public and providers
- **Public legal capability must be improved.** At present, most people’s ability to understand a legal problem or to know where to turn for information and support is poor. We call for a national public legal education and advice strategy that improves the provision of information, education and advice in schools and in the community⁸

⁵ Ibid, p16

⁶ Ibid, p6

⁷ The Bach Commission on Access to Justice, [*The right to justice: the final report of the Bach Commission*](#), September 2017

⁸ Ibid, p6

1.4 The Government's review

Prior to the 2017 general election the Government had committed to reviewing the operation of the legal aid provisions of LASPO within three to five years of their implementation. This would mean a review sometime between April 2016 and April 2018.

On 30 October 2017, the Lord Chancellor David Lidington laid the Government's post-legislative memorandum for LASPO before the House: see [Legal Aid, Sentencing and Punishment of Offenders Act 2012: Post-Legislative Memorandum](#), Cm 9486, October 2017.

He also announced that he had asked Ministry of Justice official to commence the promised post-implementation review of LASPO. He set out details of the intended scope of the review:

Our legal aid system is a fundamental pillar of access to justice, accounting for more than a fifth of the Ministry of Justice's budget. The reforms within the Act were founded on delivering better value for money for taxpayers by reducing the cost of the scheme and discouraging unnecessary and adversarial litigation, while ensuring that legal aid continues to be available for the highest priority cases, for example where life or liberty is at stake, where someone faces the loss of their home, in domestic violence cases, or where their children may be taken into care.

The Government has previously committed to review a number of areas, including:

- the changes made to the scope of legal aid for family, civil and criminal cases, and the introduction of the Exceptional Case Funding scheme;
- the changes made to fees for various types of legal aid work;
- the procedural changes the Act made, including the introduction of the mandatory telephone gateway and the introduction of evidence requirements for victims of domestic violence and child abuse;
- changes to the rules on financial eligibility, including the application of the capital eligibility test to all legal aid applicants, increasing income contributions for those eligible to contribute, and capping the subject matter of dispute disregard;
- changes to the application of the merits test;
- the abolition of the Legal Services Commission and its replacement with the Legal Aid Agency.

He said that **individuals and organisations would be invited to join consultative panels and contribute to the review work, and that the review would be concluded before the start of the 2018 summer recess.**

1.5 Statistics

Official statistics on Legal Aid are published quarterly by the [Ministry of Justice](#) and [Legal Aid Agency](#) on the Gov.uk website: [Legal aid statistics](#). The latest being for April to June 2017.

There are two types of legal aid, criminal and civil, of which criminal legal aid covers work done in police stations and criminal courts regarding people investigated for and charged with criminal offences. Civil legal aid covers the rights and relations of private citizens concerning for instance disputes over unpaid debts and family matters.⁹

Legal Aid Expenditure

There are two measures for legal aid expenditure used by the Legal Aid Statistics which are Closed-case and RDEL which are defined as such:

- Closed-case expenditure represents the total value of payments made to legal aid providers in relation to pieces of work that are completed in the period. This basis is comparable to volumes of completed work to which it relates, and to the same fine level of detail. This does not include income received or expenditure in relation to debt write-offs.
- Resource Departmental Expenditure Limits (RDEL) which is the main measure used by the government to control current spending, both to set budgets for future years and report on how much has been spent. It represents the value of work carried out in the period better than the closed-case measure but cannot be broken down to such a fine level of detail. This measure does incorporate income and expenditure in relation to debt.

RDEL figures for legal Aid spending are given both nominally and in real-terms.¹⁰

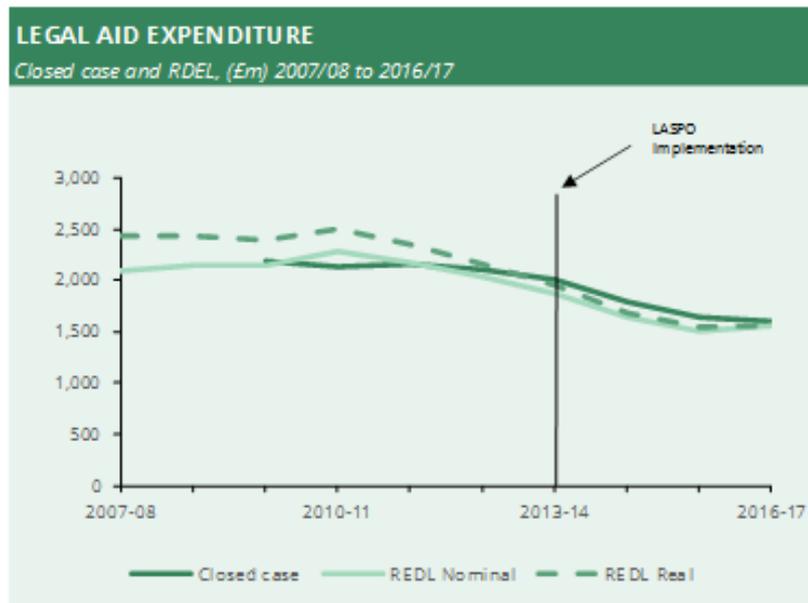
Since 2010-11 spending on legal aid as a whole has declined due to a combination of factors among them the change in scope in civil legal aid awarded as a result of the introduction of the [Legal Aid, Sentencing and Punishment of Offenders Act \(2012\)](#) in 2013-14, reductions in criminal legal aid workloads and reduction in fees paid to legal aid service providers.¹¹

The below chart shows Closed-case and RDEL overall legal aid expenditure since 2007-08:

⁹ MoJ, [User Guide to Legal Aid Statistics, England and Wales](#), p.4

¹⁰ MoJ, [Legal aid statistics England and Wales bulletin: April to June 2017](#), p.2

¹¹ Ibid,p.2



Source: Legal Aid Statistics: April to June 2017

RDEL spending on all legal aid **was 38% less (£945 million) in real terms in 2016-17 than in 2010-11** with it being 33% less (£426 million) for criminal legal aid and 43% (£479 million) less for civil legal aid since 2010-11.

Table 1.0 from the [Legal aid Statistics England and Wales tables April to June 2017](#) provides figures for legal aid expenditure since 2005-06.

Criminal Legal Aid

In the past year, from Apr–Jun 2016 to Apr–Jun 2017, total crime Closed-case workload volume declined by 5% and expenditure declined by 9%. Legal aid for crime lower - work related to pre-charge, police station, early court (including magistrates courts) and prison law work - saw the workload fall by 4% in the same period and expenditure by 3%. Crime higher legal aid - which covers work in crown and higher courts - saw the workload decline by 12% and expenditure declined by 11% between Apr–Jun 2016 to Apr–Jun 2017.

While crown court work constitutes a relatively small proportion of criminal legal aid in terms of volume it constitutes around two thirds of criminal legal aid expenditure. Police station work constitutes the largest proportion of criminal legal aid workload and the smallest proportion of expenditure.¹²

Further statistics on criminal legal aid can be found in the [Legal aid Statistics England and Wales tables April to June 2017](#). Table 1.1 provides a Legal aid criminal workload summary since 2001-02 while tables 2.1 to 4.4 provide statistics on Crime Lower cases (2.1-2.2), Criminal Court Applications and grants (3.1-3.2) and Crime higher cases (4.1-4.4).

Civil Legal Aid

There were 14% less legal help new matter starts in Apr–Jun 2017 compared to the same period in 2016. The volume of completed claims declined by 9% and expenditure by 3%.

¹² Ibid, p.3

Certificates completed for civil representation in public family law increased by 26% in April to June 2017 compared to the same period the previous year. Expenditure on completed work in this category, which already accounts for more than half the total cost of civil legal aid, rose by 17% (£18m).

Family mediation starts were 24% lower in April to June 2017 compared to the same quarter in 2016.

There were 553 applications for Exceptional Case Funding in the April to June 2017 quarter, of which 57% were granted funding. This represents a 26% increase in the number of applications compared to the same quarter in 2016.¹³

Further statistics on civil legal aid can be found in the [Legal aid Statistics England and Wales tables April to June 2017](#). Table 1.2 provides a Civil legal aid workload summary since 2001-02 while tables 5.1 to 8.2 provide statistics on Legal Help and Controlled Legal Representation (5.1-5.3), Civil Representation (6.1-6.10), Mediation (7.1-7.2) and Exceptional Case Funding (8.1 – 8.2).

The Legal Aid Agency has also produced an interactive [data visualisation tool](#) on the quarterly statistics that they produce allowing users to filter and see graphs for the volume and value of the different types of legal aid.

¹³ Ibid, p.1

2. Media

2.1 Press releases

Law Society

[Restoring state-funding for early legal advice could save cash](#)

27 November 2017

Bar Council

[Rethink needed on availability of legal aid](#)

5 July 2017

Law Society

[Legal aid barriers deny most vulnerable their fundamental rights](#)

29 June 2017

Howard League for Penal Reform

[Court of Appeal: cuts to legal aid for prisoners are unlawful](#)

10 April 2017

Scottish Government

[Independent review of legal aid](#)

1 February 2017

Legal Aid Board

[Legal Aid Board reports steady demand for legal services](#)

16 December 2016

Amnesty International UK

[Cuts to legal aid have 'decimated access to justice' for thousands of the most vulnerable](#)

10 October 2016

2.2 Articles and blogs

Law Society Gazette

[Legal aid cuts shown up as false economy – new research](#)

27 November 2017

The Week UK

[Legal aid cuts backfire](#)

2 November 2017

Law Society Gazette

[Sir Henry Brooke's legal aid rallying cry](#)

13 November 2017

Guardian

[Ministry of Justice abandons court battle on prisoners' legal aid](#)

7 November 2017

Guardian

[Impact of cuts to legal aid to come under review](#)

31 October 2017

Family Law

[Government to review LASPO](#)

31 October 2017

Guardian

[Senior judge warns over 'shaming' impact of legal aid cuts](#)

13 October 2017

Law Society Gazette

[Bach calls for human right to legal aid](#)

22 September 2017

Independent

[Legal aid cuts leave thousands in England and Wales unable to defend their rights, report finds](#)

21 September 2017

Guardian

[Number of legal aid providers falls 20% in five years, figures show](#)

19 September 2017

Guardian

[Legal aid cuts 'may have stopped Grenfell tenants pursuing safety concerns'](#)

29 June 2017

BBC news

[Prisoner legal aid cuts appeal succeeds](#)

10 April 2017

3. Parliamentary Business

3.1 Ministerial Statements

[Justice update](#)

David Lidington (The Lord Chancellor and Secretary of State for Justice):

I have today laid before Parliament, and shared with the Chair of the Justice Select Committee, the Government's post-legislative memorandum for the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, introduced by the Coalition Government. This fulfils the commitment made by former Justice Minister Sir Oliver Heald before this House earlier this year.

My predecessors also committed to publish a post-implementation review of the legal aid changes made by the Act during its passage through Parliament. I have asked my officials to commence this review.

Our legal aid system is a fundamental pillar of access to justice, accounting for more than a fifth of the Ministry of Justice's budget. The reforms within the Act were founded on delivering better value for money for taxpayers by reducing the cost of the scheme and discouraging unnecessary and adversarial litigation, while ensuring that legal aid continues to be available for the highest priority cases, for example where life or liberty is at stake, where someone faces the loss of their home, in domestic violence cases, or where their children may be taken into care.

The Government has previously committed to review a number of areas, including:

- the changes made to the scope of legal aid for family, civil and criminal cases, and the introduction of the Exceptional Case Funding scheme;
- the changes made to fees for various types of legal aid work;
- the procedural changes the Act made, including the introduction of the mandatory telephone gateway and the introduction of evidence requirements for victims of domestic violence and child abuse;
- changes to the rules on financial eligibility, including the application of the capital eligibility test to all legal aid applicants, increasing income contributions for those eligible to contribute, and capping the subject matter of dispute disregard;
- changes to the application of the merits test;
- the abolition of the Legal Services Commission and its replacement with the Legal Aid Agency.

This review of Part 1 of the Act will be led by officials in my department. I am keen that we listen to views on these changes from all interested parties, and I will shortly be inviting individuals and organisations to join consultative panels and contribute to this review work.

The review will conclude before the start of the summer recess 2018.

My predecessors also committed to a post-implementation review of the civil litigation funding and costs reforms in Part 2 of the Act. We are considering how to carry out that review, but we hope to conclude it to the same timetable.

30 October 2017 | Written statement | HCWS 204

[Civil Legal Aid](#)

Shailesh Vara (The Parliamentary Under-Secretary of State for Justice, Minister for the Courts and Legal Aid):

On 18th February the Court of Appeal handed down judgment on an appeal in a judicial review challenge to the domestic violence evidence requirements under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). I would now like to inform the House of the steps the Government is taking to respond to the court's concerns.

Legal aid is a fundamental part of our justice system, but resources are not limitless. Our overriding approach to legal aid reform is to reduce the burden on the taxpayer of paying for legal aid, whilst ensuring that it is targeted at the highest priorities. In line with this approach, LASPO removed legal aid from most private family matters while making a clear exception for victims of domestic violence. In such cases, the applicant is required to supply specific evidence of domestic violence, which is set out in regulations.

In this judicial review, the Court of Appeal found that the regulations frustrated LASPO's purpose in two specific areas. First, in that they required evidence to have been obtained within a two-year period before the application for legal aid. Second, because they lacked provision for victims of financial abuse.

We continue to believe that victims of domestic violence in private family disputes should receive legal aid where evidence is provided, and the Court of Appeal has agreed that the Lord Chancellor has the power to make arrangements in regulations to allow this. But there are areas where we need further information—for example, the number of individuals who have evidence over two years old. We also need to more fully appreciate the issues in play in cases of financial abuse, on which there is only limited research available.

We have begun work with domestic violence support groups, legal representative bodies and colleagues across government to gather data and develop our understanding of these issues. Our findings will be used to inform an evidence-based solution to the court's concerns, with the aim of drawing up replacement regulations.

In the meantime we are taking immediate action, through interim regulations laid before Parliament today, to change our arrangements. We are more than doubling the original time limit for evidence – increasing it from two to five years, and we are introducing a provision for the assessment of evidence concerning financial abuse. We are

expediting implementation of these changes so they will come into effect on Monday 25th April in order to make sure that victims of domestic violence can receive the support they need as soon as possible, and to give certainty to those considering applications for legal aid. We believe that these arrangements address the court's concerns while work continues to find a sustainable longer-term solution.

21 April 2016 | Written statement | HCWS 690

3.2 Debates

[Family Justice Reform](#)

HC Deb 15 November 2017 c166-87WH

[Access to Justice](#)

HC Deb 11 January 2017 c114-39WH

[Criminal Justice System: Equality of Access](#)

HC Deb 30 November 2016 c579-86WH

[Access to Justice: Vulnerable People](#)

HC Deb 19 January 2016 c485-507WH

3.3 Parliamentary Questions

[Family Proceedings](#)

Asked by: Jo Stevens

To ask the Secretary of State for Justice, if his Department will make an assessment of whether there is a causal link between changing the level of family legal aid and the number of mediation assessments and starts in family law cases.

Answered by: Dr Phillip Lee | Ministry of Justice

The Government is committed to promoting mediation as a less stressful and quicker method of resolving private family disputes. Mediation must first be considered before private family cases are resolved in court proceedings, except in cases of domestic abuse. Since November 2014, legal aid covers the cost of the Mediation Information and Assessment Meeting (MIAM) and the first mediation session for both parties, even if just one of them is eligible.

The Lord Chancellor recently announced the post-implementation review of the legal aid changes made by, and following, the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The review will consider the effect of the major changes to legal aid made by LASPO as well as amendments made subsequently as part of the 'Legal Aid Transformation' programme. At the same time the Government laid a Post Legislative Memorandum which addressed the implementation of these changes.

21 November 2017 | Written question | 113586

[Legal Aid Scheme](#)

Asked by: Richard Burgon

To ask the Secretary of State for Justice, what assessment the Government has made of the effect on the courts system of the number of cases escalating into court disputes as a result of withdrawal of early legal advice.

Answered by: Dominic Raab | Ministry of Justice

Last year we spent £1.6bn on legal aid, just under a quarter of the Ministry of Justice's budget. Maintaining access to justice remains absolutely vital and continues to be at the heart of our reforms.

On 30 October, the Lord Chancellor announced the post-implementation review of the legal aid changes made by, and following, the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The review will consider the effect of the major changes to legal aid fees made by LASPO as well as amendments made subsequently as part of the 'Legal Aid Transformation' programme.

20 November 2017 | Written question | 112237

[Legal Aid Scheme: Domestic Violence](#)

Asked by: Gloria De Piero

To ask the Secretary of State for Justice, what the timetable is for the Government to change the criteria for eligibility for legal aid for victims of domestic violence as a result of the High Court ruling of February 2016.

Answered by: Dominic Raab | Ministry of Justice

It is vital that victims of domestic violence have access to the help and support they need. Legal aid is available to domestic violence victims with private family law problems where requirements are met and was granted in over 12,000 cases last year. We are considering the findings of a recent internal review of the evidence requirements and will be making an announcement shortly.

2 November 2017 | Written question | 110208

[Grenfell Tower: Fires](#)**Asked by: Gloria De Piero**

To ask the Secretary of State for Justice, how many victims of the Grenfell Tower fire have (a) applied for and (b) been granted legal aid.

Answered by: Dominic Raab | Ministry of Justice

There have been 6 applications for emergency legal aid from solicitors acting for victims of the Grenfell Tower fire, which are currently under review.

Most advice and assistance will have been provided via Legal Help (another form of legal aid) which is self-granted by solicitors. These matters are only reported to the LAA once they are closed.

2 November 2017 | Written question | 10127

[Review of Legal Aid Reforms](#)

Oral questions

HC Deb 31 October 2017 c687-8

[Asylum: legal aid scheme](#)**Asked by: Thelma Walker**

To ask the Secretary of State for Justice, what steps the Government is taking to enable refugees and asylum seekers to access legal aid.

Answered by: Dominic Raab | Ministry of Justice

Our legal aid system is a fundamental pillar of access to justice; that is why we have made sure that legal aid continues to be available for the most vulnerable in our society and for the most serious cases. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 provides for legal aid to be available, among other matters, for asylum cases, immigration detention, immigration applications and appeals in cases of human trafficking and modern slavery, subject to a test of the applicant's financial means and the merits of their case.

This government is absolutely committed to ensuring access to justice, and it will remain at the heart of our reforms.

31 October 2017 | Written question | 108874

[Legal Aid Agency](#)**Asked by: Gloria De Piero**

To ask the Secretary of State for Justice, how many times the Legal Aid Agency has had to intervene to ensure that legal aid services were provided since 2012-13.

Answered by: Dominic Raab | Ministry of Justice

The Legal Aid Agency (LAA) contracts with not for profit organisations and law firms to ensure the delivery of legal aid services in both criminal and civil proceedings. The LAA regularly reviews capacity in the legal aid market and takes action to ensure continued provision where gaps are identified. Applications made to the LAA to obtain such representation are in most matters dependent upon the means of the applicant and the circumstances of their case. Legal aid providers operate subject to both the terms of their contracts with the LAA and regulation by their applicable professional bodies.

10 October 2017 | Written question | 9861

[Crown Courts: Legal Representation](#)

Asked by: Richard Burgon

To ask the Secretary of State for Justice, how many people have chosen to represent themselves in Crown Court since the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Answered by: Dominic Raab | Ministry of Justice

Maintaining access to justice remains absolutely vital and continues to be at the heart of our reforms. Our legal aid reforms are reducing costs to taxpayers whilst still providing legal help to those who need it most.

Details of the number of defendants with no advocate or unknown representation can be found in table AC11 of the annual Criminal Courts Statistics Quarterly publication (main tables) at the link below:

<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2017>

11 September 2017 | Written question | 9217

4. Further information

Library briefings

[Legal aid for representation at an inquest](#), Commons Library Briefing Paper SN04358, 21 June 2016

[Civil Legal Aid: England & Wales, Scotland and N Ireland compared](#), Commons Library Briefing Paper 7603, 10 June 2016

[Changes to criminal legal aid](#), Commons Library Briefing Paper SN06628, 12 May 2016

[Legal aid for victims of domestic abuse](#), Commons Library Briefing Paper SN05839, 14 April 2016

[Civil legal aid changes since 2013: the impact on people seeking help with legal problems](#), Commons Library Briefing Paper SN06645, 14 January 2016

[Litigants in person: the rise of the self-represented litigant in civil and family cases in England and Wales](#), Commons Library Briefing Paper SN07113, 14 January 2016

[Have changes to legal aid in England and Wales since 2013 created more "advice deserts"?](#) Commons Library Briefing Paper SN06273, 11 December 2015

Government, Select Committee and other reports and statements

Ipsos MORI for the Law Society, [Analysis of the potential effects of early legal advice/intervention](#), Law Society, November 2017

Ministry of Justice, [Legal Aid, Sentencing and Punishment of Offenders Act 2012: post-legislative memorandum submitted to the Justice Select Committee](#), 30 October 2017

Bach Commission on Access to Justice, [The right to justice: final report of the Bach Commission](#), Fabian Policy Report, Fabian Society, September 2017

Legal Aid Agency, [Annual report and accounts 2016-17](#), HC 276, 13 July 2017

Law Society, [Access denied: LASPO four years on: a Law Society review](#), June 2017

Scottish Parliament, [Review of Legal Aid: Ministerial statement](#), 1 February 2017

Commons Justice Committee, [Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#), HC 311, 12 March 2015

Public Accounts Committee, [Implementing reforms to civil legal aid](#), HC 808, 4 February 2015

National Audit Office, [Implementing reforms to civil legal aid](#), HC 784, 20 November 2014

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