



Briefing for the Justice Select Committee evidence session on the impact of COVID-19 on the courts and legal profession

About Young Legal Aid Lawyers

1. Young Legal Aid Lawyers (YLAL) is a group of lawyers committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.

Impact of COVID-19 on legal aid practitioners

2. On 7th April 2020, YLAL published a report¹ on the impact of COVID-19 on our members' professional lives. The report analysed survey data collected from more than 300 YLAL members between 26th March 2020 and 3rd April 2020. This note should be read in conjunction with YLAL's full COVID-19 report.
3. YLAL is particularly concerned that **some 25% of our members are required to put themselves at risk of infection**, for example by attending police station interviews or face-to-face meetings. 18.2% of respondents were still required to attend court. Feedback received by participants includes: the lack of any noticeable extra cleaning of courts or police stations, the lack of hand sanitiser, and the fact that courts are not set up for social distancing. One respondent commented that business has been "*more or less as usual*" while another said that the police had refused to allow the use of remote technology or video links for police station interviews. YLAL welcomes the news that in recent days, certain legal aid lawyers have been identified as "essential workers" eligible for priority COVID-19 testing.²
4. **More than 45% of members are either "extremely" or "quite" worried about their job security, and some 80% of junior legal aid barristers reported that their workloads had been "significantly decreased" or been "decimated" by the crisis.** The legal aid sector has been under significant strain since the implementation of LASPO, and the current public health crisis has made a bad situation worse. Karl Turner MP, in a letter to Alex Chalk MP dated 24th April 2020, observes that the "*Defence Solicitor Call Centre's figures show a 30-40 percent reduction in the number of cases being referred, compounding the perilous state of legal aid practitioners, who have faced decades of cuts and real terms stagnation, leaving them without cash reserves.*" A Bar Council Survey found that 55% of chambers cannot survive 6 months

¹ *Young Legal Aid Lawyers COVID-19 Report*, April 2020 accessible at: www.younglegalaidlawyers.org/node/2955

² *The Law Society on Twitter*, 28 April 2020, accessible at: <https://twitter.com/TheLawSociety/status/1255174039636713473?s=20>

without financial aid if the current circumstances persist, with 90% of criminal barristers' chambers predicting that they would fold after 12 months without more financial support.³

5. 12% of employed respondents to YLAL's survey had been furloughed. Most furloughed respondents told us that their firms were capping their wages at the 80% offered by the Coronavirus Job Retention Scheme. However, young legal aid lawyers are already on low salaries (our Social Mobility Report in 2018 found that, on average, 53% of respondents were earning less than £25,000)⁴, so a 20% pay cut would have a devastating impact.
6. The overwhelming feedback from barristers was that their work had significantly reduced or disappeared overnight due to the adjournment of many in-person hearings. Despite this, many young barristers are unable to access support from the Government's Coronavirus Self-Employment Income Support Scheme. One respondent who has been a tenant for less than a year has not filed a full tax return; their previous tax return showed that the majority of their income derived from employment pre-pupillage. This made them ineligible for the support scheme. We are, however, pleased to note that the government has now confirmed that self-employed people who have responsibly set aside funds for tax purposes can ask that this is not taken into account within their total savings for Universal Credit applications (given that Universal Credit is reduced if the applicant has savings of more than £6,000, and it is stopped if the applicant has savings of £16,000 or more).⁵
7. **The Justice Select Committee may wish to consider the following lines of questioning which relate to particular concerns on YLAL's part:**
 - a) There is a serious gap in the support provided by the Government's Coronavirus Self-Employment Income Support Scheme for the most junior self-employed barristers. Many did not file a 2018/19 tax return or filed a 2018/19 tax return where less than 50% of their total income was derived from self-employment. **What measures will be put in place to ensure these practitioners are not excluded from financial support?**
 - b) **The legal aid system was already in the midst of a sustainability and social mobility crisis. The Coronavirus is compounding these issues to devastating effect. How will the government protect the most vulnerable members of our profession and promote social mobility to ensure that legal aid practice becomes a viable career choice?**
 - c) Legal aid lawyers essential to the functioning of the justice system are "key workers". Given the recognition of the essential work that legal aid lawyers do, **will there be a review of the rates of payment for legal aid work and the limited scope of proceedings for which legal aid is now available ?**

Young Legal Aid Lawyers

1st May 2020

³ J. Slingo, '81% of chambers will fold within a year, Bar Council survey finds', The Law Society Gazette, 2 April 2020

⁴ Young Legal Aid Lawyers: *Social Mobility in a Time of Austerity*, March 2018

⁵ N. Schraer, 'Self-employed with cash saved to pay tax? It WON'T reduce your universal credit entitlement', MoneySavingExpert, 15 April 2020