



House of Commons  
Justice Committee

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# Coronavirus (COVID-19): the impact on the legal professions in England and Wales

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**Seventh Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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## Summary

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The Coronavirus pandemic is an unprecedented public health emergency. Measures taken to control the disease have unavoidably affected the justice system. During the period of 'lockdown' there have been fewer arrests and charges and fewer prosecutions brought by the Crown Prosecution Service. Trial by jury was paused. Fewer civil cases have started. While the most urgent cases have been dealt with by those courts that have remained open and via remote hearings using video and phone calls, many others have been put on hold.

The reduction in legal activity means lower incomes for legal services providers. Legal services providers have been able to use some of the general financial support schemes offered by the Government and there have been some changes to the way legal aid is paid, however there are gaps in the support. Legally aided services, that were already under significant financial strain following many years of reductions to legal aid budgets, are under great pressure. We are concerned that as a result of Coronavirus some barristers, solicitors, and law centres may collapse.

Given the pent-up demand and the increased number of cases waiting to be heard that has built up since mid-March 2020, it is imperative that the Ministry of Justice takes action to prevent the collapse of legal services providers that will be needed as the measures to control Coronavirus are lifted. Without this there is a clear risk that those seeking legal advice and representation will find that it is not there when they need it.

# 1 Introduction

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1. This is one of four reports we are publishing on the impact of Coronavirus (COVID-19) on prisons, probation, courts and legal systems in England and Wales. It covers the period 16 March to 30 June 2020. Access to justice is one of our priorities, and in this report, we look at the effect of coronavirus on providers of legal services given the potential for reduction in access to justice should some providers cease to be able to operate.<sup>1</sup>

2. The coronavirus pandemic is an extraordinary event. From mid-March, the Government responded by taking steps to control spread of the disease. These have unavoidably had an impact on all areas of public and private life including the justice system. On 24 March, the Lord Chancellor and Secretary of State for Justice, Rt Hon Robert Buckland QC MP, told us that “the overall policy objective I have is to maintain the system of justice and law and order in our country, even in the teeth of this unprecedented threat.”<sup>2</sup>

3. HM Courts and Tribunals Service (HMCTS), the Ministry of Justice (MoJ) and the Judiciary worked together in response to the emergency to reduce social interactions at courts by:

- closing some courts;
- suspending jury trials;
- focusing on priority cases; and
- increasing the use of technology to support remote hearings.<sup>3</sup>

4. These measures have had significant impacts on the legal professions. There have been practical challenges to do with the sudden increase in use of technology and in relation to staying safe when attending the courts that have remained open; and there have been financial implications as levels of work have reduced dramatically.

5. We thank the organisations and witnesses that provided evidence to us on the impact of Coronavirus and pay tribute to all those working in the courts and legal professions for their professionalism, adaptability and hard work to keep the justice system in England and Wales going.

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1 By legal services providers we mean solicitors firms, self-employed barristers, and Law Centres and other not-for-profit organisations providing legal advice and representation.

2 [Oral evidence](#) taken on the 24 March 2020, HC (2019–21) 225, Q5

3 HMCTS, [COVID-19: Overview of HMCTS response](#), July 2020, p 3. More information about the impact of Coronavirus on the courts can be found in our report Coronavirus (COVID-19): The impact on the Courts in England and Wales (forthcoming).

## 2 The impact of coronavirus on the legal professions

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### Practical difficulties faced by the legal professions as a result of coronavirus

#### *Increased use of technology for remote court hearings*

6. **Legal professionals have adapted impressively quickly to working from home and holding and attending hearings remotely**, but this can be difficult. Lord Burnett of Maldon, the Lord Chief Justice, told us that “the quality of the kit matters a great deal. If you are doing this sort of encounter with a laptop, you are hunched over it, you are cramped and you do not have room for paper. If you are doing a full video hearing, you need two screens: one you can put papers on and the other so you can see people.”<sup>4</sup>

7. On 1 May, the Rt Hon Sir Terence Etherton, the Master of the Rolls, commissioned a rapid review of the impact of Covid-19 measures on the civil justice system. The results were published on 5 June. Lawyers who responded were broadly satisfied with remote hearings although they had some concerns:

“[they] found remote hearings to be more tiring to participate in than physical hearings, particularly those that proceeded by video. Findings also suggest that remote hearings may not necessarily be cheaper to participate in, which may be counter to assumptions about relative costs being lower.”<sup>5</sup>

#### *Confidential communications with clients*

8. On 24 March, Robert Buckland told us that there is

“an issue with regard to legal conferences and lawyer/client interviews... I know from my own experience that the conference with counsel or the client’s ability to give instructions in a confidential way is absolutely essential. It is a legal right, and it can and does lead to greater efficiencies in the system...”<sup>6</sup>

9. This concern was repeated by John Bache, Chair of the Magistrates Association: “One particular problem that concerns us is the ability of the defendant to get confidential advice from their advocate.”<sup>7</sup>

10. The Equality and Human Rights Commission has said that the use of video hearings can significantly hinder communication and understanding for people with learning disabilities, autism spectrum disorders and mental health conditions. In its interim report on inclusion the Commission says:

“Almost all the criminal justice professionals in England and Wales who

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4 Q153

5 The Civil Justice Council and the Legal Education Foundation, [The impact of COVID-19 measures on the civil justice system: Report and recommendations](#), May 2020, p 9

6 Q203

7 Q76

we interviewed felt that use of video hearings does not enable defendants or accused people to participate effectively, and reduces opportunities to identify if they have a cognitive impairment, mental health condition and / or neuro-diverse condition.”<sup>8</sup>

Similar issues were raised with us by Transform Justice.<sup>9</sup>

11. Organisations and individuals with experience of working with and advocating for court users who may be considered vulnerable are concerned that communication with clients during hearings “relied on lay parties having access to multiple devices and good standards of written comprehension.”<sup>10</sup> We also received evidence about limited availability of video links for lawyers to communicate with clients in prison, since visits in person were cancelled.<sup>11</sup>

12. Susan Acland-Hood, Chief Executive of HM Courts and Tribunals Service (HMCTS), told us that progress was being made to implement a cloud video platform that provides for confidential communications with clients.<sup>12</sup> On 23 June she said that “Getting better video technology rolled out is well under way in Crown and magistrates courts, and the full rollout starts next week in the civil and family courts.”<sup>13</sup> **There have been positive developments in providing online solutions to providing court services, but pending full roll out of HMCTS’s cloud video platform, we recommend that the Ministry of Justice sets out the steps it is taking to ensure that lay parties to hearings have access to the technology they need so that they can communicate well, and confidentially, with their lawyers. We also recommend that the Ministry of Justice reviews how well remote hearings have worked for all participants in all jurisdictions before rolling them out further.**

### **Social-distancing, hand washing facilities and security searches at courts**

13. All those attending court during this period deserve our praise. As the Crown Prosecution Service Inspectorate has pointed out “The court estate was not built to enable some of the new requirements of social distancing; this meant that those attending courts were, as with other key workers, putting themselves in danger.”<sup>14</sup>

14. In addition to the difficulties raised by the estate itself there were early problems with shortages of soap at some courts and with some security processes. On 24 March, Ms Acland-Hood told us “We have asked staff members in the court to check regularly on the provision of soap and paper towels in bathrooms, which was an earlier issue. We have reissued guidance to security staff. There were some issues arising in relation to security search, where security guards were putting hands in bags.”<sup>15</sup>

8 Equality and Human Rights Commission, [Inclusive justice: a system designed for all: Interim Findings](#), April 2020, p 9

9 [Covid 19 briefing from Transform Justice](#), June 2020, p 2

10 The Civil Justice Council and the Legal Education Foundation, [The impact of COVID-19 measures on the civil justice system: Report and recommendations](#), May 2020, p 10

11 [Covid 19 briefing from Arthur Michael Robinson](#), June 2020

12 Q204

13 Q200

14 HMCPSI, [CPS response to COVID-19: 16 March to 8 May 2020](#), June 2020, p 7

15 [Oral evidence](#) taken on the 24 March 2020, HC (2019–21) 225, Q5

## Financial difficulties faced by the legal professions

### *Reduction in legally aided work*

15. Provisional Legal Aid statistics give an indication of the scale of the reduction in legally aided work as a result of the coronavirus restrictions:<sup>16</sup>

#### *Criminal legal aid*

- 41% decrease in police station attendance (down from 44,400 per month to 26,200);
- 45% decrease in applications received for representation in the Crown Courts (down from 7,500 per month to 4,100);
- 42% decrease in applications received for representation in the magistrates' courts (down from 17,500 per month to 10,200);

#### *Civil legal aid*

- 34% decrease in legal help new matter starts (down from 10,200 per month to 6,700);
- no Housing Possession Court Duty Scheme starts (down from 2,300 per month);
- 94% decrease in the number of Housing Possession Court Duty Scheme cases closed (down from 2,600 per month to 150); and
- 16% decrease in civil representation applications (down from 10,300 to 8,700). Family applications decreased by 13%, whilst the 34% in non-family applications was driven mainly by the fall in housing applications.

### *Pressures on publicly funded legal services providers before Coronavirus*

16. **Publicly funded legal services providers were already under stress before coronavirus.** We heard from Bill Waddington, of the Criminal law Solicitors Association:

“...on the criminal legal aid side we entered the Covid period in a perilous state. There had been a huge drop in the number of providers anyway. Some 36% were lost between 2010 and 2018. There was some 29% reduction in the number of duty solicitors available from 2016 to 2019 ... That is how we entered this lockdown period.”<sup>17</sup>

17. The Joint Committee on Human Rights concluded, in July 2018, that

“the pressures caused by the reforms to legal aid are having a severe impact on legal aid professionals, damaging morale and undermining the legal profession’s ability to undertake legal aid work, leading to consequent grave

16 Ministry of Justice, Legal Aid Agency, *Legal Aid Statistics quarterly, England and Wales, January to March 2020*, June 2020, pp 20–21. The figures are for April 2020 compared to the monthly average between January and March 2019

17 Q91

concerns for access to justice, the rule of law and enforcement of human rights in the UK.”<sup>18</sup>

18. The Justice Committee had concluded in its July 2018 *Criminal Legal Aid* report, that “there is compelling evidence of the fragility of the Criminal Bar and criminal defence solicitors’ firms.”<sup>19</sup>

### ***The impact on diversity and social mobility at the Bar***

19. The Bar Council’s survey of all barristers in England and Wales (published 27 April 2020)<sup>20</sup> concluded that:

“Work and the ability to earn money has dramatically disappeared for many barristers, with over half fearing for their future in the profession. Those barristers from more diverse backgrounds are disproportionately affected. The young, the publicly funded and especially the criminal Bar - the most diverse parts of the Bar - are unsustainable without financial aid from the Government, even in the short term”, and

“Diversity and social mobility at the Bar are likely to decline as a result of the crisis. Black, Asian and Minority Ethnic and state-educated barristers are doubly hit—by being more likely (i) to be in publicly funded work and (ii) to face greater financial pressures.”<sup>21</sup>

20. The Young Legal Aid Lawyers group echoed these concerns and asked:

“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?”<sup>22</sup>

21. **It is important that the legal professions properly represent the society they serve, not least because they form a large part of the pool from which the Judiciary is drawn. The MOJ should set out what it will do to make sure that coronavirus restrictions on the justice system do not disproportionately affect the incomes of Black, Asian and minority ethnic or state-educated legal professionals, nor reduce their ability or desire to enter and work in the courts and tribunals system.**

### ***The view from the legal professions of the impact of Coronavirus***

#### ***Barristers***

22. **Newly qualified barristers face particular pressure.** Amanda Pinto QC, Chair of the Bar Council, summarised the results of its survey of all barristers:

18 House of Commons House of Lords Joint Committee on Human Rights, *Enforcing human rights*, Tenth Report of Session 2017–19, HC 669, para 83

19 Justice Committee, Twelfth Report of Session 2017–19, *Criminal Legal Aid*, HC 1069, p 2

20 Bar Council, *Bar Survey Summary Findings April 2020*, April 2020, p 2. The survey was sent to all 17,000 barristers in England and Wales. Some 25% of the self-employed Bar responded by the deadline of 13 April 2020.

21 Bar Council, *Bar Survey Summary Findings April 2020*, April 2020, p 2

22 *Covid 19 briefing from Young Legal Aid Lawyers*, June 2020, p 2

“56% of all barristers cannot survive six months in practice, which takes us from the date of the survey to October this year; 69% of publicly funded barristers cannot survive six months, and almost 75% of young barristers—those in practice for less than seven years—will not survive six months. That is not just about the profession now; it is about the profession for the future.”<sup>23</sup>

### Solicitors

23. **Small high street firms are particularly at risk from the effects of coronavirus restrictions.** The Law Society published the results of its survey of small high street firms on 1 May 2020.<sup>24</sup> The Law Society Gazette reported:

“Some 63% of sole practitioners and 71% of firms with four partners or fewer said [cash flow pressures and lower fee income] could put them out of business by the autumn. As a worst-case scenario that would equate to over 5,000 firms ceasing to trade, if the 774 respondents are a representative sample of the sector.”<sup>25</sup>

24. Simon Davis, President of the Law Society, told us:

“What we need in the present position is to ensure that something is done right now that enables legal aid practitioners across the piece to hang in there, in the hope that there will be further work in the future, and in the fond hope that the sustainability review that is taking place is accelerated and concrete measures are taken fast within that to ensure long-term sustainability.”<sup>26</sup>

The Legal Aid Practitioners Group also asked that the Ministry of Justice anticipates the likely collapse of providers rather than reacting after the event.<sup>27</sup>

### Not for profit legal services providers

25. **Law centres and other not-for-profit legal advice providers are also at great risk.** The Law Centres Network told us:

“Funding for social welfare legal assistance has always come primarily from public sources ... as clients are too disadvantaged to pay for services. ... The stream of current legal aid work has reduced to a trickle in both face-to-face and telephone-based contracts.”<sup>28</sup>

“... if lost earnings are not replaced soon, Law Centres stand to lose £3m in earned income within six months and, having used up their already scant reserves, the half of them most reliant on legal aid income would face

23 Q91

24 *High-street firms under immediate threat*, Law Society, [Law Society press release](#), 1 May 2020. The results are based on the 774 responses received (10% of small firms).

25 [Many high street law firms face collapse](#), The Law Society Gazette, 30 April 2020

26 Q 101

27 [Covid 19 briefing from Legal Aid Practitioners](#), June 2020, p 2

28 [Covid 19 briefing from Law Centres Network](#), June 2020, p 1

closure. Law Centres are not alone: the entire not-for-profit legal advice and rights sector is at risk right now.”<sup>29</sup>

## Financial support from the Government

### *General financial support that is also available for the legal professions*

26. Rt Hon. Steve Barclay MP, Chief Secretary to the Treasury, wrote to us setting out the general financial support for business that is also available to legal professionals. This support fall into two kinds: cashflow support, such as low-cost business loans and deferred VAT payments, and support that provides extra income or reduces costs, such as the furlough scheme and the Self-Employed Income Support Scheme. He also mentioned the £370 million announced for all small and medium-sized charities, which some not-for-profit legal services providers may be able to apply for.<sup>30</sup>

27. **The furlough scheme has been very useful**, with both solicitors’ firms and barristers’ chambers using it to reduce staff costs.<sup>31</sup> **We heard that the loan schemes were less helpful**, particularly for small high street firms. Simon Davis told us:

“One of the more problematic areas of the package is in relation to loans. Our research shows a low take-up of loans, particularly in the [legal aid] sector... We are talking about firms that are in very serious financial straits and already have heavy borrowing. These are loans that will have to be repaid by people who have no idea whether they are going to be there to repay them or whether the work is going to be there to finance it.”<sup>32</sup>

28. We were told that the Self-Employed Income Support Scheme has two features that limit its usefulness. First, it is not available to those who did not complete a tax return for 2018–19. This is a particular problem for barristers just starting out.<sup>33</sup> The second is that it has a cliff-edge so is not available to those with profits of £50,001 or above.<sup>34</sup> Finally, Amanda Pinto, Simon Davis and Bill Waddington each made the case for extending the business rate relief scheme to the legal professions.<sup>35</sup>

### *Specific support for the legal professions*

29. **The Legal Aid Agency has made changes to help the legal professions.** For example, it has made it easier to claim interim and hardship payments,<sup>36</sup> aligned some fees for remote work with those for in-person work,<sup>37</sup> and halted pursuit of outstanding debts owed to the Legal Aid Agency.<sup>38</sup> Amanda Pinto told us “I am happy to say that the CPS and the Legal Aid Agency have done sterling work in reducing the backlog in paying their fees.”<sup>39</sup>

29 [Covid 19 briefing from Law Centres Network](#), June 2020, p 2

30 [Letter from Rt Hon Steve Barclay MP, Chief Secretary to the Treasury](#), 5 May 2020

31 Qq95 [Caroline Goodwin], Q97 [Simon Davis]

32 Q97

33 Q96

34 Q95 [Amanda Pinto]

35 Qq97, 105

36 Qq131, 136

37 Legal Aid Agency, [Coronavirus \(COVID-19\): remote working](#), accessed 30 June 2020.

38 [Support package for legal providers](#), [Legal Aid Agency press notice](#), 3 April 2020

39 Q97

30. Parliamentary Under-Secretary of State for legal aid at the Ministry of Justice, Alex Chalk, gave us an example of one of the practical steps the Legal Aid Agency has made to support legal service providers, which was to allow for reduced office hours.<sup>40</sup> There are many more examples of changes to legal aid procedural and contractual requirements.<sup>41</sup> We heard from Elspeth Thomas of Resolution:

“The Legal Aid Agency has been working extremely well with the profession during this time. There have been some very constructive talks, perhaps the most constructive I have seen in my time being involved with them... While there has been a lot of work done at speed to make sure the rules are adapted to fit remote working, it is important for the profession that we have confidence that, when it actually comes to those bills being paid several months down the line, they will be, and we are not going to run into difficulties with procedures not having been followed when we were in the lockdown situation.”<sup>42</sup>

31. Bill Waddington told us:

“the legal aid proposals for interim and hardship payments, of course it helps, but it means we are just being paid now but getting nothing later. It is simply moving the crunch point.”<sup>43</sup>

**32. The support provided by the Government is welcome, but it cannot compensate for the significant drop-off in the amount of work being done and remove the risk of a collapse in legal services providers.**

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40 Q133

41 Legal Aid Agency, [Coronavirus \(COVID-19\): Legal Aid Agency contingency response](#), accessed 30 June 2020

42 Q97

43 Q97

## 3 The way ahead

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### *The beginnings of the recovery from the coronavirus restrictions*

33. The number of cases of coronavirus has fallen significantly from its peak in mid-April and the Government has been gradually releasing restrictions. HMCTS, the Judiciary, the CPS and legal professionals have worked together to restart some ‘socially distanced’ jury trials since mid-May.<sup>44</sup> On 30 June, Robert Buckland wrote to us with an update on Court and Tribunal recovery, which included news of an extra £142 million investment for courts maintenance.<sup>45</sup> This includes £37 million to speed up ‘digitalisation’.<sup>46</sup> On 1 July 2020, HMCTS published an overview of its response to coronavirus with ‘building blocks’ stretching into the Autumn and beyond. In it HMCTS said: “We are now working with the judiciary to increase the volume of hearings conducted across all jurisdictions with the aim of getting back to and then above pre-covid levels in each jurisdiction.”<sup>47</sup>

34. **It is important that the legal professions are in good shape to deal with the increase in demand for legal advice and representation that is on the horizon.** The Legal Aid Practitioners Group submitted evidence to us that:

“There will be a surge in client demand as soon as the lockdown is lifted, the courts re-open, embargoes on issuing possession claims are lifted, debt collection resumes, and criminal trials and police activity returns to something approaching normal.”<sup>48</sup>

### *Potential new measures to ensure continued access to legal services*

35. We explored several measures with the legal profession and Ministers and were encouraged by the Ministry of Justice’s willingness to look for ways to help the professions.

36. Robert Buckland told us

“I accept that more is sought, and I am working very hard, not just with the Treasury but internally, to see what more can be done to help the flow of regular income to the professions, particularly those at the sharp end of legal aid. What attracts me is the idea of making sure that, for example, a solicitors firm can have a regular monthly income that keeps the firm viable and keeps it afloat, because we are going to need their capacity not just now but in the future. Similarly, with the Bar, I want to see whether we can do more to reflect the particular cash-flow problems that I know many practitioners are facing, particularly young practitioners and returning practitioners.”<sup>49</sup>

37. Amanda Pinto, Chair of the Bar Council, suggested to us that there could be alternative verification of income for those very junior barristers without a 2018–19 tax return.<sup>50</sup> **We**

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44 Courts and Tribunals Judiciary, *Jury trials to resume this month*, accessed 30 June 2020

45 [Letter from Rt Hon Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice](#), 30 Jun 2020

46 HM Treasury, [Plan for Jobs](#), July 2020, paras 2.53 and 2.65

47 HMCTS, [COVID-19: Overview of HMCTS response](#), July 2020, pp 4–5

48 [Covid 19 briefing from Legal Aid Practitioners](#), (May 2020), p 2

49 Q235

50 Q97

***recommend that the Ministry of Justice considers the Bar Council’s proposals for using alternative evidence (other than tax returns) for bringing new barristers and returning practitioners within the remit of the Self-Employed Income Support Scheme and that it report back to us on whether it decides to adopt the proposals and, if not, provide the reasons for that decision.***

38. Simon Davis, President of the Law Society, and Bill Waddington, Chairman of the Criminal Law Solicitors Association, made a strong case that changes were needed to the system of regular monthly payments of criminal legal aid with any repayments postponed until a time when the legal services providers can afford it.<sup>51</sup> We asked Alex Chalk MP, for his view on this. He told us “It is one of the issues that is being looked at as we speak.”<sup>52</sup> ***We recommend that the Ministry of Justice considers the Law Society’s detailed proposals for payment and repayment of monthly payments (to solicitors firms and not-for-profit providers) and that the Ministry of Justice reports back to us on whether it decides to adopt the proposals and, if not, provide the reasons for that decision.***

39. The Law Centres Network submitted written evidence to us in which it said “... we have said publicly from the outset that to survive the pandemic Law Centres would need grants-in-aid.”<sup>53</sup> On 23 April, Alex Chalk wrote to us to say that a new two-year grant which will invest £3.1m over 2 years to support for litigants in person had got underway (putting into effect a pre-existing commitment under the Ministry of Justice’s 2019 Legal Support Action Plan).<sup>54</sup> This money will be available to the advice sector. On 4 May, we asked Alex Chalk, about grants for not-for-profits generally (not just to help litigants in person) and support for those at the bottom of the profession. He said:

“ I can certainly say that both of those are critically important and are being given very careful consideration.”<sup>55</sup>

***We recommend that the Ministry of Justice considers further grants for law centres and other not-for-profit legal services providers that are at risk of collapse. The Ministry of Justice should report back to us with its decision and provide its reasons if it decides not to provide such grants, and state what provision it will make for users of the centres that cease operations.***

40. We also asked Alex Chalk about help for those just above the £50,000 cut-off for the Self-Employed Income Support Scheme and about including the legal services providers in the relief from business rates scheme. He told us that

“ everything is being given the most active consideration. My officials are working extremely hard and liaising very well, whether it is with the CBA, the Bar Council or the Law Society, to thrash all these out, and will continue to do so. I am grateful to them for their engagement.”<sup>56</sup>

41. On 23 June, we asked Robert Buckland about business rates relief, and he suggested that his requests to the Treasury were unlikely to be fulfilled but that he was looking for

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51 Q97

52 Q133

53 [Covid 19 briefing from Law Centres Network](#), June 2020, p 2

54 [Letter from Alex Chalk MP, Parliamentary Under Secretary of State in the Ministry of Justice](#), 23 May 2020

55 Qq131–132

56 Q131

other imaginative solutions.<sup>57</sup> *The Ministry of Justice should consider how it can help those self-employed practitioners whose profits are just above the £50,000 threshold and how it can help legal services providers with their business rates, and, if it decides to do neither, should provide us with its reasons for those decisions.*

42. *We urge the Ministry of Justice and the Legal Aid Agency to continue to be creative as to how legal aid is administered so that the legal professions are not further damaged by inflexible processes and contractual requirements on top of the problems arising directly from the coronavirus crisis.*

## Conclusions and recommendations

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### The impact of coronavirus on the legal professions

1. Legal professionals have adapted impressively quickly to working from home and holding and attending hearings remotely, but this can be difficult. Lord Burnett of Maldon, the Lord Chief Justice, told us that “the quality of the kit matters a great deal. If you are doing this sort of encounter with a laptop, you are hunched over it, you are cramped and you do not have room for paper. If you are doing a full video hearing, you need two screens: one you can put papers on and the other so you can see people.” (Paragraph 6)
2. There have been positive developments in providing online solutions to providing court services, but pending full roll out of HMCTS’s cloud video platform, *we recommend that the Ministry of Justice sets out the steps it is taking to ensure that lay parties to hearings have access to the technology they need so that they can communicate well, and confidentially, with their lawyers. We also recommend that the Ministry of Justice reviews how well remote hearings have worked for all participants in all jurisdictions before rolling them out further.* (Paragraph 12)
3. Publicly funded legal services providers were already under stress before coronavirus. (Paragraph 16)
4. It is important that the legal professions properly represent the society they serve, not least because they form a large part of the pool from which the Judiciary is drawn. *The MOJ should set out what it will do to make sure that coronavirus restrictions on the justice system do not disproportionately affect the incomes of Black, Asian and minority ethnic or state-educated legal professionals, nor reduce their ability or desire to enter and work in the courts and tribunals system.* (Paragraph 21)
5. Newly qualified barristers face particular pressure. (Paragraph 22)
6. Small high street firms are particularly at risk from the effects of coronavirus restrictions. (Paragraph 23)
7. Law centres and other not-for-profit legal advice providers are also at great risk. (Paragraph 25)
8. The furlough scheme has been very useful, with both solicitors’ firms and barristers’ chambers using it to reduce staff costs. We heard that the loan schemes were less helpful, particularly for small high street firms. (Paragraph 27)
9. The Legal Aid Agency has made changes to help the legal professions. For example, it has made it easier to claim interim and hardship payments, aligned some fees for remote work with those for in-person work, and halted pursuit of outstanding debts owed to the Legal Aid Agency. Amanda Pinto told us “I am happy to say that the CPS and the Legal Aid Agency have done sterling work in reducing the backlog in paying their fees.” (Paragraph 29)

10. The support provided by the Government is welcome, but it cannot compensate for the significant drop-off in the amount of work being done and remove the risk of a collapse in legal services providers. (Paragraph 32)

### The way ahead

11. It is important that the legal professions are in good shape to deal with the increase in demand for legal advice and representation that is on the horizon. (Paragraph 34)
12. *We recommend that the Ministry of Justice considers the Bar Council's proposals for using alternative evidence (other than tax returns) for bringing new barristers and returning practitioners within the remit of the Self-Employed Income Support Scheme and that it report back to us on whether it decides to adopt the proposals and, if not, provide the reasons for that decision.* (Paragraph 37)
13. *We recommend that the Ministry of Justice considers the Law Society's detailed proposals for payment and repayment of monthly payments (to solicitors firms and not-for-profit providers) and that the Ministry of Justice reports back to us on whether it decides to adopt the proposals and, if not, provide the reasons for that decision.* (Paragraph 38)
14. *We recommend that the Ministry of Justice considers further grants for law centres and other not-for-profit legal services providers that are at risk of collapse. The Ministry of Justice should report back to us with its decision and provide its reasons if it decides not to provide such grants, and state what provision it will make for users of the centres that cease operations.* (Paragraph 39)
15. *On 23 June, we asked Robert Buckland about business rates relief, and he suggested that his requests to the Treasury were unlikely to be fulfilled but that he was looking for other imaginative solutions. The Ministry of Justice should consider how it can help those self-employed practitioners whose profits are just above the £50,000 threshold and how it can help legal services providers with their business rates, and, if it decides to do neither, should provide us with its reasons for those decisions.* (Paragraph 41)
16. *We urge the Ministry of Justice and the Legal Aid Agency to continue to be creative as to how legal aid is administered so that the legal professions are not further damaged by inflexible processes and contractual requirements on top of the problems arising directly from the coronavirus crisis.* (Paragraph 42)

# Formal minutes

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**Wednesday 22 July 2020**

Members present:

Sir Robert Neill, in the Chair

Paula Barker

Dr Kieran Mullan

Rob Butler

Andy Slaughter

Maria Eagle

Draft Report (*Coronavirus (COVID-19): the impact on the legal professions in England and Wales*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 42 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 8 September at 1.45 pm

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 14 April 2020

<b>Katie Lomas</b> , National Chair, Napo; <b>Ian Lawrence</b> , General Secretary, Napo	<a href="#">Q1–8</a>
<b>Justin Russell</b> , Chief Inspector of Probation, Her Majesty's Inspectorate of Probation	<a href="#">Q9–19</a>
<b>Mark Johnson</b> , Chief Executive Officer, User Voice; <b>Helen Berresford</b> , Director of External Engagement, NACRO	<a href="#">Q20–25</a>
<b>Lucy Frazer QC MP</b> , Minister of State, Ministry of Justice; <b>Jo Farrar</b> , Chief Executive, HM Prison and Probation Service; <b>Amy Rees</b> , Director General of Probation and Wales, HM Prison and Probation Service	<a href="#">Q26–58</a>

### Monday 04 May 2020

<b>John Bache JP</b> , National Chairman, Magistrates Association; <b>Ellie Cumbo</b> , Head of Public Law, Law Society	<a href="#">Q59–86</a>
<b>Amanda Pinto QC</b> , Chair, The Bar Council; <b>Bill Waddington</b> , Chairman, Criminal Law Solicitors Association; <b>Simon Davies</b> , President, Law Society; <b>Elspeth Thomson</b> , Co-chair, (family justice professionals group), Resolution	<a href="#">Q87–108</a>
<b>Chris Philp</b> , Parliamentary Under Secretary of State, Ministry of Justice; <b>Susan Acland-Hood</b> , Chief Executive, HM Courts and Tribunals Service; <b>Alex Chalk</b> , Parliamentary Under Secretary of State, Ministry of Justice	<a href="#">Q109–136</a>

### Friday 22 May 2020

<b>Rt Hon The Lord Burnett of Maldon</b> , Lord Chief Justice, Judiciary of England and Wales	<a href="#">Q137–175</a>
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### Tuesday 23 June 2020

<b>Robert Buckland</b> , Lord Chancellor and Secretary of State, Ministry of Justice; <b>Susan Acland-Hood</b> , Chief Executive, HM Courts and Tribunals Service; <b>Dr Jo Farrar</b> , Chief Executive, HM Prison and Probation Service	<a href="#">Q176–243</a>
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## Written evidence

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[A Criminal Barrister](#)

[Arthur Michael Robinson](#)

[Chartered Institute of Legal Executives](#)

[Children's Rights Alliance for England the Youth Justice Legal Centre, part of Just for Kids Law](#)

[Clinks](#): Impact on the voluntary sector

[Clinks](#): Briefing for Justice Committee

[Criminal Justice Alliance](#) 5 June 2020

[Criminal Justice Alliance](#) 2 April 2020

[Fair Trials](#)

[Howard League for Penal Reform](#): Women in prison

[Howard League for Penal Reform](#): Briefing for Justice Committee

[Independent Advisory Panel on Deaths in custody](#)

[INQUEST](#)

[JUSTICE](#): Briefing for Justice Committee

[JUSTICE](#): Ensuring fairness in socially distanced trials

[Law Centres Network](#)

[Law Society's Junior Lawyers Division](#)

[Legal Aid Practitioners](#)

Rt Hon Lord Burnett of Malden, [Lord Chief Justice of England and Wales](#), dated 10 June, Open Justice

[Magistrates Association](#)

Ministry of Justice

Rt Hon Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, dated 7 July 2020: [Impact of COVID-19 on criminal enforcement](#)

Rt Hon Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, dated 28 May 2020: [CPT Statement of Principles](#)

Lucy Frazer QC MP, Minister of State for Justice, dated 10 June 2020: [Reforms to probation services](#)

Lucy Frazer QC MP, Minister of State for Justice: [Covid-19 plans for easing of restrictions](#)

Lucy Frazer QC MP, Minister of State for Justice dated 26 May 2020: [HMPPS reporting of staff cases of Covid-19](#)

Lucy Frazer QC MP, Minister of State for Justice dated 28 May 2020: [Covid-19 testing for prison and probation staff](#)

Lucy Frazer QC MP, Minister of State for Justice dated 28 May 2020: [Deployment of temporary accommodation across the prison estate as part of Covid-19 mitigation plan](#)

Lucy Frazer QC MP, Minister of State for Justice dated 28 May 2020: [Covid-19 in prisons: family contact](#)

Chris Philp MP, Parliamentary Under-Secretary of State, Ministry of Justice, 17 June 2020: [Release of HMMCTS weekly operational management information](#)

Chris Philp MP, Parliamentary Under-Secretary of State, Ministry of Justice, 3 June 2020: [Changes made to mitigate the impact of Covid 19 on the courts and tribunal system](#)

#### [NACRO](#)

Sir Robert Neill, Chair, Justice Committee to Lord Chancellor, dated 8 April 2020: [evidence session on 7 April 2020](#)

[Prison Governors Association](#)

[Prison Reform Trust](#): 21 May 2020

[Prison Reform Trust](#): 14 May 2020

[Prison Reform Trust](#): Briefing for Justice Committee

[Public and Commercial Services Union](#)

[Reducing Reoffending Third Sector Advisory Group](#)

[Revolving Doors Agency](#)

[Standing Committee for Youth Justice](#)

[Switchback](#)

[Transform Justice](#): Issues in the criminal courts

[Transform Justice](#): Briefing for Justice Committee

[Unlock](#)

[Women in Prison](#): Briefing for Justice Committee

[Women in Prison](#): additional material on planning for release

[Young Legal Aid Lawyers](#)

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2019–21

First Report	Appointment of Chair of the Office for Legal Complaints	HC 224
Second Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
Third Report	Coronavirus (COVID-19): The impact on probation services	HC 461
Fourth Report	Coronavirus (COVID-19): The impact on prisons	HC 299
Fifth Report	Ageing prison population	HC 304
Sixth Report	Coronavirus (COVID-19): The impact on courts	HC 519
First Special Report	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
Second Special Report	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
Third Special Report	Transforming Rehabilitation: Follow-up: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152