



## DEBATE PACK

Number CDP-2018/0230, 31 October 2018

# The future of legal aid

By Alison Pratt, Jennifer Brown and Georgina Sturge

## Summary

A Westminster Hall debate on the future of legal aid is scheduled to take place on Thursday 1 November 2018 at 1.30pm. The Members leading the debate are Andy Slaughter and Alistair Carmichael MPs.

## Contents

<b>1. Background</b>	<b>2</b>
1.1 LASPO: the basics	2
1.2 The impact of LASPO	2
Impact on legal aid expenditure	3
1.3 The Government's review of LASPO	5
<b>2. Further reading</b>	<b>9</b>
2.1 Press articles	10
<b>3. Parliamentary material</b>	<b>12</b>
3.1 Ministerial statements	12
3.2 Debates	13
3.3 Parliamentary Questions	14
<b>4. Organisations and further reading</b>	<b>24</b>

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 and criminal legal aid schemes in England and Wales are governed by [Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) – also known as LASPO – and by an array of supporting secondary legislation.

LASPO was introduced by the Coalition Government, which 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 most significant changes made by LASPO were to the scope of the civil legal aid scheme.

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 LASPO](#). Many areas of civil law were therefore removed from the scope of legal aid.

There have also been significant changes to criminal legal aid, particularly in relation to means testing of applicants and to rates of pay for solicitors and barristers undertaking criminal work. These changes have largely been implemented by secondary legislation, rather than by LASPO itself.

## 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.

In their submission to the [Post-implementation review of LASPO](#) (see below) the Law Commission claimed that “Public access to the justice system has never been so restricted”.<sup>1</sup> They said that because of LASPO:

- Solicitors are routinely having to turn away people needing legal representation because funding is no longer there for legal aid.
- Even those on the lowest incomes who are eligible for legal aid are excluded from accessing justice if they have savings or assets, such as the roof over their head.
- Working people on low incomes accused of wrongdoing are being systematically denied their right to a fair trial, because they are not being provided with representation even when they clearly cannot afford to pay for it themselves.<sup>2</sup>

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”.<sup>3</sup>

In response to concerns that providers are closing the Government have stated that:

The Legal Aid Agency regularly reviews market capacity to assess capacity around the country. In a recent retender of face-to-face contracts, it received tenders from more than 1,700 organisations that wished to deliver face-to-face civil legal aid work. Those organisations submitted more than 4,300 individual bids, so it is confident that a good quantity of people are providing work at the moment.<sup>4</sup>

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](#)

## Impact on legal aid expenditure

In 2017-18, total legal aid expenditure was £1.62 billion. This was 2% higher than in the previous year but 37% lower than in 2010-11, prior to the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), when it was £2.55 billion.<sup>5</sup>

The table shows legal aid expenditure (RDEL) since 2005-06.

<sup>1</sup> Law Society, [Press release: Access to British justice increasingly only for the few - Law Society warns ministers](#), 28 September 2018

<sup>2</sup> Ibid

<sup>3</sup> Law Society website, [End legal aid deserts](#) (accessed 24 November 2017)

<sup>4</sup> [HC Deb 4 September 2018, c80WH](#)

<sup>5</sup> Ministry of Justice [Legal Aid Statistics Quarterly April-June 2018](#), table 1.0. Expenditure here refers to resource department expenditure limit (RDEL) and the figures here are expressed in March 2017/18 prices.

LEGAL AID AGENCY EXPENDITURE LIMIT (RDEL) 2017-18 REAL PRICES (£m)					
Financial Year	Total legal aid	Annual % change	By component		
			Criminal legal aid	Civil legal aid	Central Funds
2005-06	<b>2,649</b>		1,505	1,057	87
2006-07	<b>2,457</b>	-7%	1,448	946	64
2007-08	<b>2,484</b>	1%	1,428	978	77
2008-09	<b>2,485</b>	0%	1,356	1,044	85
2009-10	<b>2,451</b>	-1%	1,255	1,095	101
2010-11	<b>2,552</b>	4%	1,316	1,149	87
2011-12	<b>2,408</b>	-6%	1,231	1,066	111
2012-13	<b>2,205</b>	-8%	1,077	1,023	106
2013-14	<b>1,991</b>	-10%	1,028	877	87
2014-15	<b>1,715</b>	-14%	932	718	66
2015-16	<b>1,573</b>	-8%	897	625	51
2016-17	<b>1,583</b>	1%	879	658	46
2017-18	<b>1,619</b>	2%	891	678	49

Source: MoJ Legal Aid Statistics Quarterly April-June 2018, table 1.0

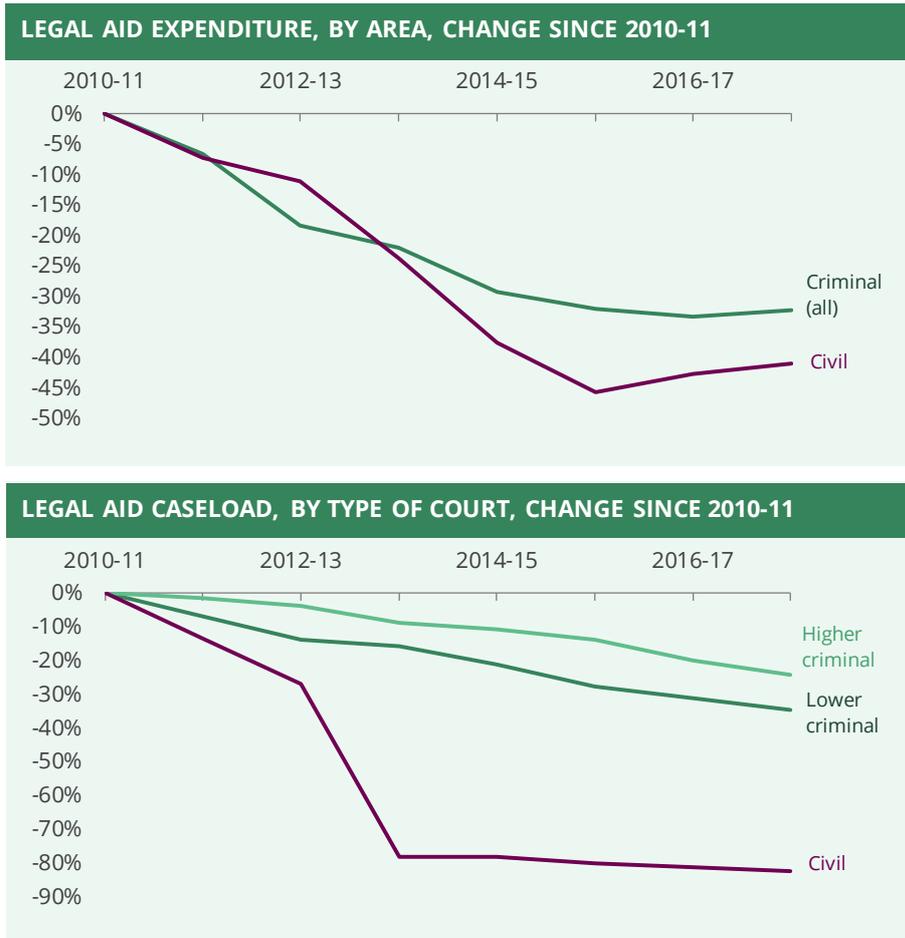
Notes: Resource DEL including depreciation. Based on the deflator series published by the ONS on 13 March 2018.

Just over half of legal aid expenditure in 2017-18 was on criminal legal aid (55%), with the remainder going on civil legal aid (42%) and a comparatively small amount on 'central funds', or the reimbursement of legal costs paid by acquitted defendants.

The legal aid caseload has declined since the introduction of LASPO. In 2017-18 there were 1.1 million criminal cases closed in which legal aid was paid out, compared with 1.7 million in 2010-11 (a 33% decrease). The volume of lower criminal court (Magistrates' court) cases fell the most in actual and relative terms.

LASPO had the largest relative effect on the volume of civil cases qualifying for legal aid. In 2017-18 there were 140,000 civil cases started which involved legal aid, compared with 785,000 in 2010-11 (a decrease of 82%).

The charts below show the change in 1) legal aid expenditure and 2) the volume of cases since 2010-11, by type of case. The base year is 2010-11 so, for example, expenditure in 2017-18 on civil cases was 41% lower than in 2010-11.



**Notes:** Shows cases closed for criminal cases and cases started for civil. Expenditure shown is resource departmental expenditure limit (RDEL).

**Source:** MoJ [Legal Aid Statistics Quarterly April-June 2018](#), tables 1.0, 1.1 and 1.2.

The underlying data to these charts can be found in the statistical annex to this publication (accessible on the website).

### 1.3 The Government's review of LASPO

The Coalition Government had committed to review LASPO within three to five years of its implementation.<sup>6</sup> This commitment was reiterated by the Conservative Government following the 2015 election.<sup>7</sup>

There was no further progress until 30 October 2017, when the then Lord Chancellor David Lidington presented the Government's post-legislative memorandum for LASPO to the Justice Committee: 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 officials 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

<sup>6</sup> See for example [HL Deb 4 December 2014 c1402](#)

<sup>7</sup> See for example [HC Deb 17 October 2016 WQ 48968](#)

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.<sup>8</sup>

He indicated that the review would conclude before the start of the 2018 summer recess.

However, in March 2018 David Gauke, who had succeeded David Lidington as Lord Chancellor, indicated (in evidence to the Justice Committee) that this timetable was likely to slip in order to ensure that the review was conducted properly:

Q121 Alex Chalk: I want to ask you about timing. Are you able to assure this Committee that you will be able to keep to the summer recess deadline that was imposed by your predecessor for completing the review?

Mr Gauke: That is an ambitious timetable. I want to look at whether it is deliverable, to be honest. It is more important to get this right than to hit a particular timeframe. It is likely that it will take us longer to do that than the summer timetable, to be clear with you, but it is obviously something we need to make progress with. As I say, my focus is on getting it right rather than hitting any particular timetable.<sup>9</sup>

He set out further details of what he described as the “engagement phase” of the review in a letter to the Justice Committee:

While much of the data that will inform our assessment is held internally by the Ministry of Justice, in particular, the Legal Aid Agency and Her Majesty's Courts and Tribunals Service, we are

---

<sup>8</sup> [HC Deb 30 October 2017 cc14-15WS](#)

<sup>9</sup> Justice Committee, [Oral evidence: The Work of the Ministry of Justice](#), HC 418, 7 March 2018, Q121

keen to consider data and evidence held outside Government that could aid our assessment. As such, we plan to initiate a comprehensive process of structured engagement between Government and interested parties, starting in the coming weeks. This engagement is going to be conducted in several forms:

- Consultative groups led by MoJ officials, to which certain interested parties will be invited to participate. Interested parties will be grouped into four sectors: civil justice, family justice, criminal
- justice and the advice sector. Participants will vary for each group to broaden engagement and ensure the data and evidence discussed are as relevant as possible.
- Individual engagement between MoJ officials and interested parties who wish to provide data and evidence. This will be an avenue by which the MoJ can take into account the experiences of people who receive government-funded legal advice and representation.
- A route by which interested parties are able to submit data and evidence to MoJ officials for consideration as part of this work.

Invitations will be sent this week for the consultative groups, along with the enclosed terms of reference, and information about the route for other interested parties will be made available shortly.<sup>10</sup>

Further details were published on the gov.uk website: see [Post-implementation review of LASPO](#) [accessed 24 October 2018]. This includes details of the [agendas from the first round of consultative meetings](#), which give an idea of the issues under consideration. The first round of consultative meetings took place in April 2018, and the second round was due to take place in July 2018.<sup>11</sup>

The Government has said it is committed to completing the review by the end of 2018:

The Lord Chancellor has confirmed that we shall conduct an evidence-based review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), assessing the changes against their objectives. The Government remains committed to publishing the findings of the review by the end of this year.

The engagement phase of the post-implementation review into our legal aid reforms is currently underway and we are keen to hear from a range of stakeholders and interested parties to establish the impact of the changes.

As part of our evidence gathering, we are hosting a series of engagement groups with stakeholders. We have already conducted the first round of engagement meetings and will be holding a further round of meetings later this month.

<sup>10</sup> [Letter from Secretary of State for Justice, to Committee Chair, regarding Post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#), dated 6 March 2018

<sup>11</sup> [PO 162037 \[on Legal Aid, Sentencing and Punishment of Offenders Act 2012\]](#), 17 July 2018

Alongside this the review team are engaging with a number of interested parties in a small group or 1-2-1 meeting. Other interested parties, including members of the public, are able to submit data or evidence directly so that their experiences can be taken into account.<sup>12</sup>

---

<sup>12</sup> [PQ 162038 \[on Legal Aid, Sentencing and Punishment of Offenders Act 2012\]](#), 19 July 2018

## 2. Further reading

Inquest

[Parliamentary debate: Legal Aid, 1 November 2018 briefing](#)

1 November 2018

Law Society

[Calculations for criminal legal aid trial fees could be a big minus for justice](#)

12 October 2018

Law Society

[LASPO Part 1 post implementation review – Law Society response](#)

28 September 2018

Law Society

[The impact of legal aid capital and contribution thresholds for victims of domestic violence](#)

28 September 2018

Equality and Human Rights Commission

[The impact of LASPO on routes to justice](#)

4 September 2018

Law Society

[LASPO legal aid review](#)

9 August 2018

Law Society Gazette

[Court rules criminal legal aid reforms unlawful](#)

3 August 2018

Law Society

[MPs throw weight behind Law Society call for criminal legal aid review](#)

26 July 2018

Law Society Gazette

[Criminal legal aid fragility putting rights at risk – MPs](#)

26 July 2018

Family Law

[Legal aid restored for migrant children in care](#)

16 July 2018

Law Society Gazette

[Legal aid u-turn is welcome – but there is more to do](#)

13 July 2018

Law Society

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

29 June 2017

## 2.1 Press articles

Guardian

[Legal Aid Agency taken to court for refusing to help rough sleepers](#)

23 October 2018

Times [subscription required]

[Law firms fight to stay afloat after legal aid cut](#)

20 October 2018

Independent

[Government proposal to fast-track immigration detention appeals risks 'riding roughshod' over rights](#)

10 October 2018

Financial Times [subscription required]

[Justice for all? Inside the legal aid crisis](#)

27 September 2018

Guardian

[Access to justice under threat in UK, says supreme court judge](#)

26 September 2018

Times [subscription required]

[Bar chiefs back legal aid for families at inquests](#)

13 September 2018

## 3. Parliamentary material

### 3.1 Ministerial statements

#### [Justice Update](#)

#### **Lucy Frazer (Parliamentary Under Secretary of State for Justice):**

I wish to inform the House that I have decided to lay an amendment to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to bring immigration matters for unaccompanied and separated children into scope of legal aid.

Under current legislation, legal aid is available in all asylum cases – for all age groups – and immigration cases where someone is challenging a detention decision. Legal aid for other immigration matters is available via the Exceptional Case Funding (ECF) scheme, which is intended to ensure legal aid is accessible in all cases where there is a risk of breach of human rights.

Following a judicial review brought by the Children’s Society, we have examined both the evidence presented as part of the case and our data on applications for funding. Based on the distinct nature of the cohort in question, and of our data regarding them, I have decided to bring these cases into the scope of legal aid to ensure access to justice.

The amendment will be laid in due course following discussion across government and with external stakeholders.

**12 July 2018 | Written statement | HCWS853**

#### [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**

## 3.2 Debates

[Legal Aid: Post-Implementation Review](#)

HC Deb 4 September 2018 cc65-82WH

[Bach Commission: The Right to Justice](#)

HC Deb 14 December 2017 cc1725-62WH

[Legal Aid](#)

HC Deb 29 November 2017 cc148-74WH

### 3.3 Parliamentary Questions

[Coroners: Legal Aid Scheme](#)

**Asked by: Yasmin Qureshi**

To ask the Secretary of State for Justice, what recent assessment he has made of the merits of abolishing means-testing for legal aid at inquests.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

The Ministry of Justice is currently conducting a review of the provision of legal aid for inquests. This review is looking at the existing eligibility criteria, which includes consideration of the financial means assessment.

We recently held a call for evidence exercise and are now analysing the responses. The final report of the review will be published later this year.

**HC Deb 16 Oct 2018 | 176199W**

[Legal Aid Scheme: Asylum](#)

**Asked by: Sandy Martin**

To ask the Secretary of State for Justice, what plans he has to ensure an adequate level of legal support and advice to provide for the projected increase in unaccompanied child asylum seekers dispersed to Ipswich under the National Transfer Scheme.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

The LAA will shortly complete the procurement process for new civil legal contracts which included immigration advice. The majority of contracts commenced on 1 September 2018 however there are still a small number of contracts that have not yet commenced.

Once the procurement process is completed the LAA will assess whether there are any gaps in provision and what steps need to be taken to fill the gaps. We are aware of the concerns raised in relation to access in the East of England and have had this under review for some time. This is one of the first areas that we will consider once all the contracts have started.

**HC Deb 15 Oct 2018 | 176683W**

[Topical Questions](#)

**Asked by: Charalambous Bambos (Enfield, Southgate) (Lab)**

Recent research published by the Law Society found that people who did not receive early advice were 20% less likely to have had their issue resolved than those who did. Will the Minister commit to reintroducing legal aid for early advice?

**Answered by: Lucy Frazer | Department: Justice**

I read that advice from the Law Society with interest. I recently met the Law Society and a number of solicitors that it brought with it to discuss the issues that face the profession, in relation not only to legal advice

but to the age of the profession. As I have mentioned, we are doing a legal aid review, which will report at the end of the year.

**HC Deb 09 Oct 2018 | 647 c23**

[Civil Proceedings: Legal Aid Scheme](#)

**Asked by: Grahame Morris**

To ask the Secretary of State for Justice, if he will make (a) legal aid and (b) a legal advice and guidance helpline available for people representing themselves in civil court.

**Answering member: Rory Stewart | Department: Ministry of Justice**

The ability of everyone to resolve their legal issues is vital to a just society. We are committed to ensuring legal aid and other forms of legal support are available to those who need it.

The Government is currently undertaking a post-implementation review of the impact of the legal aid changes made under Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) and remains committed to publishing the findings by the end of this year.

One of the reforms introduced as part of LASPO included the introduction of the mandatory telephone gateway for civil/family matters. This is currently being reviewed to ensure that it fulfils its implementation objectives to provide accessible legal advice.

Alongside the post-implementation review of LASPO, the Government is looking to the future to establish how best we can empower people to resolve their problems in a modern justice system.

**HC Deb 18 Sep 2018 | 172602W**

[Civil Proceedings: Low Incomes](#)

**Asked by: Graham Morris**

To ask the Secretary of State for Justice, what steps is he taking to improve access to the civil courts for people with limited financial means.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The Government has a responsibility to ensure access to justice. This is a responsibility that we take very seriously.

Our fee remission scheme, Help with Fees, is a crucial element of our fees strategy. We are considering whether the scheme needs to be adapted following the *Unison* judgment.

We are exploring how to ensure access to justice whilst protecting the Department's finances. To that end, we are conducting a review of how we charge fees in light of *Unison* and will publish further details on our proposed approach in due course.

We are also currently conducting a review of the current legal aid scheme set out under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). This review is due to be published by the end of the year.

**HC Deb 13 Sep 2018 | 171342W**

[Legal Aid Scheme](#)

**Asked by: Laura Smith**

To ask the Secretary of State for Justice, how many unsuccessful applications for legal aid have been made in the last 12 months.

**Answering member: Rory Stewart | Department: Ministry of Justice**

The Legal Aid Agency publishes the information requested on a quarterly basis and it can be found at gov.uk at

<https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2018>

Please refer to tables 3.1 and 3.2, 6.1, 8.1 for full details.

**HC Deb 11 Sep 2018 | 169794W**

[Legal Aid Scheme: Asylum](#)

**Asked by: Alex Sobel**

To ask the Secretary of State for Justice, what steps the Government is taking to ensure that women seeking asylum who have experienced forms of violence that may be difficult to disclose have adequate access to legal representation.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The government is clear that legal aid is available to those who need it most.

Subject to statutory means and merit tests, applications and appeals for asylum generally remain in scope for civil legal aid and advice can be accessed without the need to evidence any the specifics of the violence that an applicant may have experienced. The LAA procures immigration and asylum providers who are specialists in this area and are expected to be alert and aware of all issues relating to refugee and asylum status including any possible gender dimensions.

We recognise that it may be difficult to disclose sensitive information. The Home Office has taken steps to make this process sensitive by, for example, providing gender-specific interviewers and interpreters on request.

The Government is committed to delivering an asylum process which supports claimants in providing information relevant to their claim to facilitate fair and sustainable asylum decisions. This includes a commitment to ensuring that those who have suffered forms of

violence feel able to disclose their experiences early in the asylum process so that decision-makers can consider that evidence and grant protection where needed without undue delay. At the point of claim, the Home Office provides information to asylum claimants including on legal advice. This includes details of support organisations that may be relevant for those who have experienced gender-based violence, torture, trafficking and modern slavery.

**HC Deb 06 Sep 2018 | 169820W**

[Legal Aid Scheme](#)

**Asked by: Alex Sobel**

To ask the Secretary of State for Justice, when he plans to publish the conclusions of the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and whether he has plans to undertake a review of the effect of legal aid reform since 2000.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

We remain committed to publishing the findings of the Post-Implementation Review by the end of the year. Whilst it is important to consider the impact of changes introduced since 2000, the review is focused on the impact of the legal aid changes made under the Legal Aid Sentencing and Punishment of Offenders Act 2012.

The Government plans to use the evidence gathered as part of the review to inform its wider consideration on the future of legal support in the justice system.

**HC Deb 06 Sep 2018 | 169817W**

[Legal Aid Scheme: Immigration](#)

**Asked by: Baroness Lister of Burtersett**

To ask Her Majesty's Government what assessment they have made of the removal of non-asylum immigration cases from the scope of legal aid on young migrants with limited leave to remain.

**Answering member: Lord Keen of Elie | Department: Ministry of Justice**

The Government is currently undertaking a post-implementation review of the impact of the legal aid changes made under the Legal Aid Sentencing and Punishment of Offenders Act 2012. An assessment of the impact of recent changes to the provision of legal aid for non-asylum immigration cases will be made as part of the review process.

We have recently announced our intention to amend the scope of legal aid for unaccompanied and separated migrant children. This scope change will be informed by evidence gathered as a result of the review and delivered with the help of a consultative group.

**HL Deb 31 Jul 2018 | HL9749W**

[Legal Aid Scheme](#)

**Asked by: Julie Elliott**

To ask the Secretary of State for Justice, what steps he is taking to ensure that legal aid is available to people who need it.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The Government is currently undertaking a post-implementation review of the impact of the legal aid changes made under Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) and remains committed to publishing the findings by the end of this year.

The post-implementation review will assess the extent to which LASPO targeted legal aid to those who need it most – which was one of the objectives set out at the time of the reforms.

We are currently in the engagement phase of the post-implementation review. The first meetings of the consultative groups took place in April to provide evidence which will inform the review process. Officials within my Department will continue to meet with interested parties throughout the summer. We are using this opportunity to inform our wider consideration on the future of legal support in the justice system.

**HC Deb 03 Jul 2018 | 157161W**

[Legal Aid Scheme](#)

**Asked by: Julie Elliott**

To ask the Secretary of State for Justice if he will reintroduce legal aid for early advice as part of the Government's review of legal aid.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

Early legal advice is available for all cases within the scope of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO), subject to an assessment of means and merits.

The post-implementation review of the impact of the legal aid changes made by and under LASPO, includes changes to the scope of early legal advice and legal representation.

We are currently in the engagement phase of this review and are using this opportunity to gather information from stakeholders and other interested parties to inform our wider consideration on the future of early advice and other forms of legal support in the justice system.

**HC Deb 03 Jul 2018 | 157160W**

[Legal Aid Scheme](#)

**Asked by: Alex Sobel**

To ask the Secretary of State for Justice, if he will undertake a comprehensive review of legal aid provision.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The Legal Aid Agency frequently reviews market capacity to make sure there is adequate provision around the country, and moves quickly to ensure provision where gaps may appear.

The Government is currently undertaking a post-implementation review of the impact of the legal aid changes made under Legal Aid Sentencing and Punishment of Offenders Act 2012 and remains committed to publishing the findings by the end of this year.

The Government plans to use the evidence gathered as part of the review to inform its wider consideration on the future of legal support in the justice system.

**HC Deb 12 Jul 2018 | 162154W**

[Legal Representation: Low Incomes](#)

**Asked by: Were Hobhouse**

To ask the Secretary of State for Justice, what steps his Department is taking to ensure access to legal representation for people with low incomes.

**Answering member: Rory Stewart | Department: Ministry of Justice**

The ability of individuals to resolve their legal problems is vital to a just society. Legal aid continues to be available in the highest priority cases – for example, when an individual’s life or liberty is at stake, when someone faces the loss of their home, in domestic violence cases, or when children may be taken into care – subject to an applicant passing the test of means and merits. In the Crown Court, over 99% of applications for legally-aided representation are granted.

As part of the evidence gathering phase of the Post-Implementation Review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, we are gathering evidence on people’s ability to access legal support to resolve their legal issues. The evidence gathered will be used to inform our wider considerations for the future of legal support in the justice system.

**HC Deb 06 Jul 2018 | 160335W**

[Legal Aid](#)

Oral questions

HC Deb 05 Jun 2018 | 642 c146

- Including:

**Asked by: Anna Turley**

I appreciate the Minister’s response, but the cuts in legal aid are having a devastating effect. One of my constituents is seeking legal aid after leaving a coercive, controlling relationship in which she suffered not just physical but financial abuse. Her former partner left significant debts in her name. She works, but she does not qualify for legal aid now due to

her salary. Because the payments are taken out under court order before she receives her pay, she is left with no money for legal costs. He gets legal aid because he works. Surely this is not fair, and will the Minister review it?

**Answered by: Lucy Frazer | Department: Justice**

The hon. Lady has made an important point. The Government have done a significant amount in relation to domestic violence, understanding that it often involves not just physical abuse but, as the hon. Lady says, coercive control. We have also changed many of the guidelines relating to domestic violence so that people who have experienced such abuse can obtain legal aid more easily. I hope that that resolves some of the problems that the hon. Lady has identified.

[Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)

**Asked by: Luciana Berger**

To ask the Secretary of State for Justice, whether the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will include an evaluation of its effect on people with (a) mental health problems and (b) other disabilities.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The evidence based review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has now commenced and the evidence gathering phase is ongoing.

The review will consider how LASPO has targeted legal aid at those who need it most – one of the objectives set out during the passage of the Act. Alongside the review, the Government plans to use this opportunity of engagement with stakeholders to inform its wider consideration on the future of legal support in the justice system.

**HC Deb 14 May 2018 | 142432W**

[Legal Aid](#)

Oral questions

- Including:

**Asked by: Lord Beecham (Lab)**

My Lords, there are two forms of advice desert in relation to the current legal aid system. One is geographic, where legal advice is simply unavailable because there are no longer legal aid practitioners to provide it, and the other is in relation to particularly sensitive and important areas, such as housing or family law, where the number of cases receiving legal help since LASPO has dropped from 200,000 to 40,000 in the last financial year. Will the long-awaited LASPO review address these problems? Do the Government have an open mind in relation to the possible restoration of legal aid and advice currently denied to people of limited means, with the added benefit of reducing

the pressure on the courts system from the growing number of unrepresented parties to proceedings?

**Answered by: Lord Keen of Elie**

My Lords, with particular reference to housing, at present 133 of the 134 housing and debt procurement areas for legal aid have provision, and in addition there is provision for telephone advice in the context of housing issues that are covered by LASPO. Our review will embrace all the issues that are being raised by interested groups and will take account of the observations made by the noble Lord, Lord Low, and the noble Lord, Lord Bach, in their respective reports.

**HL Deb 19 April 2018 c1249-51**

[Legal Aid Scheme](#)

**Asked by: Alex Sobel**

To ask the Secretary of State for Justice, if his Department will take steps to ensure the accessibility of early legal advice; and what steps are being taken to include proposals to increase the provision of such early legal advice in the Government's review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

Early legal advice is available for all legal cases within the scope of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO), subject to an assessment of means and merits. Last year, nearly £100m of public money was spent on early legal advice in civil cases.

As part of the LASPO post-implementation review, we will be looking at the changes introduced to legal aid by and under Part 1 of LASPO, including the changes to the scope of early legal advice and legal representation.

We have now launched the engagement phase of the post-implementation review into legal aid reforms. We will be gathering information from stakeholders and other interested parties to inform the future of legal support. We will use this opportunity to inform our wider consideration on the future of early legal advice in the justice system.

**HC Deb 16 Mar 2018 | 132189W**

[Legal Aid Scheme: Cost Effectiveness](#)

**Asked by: Alex Sobel**

To ask the Secretary of State for Justice, what research his Department has undertaken into the cost effectiveness of legal aid for early legal help.

**Answering member: Lucy Frazer | Department: Ministry of Justice**

The ability of individuals to resolve their legal problems is vital to a just society. We are committed to ensuring legal aid and other forms of legal support are available to those who need it.

Legal aid for early advice continues to be available in a wide range of cases and last year nearly £100m of public money was spent on early legal advice in civil cases.

We are conducting an evidence-based review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, to assess the changes made against their objectives. We will publish our findings this year.

**HC Deb 07 Mar 2018 | 130225W**

### [Topical Questions](#)

**Asked by: Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP)**

Instead of carrying out their in-house review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, should Ministers not follow the excellent example of the Scottish Government by having an independent review of legal aid, and perhaps looking at how the Scottish scheme has managed to achieve greater scope and eligibility but with lower costs?

**Answered by: Lucy Frazer | Department: Justice**

The review of legal aid will be important. We will be inviting a number of independent experts to give evidence so that we can make the necessary decisions.

**HC Deb 06 Mar 2018 | 637 c168**

### [Legal Aid](#)

- Oral questions

**Asked by: Richard Burgon (Leeds East) (Lab)**

We have heard from the Law Society and the president of the Supreme Court on early legal help, which Labour's manifesto also backs. My hon. Friends have asked questions about this and the Minister has said that the evidence is not there. I want to help the Minister, so will he show today that he is not driven purely by ideology and agree to a simple thing: to commission independent research into the savings that can come from early legal help to inform the Government's legal aid review before it reports back next summer? Will he do it?

**Answered by: Dominic Raab | Department: Justice**

We have got the review in place. We will take a wide range of advice and set up expert panels to ensure that we get the proper and best advice. The hon. Gentleman should feel free to contribute. However, his proposals would add £400 million to the cost, and he needs to explain

where the money would come from because it does not just grow on trees.

**HC Deb 05 Dec 2017 | 632 c873**

[Legal Aid](#)

- Oral questions

**Asked by: Alex Chalk (Cheltenham) (Con)**

We are a nation of laws, but we must be one nation too, with access to justice for people from all backgrounds. Does my hon. Friend agree that, post the LASPO review, the most careful thought should be given to bolstering legal aid resources so that we can have early advice and assistance for all?

**Answered by:** Dominic Raab | Department: Justice

My hon. Friend, as usual, makes a powerful point. We will be able to look at this in the round, but we do still spend £1.6 billion on legal aid, which is a quarter of my Department's budget. If we want to put more resources in, the money has to be found elsewhere. We will also be looking carefully at making sure we have the right allocation to support those in the greatest need.

**HC Deb 05 Dec 2017 | 632 c872**

[Review of Legal Aid Reforms](#)

Oral questions

- Including:

**Asked by: Mr Dhesi**

I thank the Minister for his response about progress on the review of legal aid reforms, but it is disappointing that, even though the Government first announced this review nine months ago, it still will not conclude for another nine months, which is nine more months of many thousands of people not being able to afford to access our justice system. His Government's reforms of legal aid were intended to save £350 million. In fact, legal aid has fallen by double that. Will the Minister lobby his colleague the Chancellor, so that some of those additional savings go immediately to help those who have been priced out of access to our justice system?

**Answered by: Dominic Raab | Department: Justice**

I thought the hon. Gentleman might at least welcome the fact that we laid out the terms of the review yesterday. I am not sure whether he has had a chance to study the post-legislative memorandum. Let us be clear about one thing: last year, we spent £1.6 billion on legal aid in England and Wales, which is a quarter of

the Ministry of Justice's budget. International comparisons are not exact, but according to the Council of Europe's review last year, the UK spent more per capita than any other Council of Europe member.

**HC Deb 31 Oct 2017 | 630 c687**

## 4. Organisations and further reading

Commons Library debate pack, [Legal aid and the post-implementation review](#), 4 September 2018

Commons Library debate pack, [Housing and access to legal aid](#), 15 May 2018

Justice Committee, [Criminal Legal Aid](#), 26 July 2018, HC 1069

Ministry of Justice, [Post-implementation review of LASPO](#), 8 March 2018

Ministry of Justice, [Legal Aid, Sentencing and Punishment of Offenders Act 2012: Post-Legislative Memorandum](#) – Submitted to the Justice Select Committee on 30 October 2017, Cm 9486

Fabian Society, [The Final Report of the Bach Commission](#), 22 September 2017

Law Society, [Access Denied? LASPO four years on: a Law Society review](#) [see PDF], June 2017

### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcinfo@parliament.uk](mailto:hcinfo@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).