

Written evidence submitted by Legal Aid Practitioners Group (ATJ0074)

Legal Aid Practitioners Group (LAPG) is a membership body for firms and organisations with a contract to conduct legal aid work in England and Wales. Our members are private practice firms, not for profit organisations, barristers, and costs lawyers. Our members conduct all areas of civil and criminal legal aid work and cover the entire range of business models from smaller, niche and/or sole principal firms to many of the largest providers of legal aid services.

We have compiled this submission as representatives of practitioners and other specialists delivering legal aid services across England and Wales. We have over 40 years' experience of supporting practitioners and advocating for a sustainable, effective and accessible legal aid scheme. We are one of three bodies that consults with the Legal Aid Agency (LAA) and Ministry of Justice (MOJ) on all legal aid contracting issues. We engage formally with a wide range of organisations and public bodies on broader access to justice issues, such as through the LAA Civil and Crime Contract Consultative Groups, our representation on the Civil Justice Council, advice sector panel of the Administrative Justice Council, MOJ Legal Support Policy Delivery Group, HMCTS JPEGs, Law Society Access to Justice Committee, and the boards of AdviceNow and Advice Services Alliance. We also provide secretariat services to the All-Party Parliamentary Group on Access to Justice, which provides a platform in parliament to discuss legal aid, pro bono, public legal education and access to justice.

Given our extensive experience, and our role within the sector, we would like to be considered as one of the organisations invited to present oral evidence to the Committee.

1. How does the current state of the legal services and representation market in England and Wales, and associated operating pressures, affect access to justice for clients?

1.1 Impact of the Current Legal Services Market on Access to Justice

The reforms introduced by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) have had a profound and lasting adverse impact on the legal advice and representation market, with serious consequences for clients trying to access advice and representation.

Those who can afford to pay for legal services do so, whilst those most affected by the cuts are often the poorest and most marginalised members of society - individuals who lack both the means and support systems needed to access legal advice. The ability of legal aid providers to respond to client need is undermined by poor remuneration rates, the patchy and incoherent scope of the legal aid scheme and burdensome and disproportionate administrative and compliance requirements. Many clients are in vulnerable situations, exacerbated by the legal issues they face. While online services may provide an alternative in theory, in practice they are often inadequate or inaccessible to those who need them most. We set out further detail below.

1.2 Legal aid deserts

The most visible consequence of LASPO has been a sharp decline in the number of legal aid providers, leading to widespread "legal aid deserts" where people with in-scope issues, who are financially eligible for legal aid, struggle to access support in their locality. Providers have either left the market or, due to the issues referenced above, have reduced the number and type of legal aid cases that they are able to take on. While access to legal aid has declined across England and Wales, coverage is particularly poor in regions such as Wales and South-West England. This leaves people with acute legal issues, such as housing, immigration and family law, unable to obtain legal support even though they meet all of the eligibility criteria.

For example, 69.9% of the population lacks access to a community care legal aid provider, and nearly 85% are without access to a welfare benefits provider. As of February 2024, 44% of local authority areas in England and Wales have no housing legal aid provider, a figure that has increased by approximately 7% since 2019.¹ In immigration and asylum law alone, the shortfall equates to at least 6,000 unmet first-time application and appeal cases, leaving many with nowhere to turn.² Even where providers are present, [many hold "dormant contracts"](#) and are unable to take on new cases due to limited capacity, primarily driven by unviable levels of fees.³

The tables below, taken from the LAA's quarterly statistics, highlight the decrease in numbers of civil legal aid providers since 2013 when LASPO came into force.⁴

Financial Year	Total Civil Providers	Legal Help Solicitors	Legal Help (NfP)	Mediation Solicitors	Mediation (NfP)	HPCD Solicitors	HPCD (NfP)	Civil Rep Solicitors	Civil Rep (NfP)
2012-13	4,178	2,731	441	186	18	..	..	3,254	144
2023-24 (p)	2,557	1,415	149	85	14	45	58	2,010	123

¹ <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts>

² https://www.thejusticegap.com/unsustainable-fees-and-burnt-out-practitioners-remote-legal-advice-no-solution-for-legal-aid-deserts/?utm_source=chatgpt.com

³ <https://questions-statements.parliament.uk/written-questions/detail/2025-03-05/35876/>

⁴ [legal-aid-statistics-tables-oct-dec-2024.ods](#)

Financial Year	Total Crime Providers	Litigators Scheme	Advocates Scheme	High Cost Case Scheme	Total Crime Lower	Police Station	Magistrates' Court	Prison Law
2012-13	7,198	2,107	4,905	331	2,159	2,089	2,112	353
2023-24 (p)	5,605	1,582	3,858	67	1,634	1,560	1,585	129

1.3 Scope

The current restrictive scope of civil legal aid has a direct and damaging impact on access to justice. In housing, for example, individuals in rent arrears are unable to access legal advice on their debt until their situation has deteriorated to the point of imminent homelessness. This leaves families facing months of uncertainty, stress, and worsening debt before they become eligible for assistance, at which stage both the personal consequences and the cost to the state are considerably greater.

In private family law, the removal of most cases from scope has left many separating parents without access to legal advice at the very point where constructive early intervention could promote stability and better outcomes for children. The evidence from the Nuffield Family Justice Observatory underscores this: without legal support, disputes are more likely to escalate, proceedings take longer, and children's welfare is compromised. Restoring private family law to scope, for both parents where financially eligible, would not only improve access to justice but also reduce the emotional and financial toll on families and reduce costs across the wider system.

The effect of the current arrangements limits access to early legal advice, leaving people to reach crisis point before help is available, entrenching inequality and driving up costs across public services.

1.4 Rising Numbers of Litigants in Person

Legal aid fee structures and scope limitations mean that many clients face the prospect of litigation without advice and representation. This is directly due to the introduction of LASPO, which also saw a reduction in referrals to sources of pre-litigation advice and support, such as family mediation services, as legal aid practitioners were a primary source of referrals. In many cases this has caused avoidable escalation to court and increased the prevalence of litigants in person.⁵

In the Family Court, representation dropped from 62% in 2011 to just 47% in 2020. In many cases, particularly private law, respondents are least likely to be represented (only 34%).⁶

In private family law, the rate of both parties appearing without representation has almost tripled since LASPO was introduced. In areas like Central London, East London, Essex and Suffolk, and Manchester, unrepresented cases number in the thousands.⁷

⁵ <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/perfect-storm-brewing-in-family-courts-as-rising-numbers-represent-themselves>

⁶ https://publications.parliament.uk/pa/cm5802/cmselect/cmjust/70/7006.htm?utm_

⁷ <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/perfect-storm-brewing-in-family-courts-as-rising-numbers-represent-themselves>

Surveys of legal professionals reveal that 87% say the increase in litigants in person has harmed the fair, effective, and efficient delivery of justice, 67% report longer case durations, and 90% cite detrimental effects from court service and CPS budget cuts.⁸

Without representation, anecdotal evidence shared by our members suggests that litigants may struggle to understand proceedings, contribute to delays, or fail to secure fair outcomes.

1.5 Exceptional Case Funding

The Exceptional Case Funding (ECF) scheme was introduced in 2013 for clients whose case falls outside the scope of legal aid, but where failure to grant funding could breach their human rights or EU legal rights. Providers inform us that ECF applications are often complex with lengthy processing times and that funding levels are inadequate.

While the Legal Aid Agency (LAA) has introduced some improvements to the ECF scheme it falls well short of an effective safety net that enables access to justice for out-of-scope cases. As a starting point to improve the scheme, a mechanism should be developed to regularly review the types of cases that obtain ECF funding, so that the scope of LASPO can be expanded to include case types that are, evidently, no longer ‘exceptional’.

1.6 Administrative Barriers Preventing Access

The evidence criteria for accessing legal aid, especially in domestic abuse cases, are narrow and prescriptive, causing clients who would qualify to be turned away due to lack of evidence that meets the standards set out in regulation and guidance⁹. There remains concern about the administrative barriers for demonstrating financial eligibility for legal aid, particularly for those with complex or inconsistent financial circumstances, such as those who are self-employed.

Clients continue to await the implementation of the financial eligibility changes promised under the Means Test Review in 2022 which is expected to make thousands more eligible for legal aid. However, as we noted in our response to the Means Test Review, simply expanding the pool of people financially eligible for legal aid will not increase access to services as there is a recognised lack of capacity amongst the provider base to take on new cases across all categories. Further work therefore needs to be done by government to increase fees and take other steps to expand capacity so that it does not undermine or limit the positive impact of changes to the means test.

1.7 Economic and Social Costs of Denied Advice

Providing specialist legal assistance yields substantial savings. On average, government spending of £1 delivers £2.71 in social value. Without early advice, costs rise dramatically (£12,400 per case compared to £3,300 with advice).¹⁰

1.8 Impact of case outcomes

A lack of access to legal support has a direct impact on the outcome of legal processes. For example, the exclusion of legal advice in the Windrush compensation process proved

⁸ https://www.tuc.org.uk/research-analysis/reports/justice-denied-impacts-governments-reforms-legal-aid-and-court-services?utm_source=chatgpt.com

⁹ <https://www.gov.uk/legal-aid/domestic-abuse>

¹⁰ https://www.counselmagazine.co.uk/articles/the-economic-case-for-free-legal-advice?utm_source=chatgpt.com

devastating¹¹. (See also answer to 3 below). One individual's entitlement increased from £300 to £170,000 with legal support. Another, initially denied, was awarded £295,000 after having secured representation. Two thirds of claimants were denied compensation, often due to inability to secure legal help. Access to legal representation made the difference between near total exclusion and full justice. Without it, clients lost out on thousands in rightful redress.

1.10 Overall Impact on Access to Justice

The cumulative effect of these pressures brought about by LASPO is a market unable to meet the needs of those entitled to legal aid. Individuals are left without timely advice at incredibly difficult moments of their lives, are forced to represent themselves in complex proceedings, or to abandon claims altogether. This undermines the principles of equal access to justice and the rule of law, enables public bodies to avoid scrutiny and accountability for their decisions, and increases pressure on a wide array of public services.

Justice must be treated as a core public service and its efficacy assessed by the same standards as health, education or policing. On that measure, it is currently failing a significant proportion of the public, who are left without meaningful access to advice or representation when they need it most.

2. What is the role of supplementary advice services in supporting access to justice?

Supplementary advice services play a vital role in reaching people early, often in a location that clients have chosen and feel comfortable. These services also often help to identify, and in some cases address, social, health or other related issues that can cause or exacerbate legal problems. Where they do identify the need for ongoing, specialist legal support, supplementary advice services are ideally placed to refer or signpost clients to legal aid providers.

Such services can range from intermediary services such as food banks, to those provided by Citizens Advice agencies and law centres, casework provided by constituency MPs and digital tools created by organisations such as AdviceNow. To be effective in their primary role, which is seldom the provision of any form of legal advice, supplementary advice services need to be integrated into the advice ecosystem. This means that they have ready access to, and effective relationships with, specialist legal services such as those provided through the legal aid scheme. This also means that the legal aid sector needs to have the resources to accept referrals from and provide support to supplementary advice services. It is the absence of adequate resourcing for legal aid providers that prevents a meaningful flow of referrals and signposting from supplementary advice services to source of specialist advice and representation.

Supplementary advice services must be seen as *complementary* to, not a *substitute* for, the core services that government is under a statutory duty to provide through the legal aid scheme. To treat them as an alternative is to risk shifting responsibility for access to justice from the state onto overstretched voluntary and third-sector organisations, without the resources, consistency of service, or statutory accountability required. Supplementary advice services cannot be relied upon to fill the gaps caused by narrow legal aid scope and inadequate fees.

¹¹ <https://justice.org.uk/people-need-legal-help-the-value-of-legal-representation-in-the-windrush-compensation-scheme/>

3. What is the impact of those acting without legal advice and / or representation on access to justice?

The absence of legal aid funding for advice and representation is having a profoundly negative impact on access to justice, particularly for people navigating complex and emotionally charged processes such as family breakdown, accessing social care and compensation claims. Research across multiple domains, including family law and immigration compensation demonstrates a consistent pattern: people who lack access to legal representation are less likely to secure fair, timely, and effective outcomes. We set out two such examples below.

In the context of family justice, research from the Chartered Insurance Institute (CII)¹² and the Nuffield Foundation¹³ shows that women are disproportionately disadvantaged by the current system. Women often leave relationships with significantly lower earning potential and reduced pension entitlement due to disproportionate caring responsibilities and career interruptions. Yet despite this financial vulnerability, pension sharing occurs in only 1 in 10 divorces, and of those, just 20% result in equal sharing. Compounding this, only 7% of individuals seek financial advice during divorce, even though 40% believe the process is financially unfair.

Without legal advice, individuals are frequently unaware of their rights or the long-term implications of the agreements they enter into. This particularly affects women and children in lone-parent households, which make up a large proportion of families living in poverty in the UK. Over 4 million children live in poverty, 44% of whom are in lone-parent families — 90% of these headed by women.¹⁴ This systemic inequity is exacerbated by the lack of access to legal support, which would otherwise enable fairer financial and childcare arrangements.

Dr Jo Wilding's research¹⁵ on the Windrush Compensation Scheme reinforces the transformative role legal advice can play. Her study reviewed a number of case files and found that having legal representation significantly increased the compensation awarded. On average, claimants who applied without legal advice received £11,400, while those with legal support received £83,200. Some saw their compensation rise from nothing to nearly £300,000. Legal advice also improved the accuracy and completeness of applications, reducing delays and administrative burdens on both claimants and government departments.

Beyond financial outcomes, legal representation provides critical emotional and psychological support. In the Windrush context, lawyers acted as a buffer between claimants and the Home Office, an institution that many understandably distrust. This role is echoed in family law, where legal professionals help reduce the stress and trauma associated with separation, particularly for those already in vulnerable circumstances.

The removal by LASPO of private family law from the scope of the legal aid scheme also saw a dramatic reduction in referrals to mediation services and a sharp increase in LIPs in the family courts. A restriction to legal aid therefore not only reduced the take-up of alternatives to litigation but also directly increased the time and cost associated with legal proceedings. Prior to the last election, the MoJ was planning a two-year 'family early legal advice pilot', which would have

¹² https://www.cii.co.uk/media/7461333/risks_in_life_report.pdf?srsId=AfmBOor7-AOHWoRD9G4SyTaZ9AOTAtm9EAMBN1i95v7MffMp5jc1XiHS

¹³ <https://www.nuffieldfoundation.org/wp-content/uploads/2019/11/briefing20paper20Jun20201820FINAL.pdf>

¹⁴ *ibid*

¹⁵ <https://justice.org.uk/people-need-legal-help-the-value-of-legal-representation-in-the-windrush-compensation-scheme/>

provided access to free, specialist legal advice to separating parents. They did so to test their own hypothesis, and gather the data to demonstrate, that early intervention in this area would be an effective way of reducing costs within the family justice system by diverting cases away from court.

Taken together, the evidence is clear: access to legal advice and representation is essential to achieving just, efficient, and humane outcomes. Where this support is lacking, justice is often inaccessible in practice, even if it is available in theory. This undermines the credibility of public institutions, perpetuates inequality, and places further strain on already disadvantaged groups.

4. Without impacting the public purse, what potential funding options would increase access to justice? e.g. an access to justice fund levy, conditional fee arrangements, third party funding. If limited funds were available, what would be the priority areas for spending?

A range of additional funding options are currently being explored by organisations such as the Access to Justice Foundation and the Minister of Justice’s Legal Support Policy team. The Access to Justice Foundation’s submission to the Committee will provide a summary of these funding options so we do not intend to replicate that content here.

However, we make a number of general observations about potential additional sources of funding for access to justice:

- The government has primary responsibility for ensuring that citizens have access to justice, fair and equal treatment before the law, and the ability to protect and enforce their rights, particularly in relation to the actions or omissions of public bodies. One of the key embodiments of this responsibility is the Lord Chancellor’s statutory duty, as set out in LASPO, which states at Section 1(1) that:

‘The Lord Chancellor *must secure* that legal aid is made available in accordance with this Part.’ [emphasis added]

Further powers are contained in Section 1 of LASPO to secure the provision of general information about the law and the availability of advice, along with a broad power to facilitate carrying out their statutory duty.

- The government must never seek to use the existence and availability of additional funding sources to justify a reduction in, or material and adverse change to, the legal aid system.
- Potential funding options, outside of the legal aid scheme, should never be used as a substitute for adequate legal aid funding. They could be used to supplement legal aid funding, or to provide additional support to legal aid providers that cannot be provided directly through the legal aid fee schemes or any other arrangements implemented by the Lord Chancellor in accordance with their statutory duties or powers.
- The collection and distribution of additional funding options, whether by a government department or independent body, must not be done in a way that directly or indirectly undermines the viability or sustainability of the legal aid sector. Funding sources should not be used to fund services that act in competition with legal aid services.

- There currently exists an absence of clear strategic thinking in relation to the funding and co-ordination of advice services across England and Wales, either from government or from advice sector leadership bodies. As an example, in some policy arenas there exists a distinction between ‘legal support’ and ‘legal aid’ or between the ‘advice sector’ and the ‘legal aid sector’. All elements of the advice ecosystem are interdependent and such distinctions are arbitrary and unhelpful. To aid the effective analysis of potential funding sources, and how they could be most effectively utilised to enhance access to justice, we feel strongly that the government and advice and legal aid sector leaders should jointly develop a national access to advice strategy and long-term service and workforce development plans.

5. How are the legal services regulators responding to their obligation to improve access to justice under the Legal Services Act 2007?

We have not provided a response to this question.

6. If limited funds were available, what would be the priority areas for spending?

Access to justice spending should be prioritised in areas that deliver the highest social value and meet the greatest need. We would recommend that the following areas benefit from any additional funding found above.

6.1 Early Legal Advice and Prevention

Investment in early-stage advice is central to the purpose of the legal aid scheme. By enabling individuals to resolve problems before they escalate, it prevents cases from reaching crisis point, thereby reducing the burden on courts and other public services. The Family Early Legal Advice pilot for separating families proposed under the previous Conservative government would have provided empirical evidence to make the case: for an average cost of around £300, covering 90 minutes of advice, families would have been able to access legal advice and guidance at a pre-litigation stage when disputes could still be managed. This is a fraction of the financial and social costs that arise when such matters proceed through the courts and, arguably, also result in far better outcomes for parents and children.

6.2 Bringing Key Practice Areas Back into Scope

The current restrictions under LASPO mean that many clients can only access fragmented and partial support. Problems such as housing disrepair, debt, welfare benefits, and school exclusion are often interconnected; tackling them in isolation is ineffective. Restoring these areas to scope would allow for more holistic interventions that resolve issues comprehensively, rather than waiting until they trigger eligibility through crisis or necessitate costly and stressful interventions from other public services.

6.3 Restoring Legal Aid Fees

Legal aid cannot function effectively without a sustainable funding model. Current fee levels are unsustainable, driving providers out of the market and reducing geographic coverage. Fee restoration is necessary to stabilise provision and to ensure that the government’s statutory duty under LASPO to secure that legal aid is made available can actually be met in practice. A mechanism must also be introduced to regularly review and increase fees to ensure they keep pace with increases in the cost of service delivery.

6.4 Sustainable Workforce Development

Recruitment, training, and retention of legal aid professionals is essential to system resilience. Without a viable career path, the sector will continue to lose experienced practitioners and struggle to attract new entrants, leaving whole communities without meaningful access to justice. A long-term workforce strategy, firmly embedded in a national access to justice strategy, is therefore as important as funding reform. This includes creating more viable education and training pathways for aspiring legal aid practitioners.

Together, these measures would ensure that access to justice is not treated as a residual, piecemeal service, but as a core public service fulfilling the statutory obligations parliament has set under LASPO.

7. How is pro bono work and free legal advice being used to support access to justice and what reliance is placed on it?

A fundamental issue within the justice system is that we do not collect the data we need. There is an absence of demand-side insight in the legal aid system. A similar lack of data affects our understanding of how pro bono and other forms of legal services fit into the wider picture.

[The recent National Audit Office \(NAO\) report](#) highlighted this gap, stating:

“MoJ and LAA do not estimate overall demand for legally aided services. LAA forecasts expenditure on legal aid for budgeting purposes, incorporating external factors such as court backlogs and policy changes. However, this cannot give MoJ a view of the extent to which people may need to, and be eligible to, access legal aid.”

The data that is collected is fragmented and lacks comparability. Different organisations measure different things, in different ways, with little coordination. As a result, it is difficult to assess the true scale, impact, or effectiveness of pro bono work and free legal advice and its place within the justice landscape.

For example, the Bar Council provided a detailed breakdown of the [pro bono findings from their 2023 survey](#).¹⁶ This provides detailed information on the number of barristers undertaking pro bono work and the days contributed over the preceding 12 months. It highlights strong participation in areas such as employment law (with 74% of respondents reporting pro bono work) and family law (just over 53%). However, the data does not tell us how many clients were assisted or what the outcomes of these interventions were, making it difficult to assess their effectiveness or value to the justice system.

Similarly, the [UK Collaborative Plan for Pro Bono](#)¹⁷ - a profession-led initiative involving more than 80 commercial law firms - gathers and publishes data on participation rates, number of lawyers involved, and hours undertaken. Each firm commits to an aspirational target of 25 pro bono hours per lawyer per year. While this reflects an institutional commitment to access to justice, the data again lacks information about the type of work carried out, the number of individuals supported, or the outcomes achieved. It cannot be compared to the data produced by the Legal Aid Agency or members of the NfP sector, each of whom record their data using different metrics.

¹⁶ <https://www.barcouncil.org.uk/policy-representation/policy-issues/pro-bono.html>

¹⁷ <https://www.globalprobonohub.com/resource/gpbh/uk-collaborative-plan-for-pro-bono#impact>

While pro bono work undoubtedly contributes to meeting unmet legal need, leaders in the pro bono community acknowledge that it should never be seen as a substitute for a properly funded legal aid system. Our ability to assess the role and effectiveness of pro bono is limited by the absence of a coherent data framework. Without shared measures of need, activity, and impact across legal aid, pro bono, and the wider advice and justice sectors, we cannot accurately understand where gaps remain or how resources (voluntary or funded) are best directed to improve access to justice.

8. How can advice, legal support or non-court dispute resolution, such as mediation and restorative justice, help the early resolution of disputes?

Timely advice helps people to understand their rights and options, reducing escalation and preventing unnecessary litigation. Early legal intervention enables parties to be given an objective view of the strength or weakness of their case and access to means of resolving issues outside the court process. In simple terms, clients can be advised against pursuing further action where appropriate and encouraged to resolve disputes through various other means, such as mediation. These approaches not only reduce pressure on the courts but may also promote positive, long-term outcomes by addressing underlying issues and supporting more equitable resolutions.

However, the early resolution of certain legal problems has become harder to achieve since the changes brought in by LASPO and the resulting reduction in provider numbers. At the same time that the then government cut legal aid funding, austerity measures forced local authorities to reduce their advice sector grant budgets, leading to a reduction in third-sector advice provision. Removing that initial access has meant that court cases that may have been resolved at an early stage may now be fully litigated.

Early resolution of disputes depends heavily on timely access to advice and legal support that is both affordable and appropriate to the individual's needs. To achieve this, a number of measures should be considered:

8.1 Scope

Re-instating legal aid in areas such as welfare benefits and debt, employment law and early legal advice in housing and family law¹⁸, would ensure that individuals could access legal advice at the earliest stage of the problem and go some way towards resolving these issues. However, without a significant increase in provider numbers to do the work the situation is unlikely to improve.

LASPO's removal of these areas from the scope of legal aid, coupled with reductions in other forms of funding, has meant that the sector has lost a great deal of capacity and experience to deliver advice in these areas. The government therefore needs to bring early, holistic advice back into scope but also develop a long-term plan to rebuild and re-equip the workforce.

8.2 Sustainable Funding for the Legal Aid and Advice Sector

Long-term investment in the advice ecosystem is vital. Many local areas now face "legal aid

¹⁸ The [recent NAO report](#) shows removal of early access to advice in family law has had the unintended consequence of reducing publicly funded mediation referrals, and that early legal advice can reduce the human cost and cost to the judicial system. because the reforms withdrew most funding for solicitor consultations which were the most common source of mediation referrals.

deserts", where individuals cannot access legal support even when eligible. Ensuring a sufficient number and distribution of providers is essential for early resolution.

8.3 Identifying and Supporting Litigants in Person

Court processes should include mechanisms to identify unrepresented individuals early and divert them toward advice and alternative dispute resolution (ADR) where appropriate. Duty schemes, legal navigators, and court-based triage services can support this.

8.4 Embedding Legal Help in Community Settings

Embedding legal advice services in trusted community settings, e.g. GP surgeries, libraries, and schools, can enable people to seek help before problems spiral. This "early help" approach meets people where they are and reduces barriers to access, particularly for vulnerable individuals.

8.5 Digital Access

Online and telephone-based services can extend the reach of legal support and offer valuable triage and signposting tools. However, for many cases and clients, face-to-face advice remains essential.

8.6 Public Legal Education and Awareness

Many individuals do not recognise they have a legal issue or know where to go for help. Increasing investment in public legal education, especially through schools, community organisations, and social media can help people better identify problems early, take informed action where appropriate and seek legal support at the earliest possible opportunity.

9. What role is there for digital innovation and data collection in supporting access to justice?

A range of AI tools are currently being developed and trialled across the justice system, with applications spanning both operational efficiency and public-facing services. These include tools to assist with case management, document review, translation and interpreting, and legal triage, as well as early-stage applications in sentencing support and access to legal information.

We are aware of some experimentation amongst firms with adoption of new technologies, such as AI-assisted client triage and assembly and analysis of high-volume case-related material, and an AI tool for understanding and applying the legal aid regulations and contract requirements. Such technology has the potential to significantly improve access to justice for vulnerable client groups, and to assist in the sustainability of advice provision under a legal aid contract. However, there are inherent and potential existential risks involved with using AI and technology to manage such complex and highly sensitive client-related issues.

9.1 Provider Capacity and Investment

Low fees and financial viability issues mean providers struggle to invest in new technology, particularly SMEs which form a large part of the legal aid provider base. They lack dedicated teams for implementation and face disproportionate burdens in balancing innovation with regulatory requirements and risk assessments.

9.2 Increased Efficiency and Reach for Providers

Improved IT systems for the LAA, such as CCMS (Client and Costs Management System) and CWA (Controlled Work Administration), are crucial. Functionality issues, unreliability, and unnecessary complexities in these systems add administrative burdens and reduce profitability for providers, diverting resources from client assistance. Urgent investment is needed to update these systems for more flexible billing and less onerous administrative procedures.

Providers' internal case management systems could be improved, leading to greater efficiency. Government could consider capital grants to legal aid providers for digital system improvements, as low revenues currently hinder such investments.

9.3 Artificial Intelligence

Citizens Advice has been piloting a generative AI tool called “Caddy”¹⁹, which aims to support advisers in drafting case responses. Designed to amplify the human element of the Citizens Advice service, the tool ensures that clients always speak with real advisers, and that all draft responses are reviewed before they reach advisers. In tests, around 80% of AI-generated outputs were approved by supervisors for use.

Generative AI has been used to create a self-help tool to assist users to challenge decisions. Charities such as [AdviceNow](#) [are using a generative AI tool](#) which provides:

- guidance on whether the user should challenge a benefits decision based on their individual circumstances; and
- support to write a letter to challenge the decision. Their research states that using the tool more than doubles the chances of getting a decision changed at the mandatory reconsideration stage.

9.4 Enhanced Information and Early Resolution

Technology can make information about legal options more readily available, especially early in a dispute, potentially preventing problems from escalating.

Visible and trusted online information sources could help individuals navigate complex legal landscapes, especially in areas like private family law where free advice is limited.

That said, unreliable information or information that clients use without legal help can often complicate or extend legal issues or lead clients in the wrong direction.

Technology cannot be the only solution and needs to be combined with access to legal advice at the earliest possible stage to be effective.

9.5 Digital Exclusion

Many legal aid clients are disproportionately affected by digital exclusion including homeless individuals, victims of abuse, people with mental health issues, learning difficulties, older people, or those who cannot speak/write English.

¹⁹ <https://scvo.scot/p/97562/2025/03/10/building-caddy-an-ai-support-tool-for-advisor-teams>

A study from Middlesex University (with ONS & Ofcom data) showed that more than two million pensioners (aged over 65) in the UK had not used the internet in the prior three months. Key risk factors included being older, having disabilities, low education qualifications, or renting rather than owning property²⁰.

A project by CILEx Regulation, Bar Standards Board, Council for Licensed Conveyancers, ICAEW, with M-E-L Research, is underway to understand the experience of legally excluded or service-seeking individuals who are digitally excluded (in legal and probate/accountancy services)²¹. The goal is to identify what kinds of exclusion are happening, among whom, and how service delivery could be improved to overcome these barriers.

9.6 Conclusion

While there is undoubtedly a role for tech and AI in providing accessible information to the public and in reducing administrative burdens on providers, a great deal of caution is required in applying this to the context of legal aid. Legal aid work, and the clients it serves, are uniquely ill-suited to a purely technological response. Sweeping statements about cost savings may be politically attractive, but they risk devaluing the expertise and humanity which lawyers bring to their cases.

The work of legal aid professionals often requires the ability to listen, to evaluate, to detect signs of vulnerability that technology cannot easily recognise, and to navigate nuance and complexity. Legal aid cases typically arise at moments of acute mental and emotional distress, when a client is facing deportation, homelessness, experiencing domestic violence, struggling to secure appropriate support for a child with additional needs, or arranging care for an elderly parent. In such circumstances, human judgment and empathy are essential, qualities that cannot be automated without significant risk.

Moreover, research commissioned by the Law Society, through PA Consulting²², and through Otterburn and Ling²³, demonstrates that legal aid firms are among the least financially equipped to invest in new tools and infrastructure. Any expectation that AI could be adopted at scale within this sector without dedicated funding is therefore unrealistic.

AI should be seen as a complement to, not a replacement for, properly funded legal advice and representation. If government is to pursue AI in the justice system, it should do so cautiously, piloting tools in partnership with the legal aid sector, with robust safeguards for all clients, and with ring-fenced funding to ensure that adoption does not deepen existing inequalities of access.

10. How could the current system of legal aid be improved to provide a cost-efficient and cost-controlled service, with suitably remunerated legal practice across civil, criminal and family law?

The current system of legal aid is neither cost-efficient or sufficiently remunerative to sustain legal practice across civil, criminal and family law. Instead, it is a system creaking under the weight of complexity, irrational scope, and chronic underfunding, held together by an ever-

²⁰ <https://www.mdx.ac.uk/news/2024/2/internet-use-digital-poverty-study/>

²¹ <https://cilexregulation.org.uk/2024/04/24/new-digital-exclusion-research/>

²² Law Society of England and Wales, 2024. *Research on the sustainability of civil legal aid*. Final report, commissioned by the Law Society. Available at: <https://www.lawsociety.org.uk/topics/research/civil-legal-aid-sustainability>

²³ *Transforming Legal Aid: Next Steps* (February 2014) by Otterburn Legal Consulting LLP

dwindling number of practitioners committed to working for vulnerable clients. Without bold and urgent intervention, the Ministry of Justice will be presiding over a collapsing system that fails not only legal professionals but the very people it was designed to protect.

We believe the answer to this question lies in three key areas:

- Sustainable remuneration
- Strategic Investment in Scope
- Efficient, Proportionate Administration and a Rebalanced Relationship with Providers

10.1 Sustainable Remuneration

The legal aid system cannot function if providers are paid at less than 1994 rates. It is unsustainable to expect legal professionals, handling some of the most complex and sensitive work in our justice system, to operate on fees that have not kept pace with inflation, let alone the rising complexity and demands of the post-LASPO landscape. While we welcome recent increases to fees in housing, immigration and criminal legal aid, there is much more to be done if the system is to work effectively for clients and providers.

- **Fee levels must be urgently increased across all legal aid schemes, and an independent mechanism established for annual fee review and uplift**, similar to those in place for other public services. This was suggested by the Independent Criminal Legal Aid Review, chaired by Sir Christopher Bellamy, and is as relevant for criminal legal aid as it is for civil legal aid.
- **Interim payments for work in progress and disbursements such as experts fees** must be introduced and standardised across civil, criminal and family law. Expecting providers to carry substantial work in progress and disbursements over long periods without payment undermines financial viability.
- **Fixed fees should be overhauled to reflect the actual time and complexity involved in cases.** In many areas - especially where average case lengths sit just below escape thresholds - providers are effectively forced to work without any remuneration beyond the fixed fee or decline to take on cases they know to be loss-making.

10.2 Strategic Investment in Scope

It is fiscally short-sighted to deny legal aid at the earliest stage of a problem, only for the state to bear far greater costs later in court time and in additional burdens on healthcare, housing, policing, social services and so on. The restrictive scope of civil legal aid entrenches this inefficiency. The underlying problem is structural: Treasury rules prevent cross-departmental benefits from being measured and recognised. This creates a perverse incentive to cut narrowly within the justice budget, even where such cuts generate far higher expenditure for other parts of government. Without reform of Treasury's approach, the justice system will continue to make decisions that appear efficient on paper, but in practice are wasteful in relation to public spending and harmful to clients and society. A long with a change of policy, specific improvements should be made to the structure of the legal aid scheme:

- **Reinstating areas of law into scope so that practitioners can tackle all interlinked, presenting issues.** With appropriate exclusions this would enable holistic, early-stage

advice, which is proven to resolve problems earlier and more cost-effectively than late-stage intervention.

- Reintroducing legal aid for **private family law, housing disrepair, debt and welfare benefits (where relevant)** and **employment** advice would both improve access and reduce downstream pressure on courts and other public services.
- **Legal aid for family cases to cover early legal advice**, to allow victim survivors to apply for protection orders (non means tested), for alleged perpetrators and victims of domestic abuse, up to the point of a fact-finding hearing and Children and Family Court Advisory and Support Service (CAFCASS) report.

10.3 Efficient, Proportionate Administration and a Rebalanced Relationship with Providers

Legal aid practitioners are burdened with an over-bureaucratic and risk-laden system that generates error and penalises minor administrative missteps. This not only drives inefficiency but breeds distrust.

- **Contract compliance and audit regimes** are among a range of administrative burdens that create disproportionate work and risk for providers. The result of non-compliance, even on issues that do not materially effect scope, means or merit, can be very serious for providers. While the LAA uses a risk-based approach to determining levels of audit activity, the insistence on maintaining an unrealistically low tolerance for errors (material or otherwise) generates risk and uncertainty for providers who achieve high levels of compliance. We would urge the Ministry of Justice to give serious consideration to the adoption of a ‘high trust model’, which would significantly rebalance the relationship between the LAA and compliant providers. This would reduce unnecessary burden and risk on compliant providers, and free up resources for the LAA to support non-compliant providers.²⁴
- The LAA must introduce the changes expected as a result of the Means Test Review and take further steps to **simplify the means test**, particularly for clients on Universal Credit and other benefits.
- The LAA requires a **modern, user-centred IT infrastructure** with fully integrated tools for assessing eligibility and submitting applications and claims. The Bravo portal and CCMS remain clunky and unfriendly – with CCMS being particularly difficult to navigate and requiring duplication. Progress has been made by the LAA with criminal legal aid systems, the Apply system and the introduction of a new online portal called SiLAS. We also understand that the LAA is rebuilding the Contract Work and Administration system for Crime Lower, Legal Help, Controlled Legal Representation (CLR) and Mediation monthly submissions.

The recent LAA data breach has shown that the digital infrastructure which underpins the legal aid system is not fit for purpose. There is an opportunity now to rethink the way that the system operates and to build a more productive and efficient system which will enable providers to get back to what they do best, serving vulnerable clients.

²⁴ The Law Society has published a report which analysis the model used in the Netherlands and its potential applicability to England & Wales: <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/21st-century-justice>

- **The LAA must urgently address the phenomenon of ‘non-chargeable time’** that is intrinsically linked to and required by legal aid contracts and LAA systems. We have conducted research involving 10 providers (and 84 employees) which recorded and analysed all casework and non-casework tasks generated by having a legal aid contract (alongside the time that can be ‘billed’ to the LAA). Across the cohort all providers were compelled to undertake a significant amount of unpaid work on non-chargeable casework and non-casework tasks which they must undertake to maintain their contracts and to support their client but which they cannot bill for.

[A copy of the full report is available here.](#)

[A 2-page summary of the project and findings is available here.](#)

The research reveals that means testing and dealing with new client enquiries at the beginning of cases, billing processes at the end of cases, required hard copy and electronic administration, and dealing with formal contacts with the LAA are particularly burdensome. These tasks are intrinsically linked to the proper management of casework, but are not currently claimable time in the Cost Assessment Guidance and Criminal Bills Assessment Manual. The main data collection and additional data collected on audit preparation demonstrate the burdensome nature of audits and, to some extent, show the overlapping burdens of LAA, SQM and other professional regulation.

While it is impossible to quantify with certainty what the cost is of this non-chargeable time, the research strongly suggests two worrying phenomena:

- There is a direct financial cost of non-chargeable time to legal aid providers, who are effectively subsidising the legal aid scheme by paying employees to carry out necessary tasks.
- There is a direct human cost of non-chargeable time, with a large proportion of employees working beyond their contracted hours to meet the requirements of the legal aid scheme, effectively subsidising the scheme with free labour and increasing the risk of stress, error and burnout.

We are urging the LAA to consider three possible solutions which, separately or in combination, would help to restore some sustainability to the legal aid sector:

- 1) to increase fees so that chargeable time is better able to subsidise non-chargeable time (MoJ);
- 2) to amend guidance so that practitioners can claim for the work actually carried out to deliver legal aid services;
- 3) to review, amend or even remove processes to reduce the administrative burden on providers.

A cost-efficient and cost-controlled legal aid system does not mean a cheap one, it means a system that invests intelligently in early advice, remunerates professionals fairly, and enables client problems to be treated holistically.

The cost of legal aid is not the same as the cost of justice. The latter includes the wider fiscal and societal burden of unmet legal need: homelessness, poor health, fractured families, and prolonged litigation. A properly funded, well-designed legal aid scheme is not an indulgence. It is the cornerstone of a fair, functional and fiscally responsible justice system.

11. What has been the impact of the Legal Aid Agency cyber-attack, revealed in April 2025, on recipients and providers of legal aid work, and how have the Legal Aid Agency and Ministry of Justice responded?

The LAA's decision to take all its digital systems offline in May 2025 had an immediate and profoundly adverse impact on legal aid providers. They could not start new cases, interact with the LAA in relation to existing cases or submit claims for payment (either interim claims or final bills) for civil certificated work. For many providers reliant on legal aid as their primary source of income, cashflow was instantly disrupted, putting a number at risk of closure. The LAA worked at pace with Treasury to implement a contingency payment system, which commenced on 4 June and enabled providers to receive weekly payments based on their average claims between Feb-Apr 2025.

In January of this year Minister Sackman noted that the government is '*determined to nurse this critical sector back to health*' after inheriting '*a legal aid system creaking under pressure after years of neglect*'.²⁵ Sadly, our members report that the 5 months following the cyber breach have left them more exhausted, more stressed, less resilient and less sustainable.

The LAA prioritised the restoration of criminal legal aid systems and payment processes. Whilst this was undoubtedly beneficial for the efficient operation of areas of the criminal justice system so heavily reliant on the input of criminal legal aid practitioners, it left civil legal aid providers, and particularly those who undertake certificated work, in jeopardy.

While the LAA's contingency measures have prevented a complete shut-down of the legal aid system, the disruption for providers and clients continues to be severe with our member organisations reporting significant and ongoing issues. The LAA has had to effectively revert to a range of analogue solutions, returning us to the pre-digital days of 'paper' applications. Without a digital system in place, the LAA had to restrict the types of cases that can commence, initially focusing its limited resources on cases deemed 'urgent'. In late June 2025 the LAA extended the ability of providers to make decisions over opening new cases and extending scope and cost limitations. This removed the need to interact with the LAA on a range of cases, although restrictions remained in place, requiring a decision from the LAA, for cases such as judicial review. These temporary measures have created a mountain of additional stress and uncertainty for providers and added to their already disproportionate administrative burdens. Members have reported to us that they spend many hours each week familiarising themselves with new contingency measures (as set out on the LAA's [dedicated cyber attack page](#) and [responses to FAQs](#)), re-training staff, recording decisions and actions and completing analogue processes.

It is unclear how this situation has impacted on the clients (and potentially their partners) whose data was stolen during the cyber breach. As far as we know, the MOJ has not contacted those affected, so the vast majority will not be aware that their sensitive and confidential data has been stolen. We do not believe that the decision taken by the MOJ to 'notify' clients by putting a notice on gov.uk is adequate as it is likely that only a small number of legal aid clients will have seen that notice or any subsequent media reporting (which has been minimal). Our member firms have reported that, despite not being legally obliged to, they have wrestled with the idea of notifying former clients of the data breach as they are extremely concerned about the vulnerability of many of those clients. Most have taken the decision that it is not practicable to

²⁵ *Civil legal aid: Towards a sustainable future – Proposals for Housing and Immigration fee increases and exploring contract reform*, February 2025

notify former clients as they do not know which ones have been affected and, in many instances, have no up-to-date contact details for former clients.

Many providers have reported to us that they have had to turn new clients away because of the disruption to their services, so there is a very real likelihood that some clients are missing out on vital advice and representation including those requiring protection as a result of domestic abuse. Providers are also noting an impact on live civil court proceedings, leading to delays while they try to resolve legal aid funding.

One of the biggest issues is the burgeoning mountain of bills, disbursements and interim claims that can't be submitted to the LAA for payment. Contingency payments are keeping the doors open, but without a billing system in place a massive backlog has built up that will take months to clear. This is creating a great deal of financial uncertainty for providers, who were already working on very small or in some cases negative profit margins on their legal aid work. In many cases, providers will not only spend months clearing administrative backlogs, they will also be receiving reduced payments as the LAA seeks to recover the sums paid out in contingency payments.

The LAA is working hard to restore systems, with crime systems back online during the week commencing 15 September and the main civil system is due to be restored in October or November. This is therefore a crucial period for providers, and one that will generate an enormous administrative burden.

What remains very uncertain is how many legal aid providers will reduce their legal aid work or withdraw from the service altogether as a result of the cyber breach. As organisations can hold a legal aid contract without being required to open a minimum number of cases, official statistics about the number of organisations with offices and contracts do not provide an accurate picture of the health or capacity of the legal aid sector. The financial shock and disruption caused by the cyber breach might not prompt providers to actively terminate their contracts: some may have already taken the decision to wind down legal aid departments or reduce the number or types of cases they take on but will not necessarily discuss this with the LAA. It may therefore take some time for the impact of the cyber breach to flow through to official data or LAA management information.

As LAA systems are returning to business as usual, we would urge the LAA and MOJ to:

- Introduce a proactive LAA/MOJ scheme to compensate providers for the additional time and cost they have incurred since the LAA's systems were withdrawn and contingency measures introduced. We do not believe that beleaguered legal aid practitioners should have to provide detailed evidence of loss to claim compensation when they have already been subject to undue and unforeseeable disruption since May 2025.
- Publish a transparent digital transformation programme which sets out clearly which systems are still at risk, what steps are being taken to mitigate those risks, which systems are being upgraded or replaced, and how providers and their representative bodies will be included in system (re)design. We believe that doing so might go some way to restore public (and, crucially, client) trust in the LAA and help to repair the relationship with legal aid providers.
- Adopt a set of contingency measures that ensure that alternative arrangements can be adopted quickly and with minimum disruption should a cyber-attack or other event lead

to the withdrawal of the LAA digital systems in the future. These measures have to include alternative processes for submitting interim claims and final bills and should be developed in consultation with provider representatives, including the Association of Costs Lawyers.

- Closely analyse provider data on matter starts, applications, claims and contract terminations. The LAA should take a proactive approach to determining the cause of any reduction in take-up of the service and seek to determine the reason(s) for any contract termination initiated by a provider organisation. We would respectfully suggest that the Justice Committee requests a report from the MOJ setting out its understanding of the medium-term impact of the data breach by the autumn of 2026, to include any steps the MOJ has taken to support providers and ameliorate impact.

September 2025