



Sir Robert Neill MP
Chair, Justice Select Committee
House of Commons
London
SW1A 0AA

21 August 2020

Dear Sir Bob,

**GOVERNMENT RESPONSE TO CONSULTATION AND LAYING STATUTORY INSTRUMENT:
An accelerated package of measures amending the criminal legal aid fee schemes**

I am writing to inform you that the Government intends to publish its response to the Criminal Legal Aid Review Consultation later today, and to lay a Statutory Instrument to amend the Criminal Legal Aid (Remuneration) Regulations 2013 as soon as possible. I would also like to thank you for your recent report on the impact of Covid-19 on the legal profession. It raised some interesting points - and I certainly recognise that the pandemic has thrown up significant challenges for the profession. Taken together, these measures represent an additional £35m-£51m per annum for criminal legal aid, which I hope will offset some of the financial burden. I understand that we may need to go further, and I am still looking at additional support measures and continuing to push for solutions. We will outline this work in more detail in our response, but for the moment I hope you will welcome this important announcement, which will see regulations come into force later in Summer.

The Criminal Legal Aid Review (CLAR) launched at the beginning of 2019, and aimed to reform the criminal legal aid system holistically. In light of pressing concerns identified early on in the Review, we took the decision to accelerate consideration of some aspects of the existing fee schemes. In February 2020, we launched a consultation on our proposed measures for these 'accelerated areas' of CLAR. These areas were:

- how litigators and advocates are paid for work on unused material;
- how advocates are paid for work on paper heavy cases;
- how advocates are paid for cracked trials in the Crown Court; and
- how litigators are paid for work on sending cases to the Crown Court.

We paused the consultation on the accelerated areas to focus on our immediate Covid-19 response for legal aid practitioners, developing cash flow measures to ensure money owed in the system already was available to them during the unprecedented crisis. This necessarily delayed our response to the consultation and the deadline was extended from 29 March to 17 June.

Having carefully considered the information gathered through 498 consultation responses and seven roundtables with practitioners, we have decided to proceed with the proposals, except for how litigators are paid for work on sending cases to the Crown Court. For this proposal, we are increasing the payment from two hours' worth of work to four hours.

The accelerated areas are only the first step towards the wider review, which we always intended would result in reforms that would support a sustainable and diverse market of practitioners. Since then, Covid-19 has thrown into sharp relief concerns about the sustainability of the market. We want to ensure that the market can meet demand now and in the future, provide an effective and efficient service, and that defendants continue to receive high quality advice from a diverse range of practitioners.

In the consultation response, we have set out the government's intention to launch an independent review, planning for which is already underway.

I hope you will agree that this is an exciting opportunity to improve the criminal legal aid system and support the crucial role that criminal defence lawyers play in upholding the rule of law.

I am placing a copy of this letter in the libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alex Chalk'.

ALEX CHALK MP