Written evidence from Legal Aid Practitioners Group (LAPG)

About the Legal Aid Practitioners’ Group

1. Legal Aid Practitioners Group (LAPG) is a membership organisation for firms and organisations with a contract to carry out legal aid work. Our members are based throughout England and Wales and are both private practices and not for profit organisations.

2. Our members carry out civil and criminal work and cover the whole range of sizes from small sole principal firms to some of the largest providers of legal aid services in the country.

Preliminary issues

3. We have replied to many consultations over the years and we would highlight once again

   - the impact of legal aid cuts reducing – we would say savaging - access to justice;
   - the number of people who even when in scope cannot overcome hurdles e.g. being able to prove their financial position or providing the evidence needed to satisfy the requirements for legal aid following domestic violence;
   - the often made point that court closures will impact on people without resources – another hurdle if a court is difficult to reach. Some of the court closures will necessitate extremely lengthy journeys by public transport especially for morning hearings;
   - that increased fees are another barrier that disproportionately affect those without resources.

How have the increased court fees and the introduction of employment tribunal fees affected access to justice? How have they affected the volume and quality of cases brought?

4. We endorse the comments of the Law Society and Young Legal Aid Lawyers. In particular we would highlight the many people who are outside the legal aid scheme on scope (e.g. divorce) who will struggle to be able to afford payment. We echo the reservations raised about the remission of fees scheme.

5. We are concerned about lawyers having to fund such high fees e.g. on CFAs. Legal aid practices will also have concerns where cases have to be issued promptly before any payment on account can be made.

6. We would query the position whereby e.g. the Legal Aid Agency is paying the cost of the increased fees in those cases where legal aid is granted and costs are not recovered from the other party. Has the committee obtained the evidence on how much one government department is charging another? Similarly, local authorities are bearing the cost in child care cases.
How has the court fees regime affected the competitiveness of the legal services market in England and Wales, particularly in an international context?

7. We do not have the expertise to answer this but cannot see how it helps to have a system of justice that the poor are increasingly excluded from.

What have been the effects on defendants of the introduction of the criminal courts charge? Has the criminal courts charge been set at a reasonable and proportionate level? Is the imposition and collection of the charge practicable and, if not, how could that be rectified?

8. We consider this to be extremely ill-judged bearing in mind the number of defendants who have no money. We endorse the Law Society and YLAL’s responses and refer to the Howard League’s submission on this.

How will the increases to courts and tribunals fees announced in Cm. 9123, "Court and Tribunal Fees", published on 22 July 2015, and the further proposals for introducing or increasing fees included for consultation in Cm. 9123, affect access to justice?

9. The position will be made worse. More work needs to be carried out into proposed changes and into the effect of changes already brought in.

30 September 2015