

We believe that the following urgent action is needed:

review eligibility levels and scope of civil legal aid

make sure that the whole legal aid scheme is properly resourced so that both civil and criminal work can operate within a realistic budget

protect the civil legal aid budget so that it cannot be used to cover rising expenditure on criminal legal aid

ensure that local authorities contribute properly to the appropriate funding of independent advice services in their area

recognise the effect of policies in other parts of government on legal aid spending – and make sure that the legal aid budget is compensated

provide co-ordinated funding for legal education, law reform and other non-casework services.



Contact:

ACCESS TO JUSTICE ALLIANCE

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Who we are

Advice UK

Advice Services Alliance

Child Poverty Action Group

Citizens Advice

Haldane Society of Socialist Lawyers

Justice

Law Centres Federation

Legal Action Group

Legal Aid Practitioners Group

Liberty

Public Law Project

Rights of Women

Shelter

...and 25 other organisations



This campaign would not have been possible without the generous support of the Law Society

Why the AJA was set up?

The Access to Justice Alliance was formed in November 2004 out of serious concern about the crisis facing civil legal aid. Only the poorest people now qualify for public funding, and it is getting increasingly hard to find lawyers and advisers able to take on legal aid cases – or even give first stage advice. Many people who need legal help simply can't get it.

Why is this an important issue?

Legal aid helps ordinary people facing extraordinary problems – for example, in relation to debt, welfare benefits, landlord and tenant problems, discrimination at work or community care needs. Most people don't think they will ever have to use legal aid – but if their circumstances change for the worse then they may need to rely on it. The legal aid scheme should be accepted as part of the welfare state – like the National Health Service and the state education system. But legal aid represents a tiny fraction of public spending – only 0.45 per cent.

The Community Legal Service – a sunk flagship?

Launched in April 2000, the Community Legal Service (CLS) was a flagship policy of the new Labour government. It was intended to provide a seamless network of legal information, advice and representation services throughout the country. Funding was supposed to come partly from civil legal aid through the Legal Services Commission (LSC), and also from other sources such as local authorities. But 'advice deserts' are getting bigger, with some communities having almost no advice agencies or legal aid firms. Although the LSC has invested in telephone advice, this is no replacement for specialist, face-to-face legal services. Over the past five years, there has been an 18 per cent drop in the number of advice cases started under legal aid.

Pressures on the legal aid budget

The LSC now has to contain legal aid within a fixed budget – currently around £2.1 billion per year. This covers criminal defence work, as well as advice and representation for civil and family law cases. Criminal legal aid can't be capped: it needs to be widely available so that the government can meet its legal obligations to protect the interests of suspects and defendants – in particular, to ensure a fair hearing at all stages of the criminal justice process. But civil legal aid is coming under pressure from rising expenditure on criminal cases. Lord Falconer, the Lord Chancellor, recently admitted that civil legal aid spending has fallen in real terms by 24 per cent since 1997.

Why is more being spent on criminal legal aid?

Over the past three years alone, expenditure on criminal legal aid has gone up by over 35 per cent, for reasons that are not fully understood. External pressures on the criminal defence budget are difficult to control. The government is proposing controls on legal aid expenditure for criminal work but has not got to grips with the pressures on legal aid from its own criminal justice policies. The factors driving up expenditure could well include:

- new government targets to bring more offenders to justice
- the increasing complexity of criminal cases, meaning longer trials
- new criminal offences and changes in court procedures.

Solicitors abandoning legal aid work

Legal aid is now delivered through a tightly controlled system of contracts. High street solicitors have become increasingly demoralised by the bureaucratic and inflexible contract system and by poor rates of pay. Those who can are pulling out of this work. There are fears that central and local government does not understand the importance of specialist legal representation in the landscape of advice. Newly qualified lawyers are reluctant to pursue this work as a career.

About our campaign

The AJA is supported by community groups, national charities, lawyers, advisers and others who feel strongly that justice should remain accessible to all. We believe that the funding crisis facing legal aid cannot be ignored any longer.

The government must restate its commitment to legal aid – and provide adequate funding to protect fundamental rights and ensure equality before the law. Access to justice is not a reality unless people can find out about their rights and enforce them – through the courts if necessary. The government's new strategy for a 'fairer deal' for legal aid and its latest plans for the future of the CLS both fail to address the fundamental problems of inadequate resources and insufficient incentives for practitioners to provide publicly funded legal services.