

Written evidence submitted by the Law Centres Network (ATJ0142)

About us: The Law Centres Network is the national membership body for Law Centres. A Law Centre is a not-for-profit law practice, employing lawyers and specialist caseworkers to provide legal advice and representation. Law Centres specialise in social welfare law, and target their services at people in poverty and disadvantage, to help them protect their homes, livelihoods and loved ones. The first Law Centres in the UK were opened in 1970, and there are currently 42 members in our network.

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. People seeking justice in England and Wales face considerable hurdles, as our submission below will argue, and many ultimately cannot access justice. Our member Law Centres' experience paints a worrying picture. One Law Centre reported seeing a person who had been referred from one agency to another 30 times before the Law Centre was able to take up their case. In such cases, 'referral fatigue' sets in, chances for negotiated solutions are missed, problems are compounded and reach a more critical stage. The scale of unmet demand is considerable: for illustration, last year, one Law Centre received 19,611 enquiries, was able to give initial assistance to about 8,000 of those, and took on around 4,000 cases. Law Centres see people who feel abandoned and angry. They are convinced that other people have rights but not them. Their experience reinforces in them a sense that the system simply does not work for them.
2. This state of affairs has unfolded over some time. The legal and advice sector, that aims to help them do so, has shrunk considerably following years of austerity cuts. Legal aid eligibility, as based on income and assets, has been frozen for over a decade, since the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012. In real terms, this has meant that every year with inflation fewer and fewer people remain eligible for legal aid – an ongoing stealth cut. Plans to update the eligibility threshold have largely not progressed for over two years. In the meantime, for those not eligible for legal aid, it has become less and less affordable. The UK Supreme Court in *UNISON* (2017) has recognised that affordability of access to justice is not a vague term but can be quantified and assessed.¹ Based on the same measure used in *UNISON*, the Joseph Rowntree Foundation's Minimum Income Standard, our 'Make Justice for All' report (2020) has demonstrated how unaffordable justice has become for the many who face legal problems but are not eligible for legal aid or that their problem is not within its scope.² As a result, many in the UK find it hard to access justice: the Legal

¹ R (on the application of UNISON) (Appellant) v Lord Chancellor (Respondent) [2017], UKSC/2015/0233, <https://supremecourt.uk/cases/uksc-2015-0233>.

² The report included MIS research from Prof. Donald Hirsch, showing that 56% of earners were caught in the 'justice gap' where they were not eligible for legal aid but could not afford paying for legal assistance. Law Centres Network, *Make Law Work for All*, 2020:

Services Board's legal needs study, published last year, has found that nearly 1 in 4 of the people surveyed gave the accessibility of justice a low score.³

3. Access to justice is not just unaffordable to its target beneficiaries, but to the people and organisations dedicated to providing it. Civil legal aid's statistics show provider numbers and matter volumes that are much lower than 15 or 20 years ago. The access to justice sector has a considerable workforce recruitment and retention problem, that also risks a loss of expertise as the sector's older practitioners retire. This is driven in part by legal aid fee stagnation: rates calculated in the 1990s that were top-sliced by 10% in 2011. Fee increases for housing and immigration and asylum cases were mooted last year, agreed this year but still do not have an implementation date. Other categories of law, such as community care, discrimination or mental health have yet to be considered for a similar increase. The introduction of a Fixed Recoverable Costs regime has threatened tenant-side housing cases and, despite repeated joint advocacy (also by us), housing cases enjoy only a temporary exemption from it. The not-for-profit part of the access to justice sector has advocated for a charity exemption from National Insurance Contributions increases, but this was repeatedly refused: as a consequence, one London Law Centre has faced a £33,000 increase to its annual NICs with less than six months' notice.⁴ Most recently, following a data breach that has led to the legal aid portal being taken offline, providers have been facing significant additional work, all of which remains unremunerated in the absence of a compensation scheme. The pressures that access to justice organisations face are many and real.

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

4. The ecology of access to justice in England and Wales has multiple, often overlapping components, each of which plays a role in helping people resolve justiciable problems. We take the term 'supplementary advice services' to mean services that involve no reserved activities and so are not led by authorised legal professionals. These would be generalist advice services and allied resources that help people understand their problems, rights and options, and navigate required procedures and dealings with official bodies. Many Law Centres offer such advice services themselves, alongside their core legal services, and collaborate with advice services at local, regional or national levels. Not every justiciable problem requires access to a court or tribunal, or indeed to a qualified lawyer, and those that do not will be ably assisted by advice services. Such services, that offer less intensive interventions compared with legal assistance, are thus better suited to

[https://assets.ctfassets.net/y26owwfe9yxn/57NsluVkDcMofcubWX35jX/f7000bdfd84935adb8701b87673297c6/Law for All - Law Centres Network - July 2020 - Lo Res.pdf](https://assets.ctfassets.net/y26owwfe9yxn/57NsluVkDcMofcubWX35jX/f7000bdfd84935adb8701b87673297c6/Law_for_All_-_Law_Centres_Network_-_July_2020_-_Lo_Res.pdf).

³ Legal Services Board, *Individual Legal Needs Survey*, 2024 [LSB, 2024]:

<https://legalservicesboard.org.uk/research/online-survey-of-individuals-handling-of-legal-issues-in-england-and-wales-2023>.

⁴ <https://www.lawgazette.co.uk/news/law-centre-group-takes-33k-hit-from-employer-ni-hike/5121573.article>.

handle larger volumes of enquiries. As civil legal aid focuses on escalated problems and later-stage legal interventions, advice services have a role, that has grown in importance after LASPO, in assisting in earlier-stage problems, that are out of civil legal aid's scope, and helping prevent them from escalating. They also play a part in improving awareness of rights and procedures; working in conjunction with other services, such as primary care; and triaging advice-seekers' problems and signposting or referring them to appropriate help, some of which may be legal assistance.

5. With limited public funding for access to justice, some policymakers have been tempted to pit legal assistance services against generalist advice. In fact, both are necessary components of the access to justice ecology and neither is in itself sufficient. While not every justiciable problem requires access to court, tribunal or a lawyer, much of the efficacy of earlier advice lies in parties knowing that lawyers and the justice system *could* come into the picture if early dealings fail. Regularly, too, the expertise of legal advisers also serves as a resource to generalist advisers, so the legal backs up the non-legal. Furthermore, the distinction between earlier generalist and later legal interventions is only schematic and largely shaped by funding structures, mainly legal aid. We believe that it remains important that people access civil *legal* advice at the earliest point, as part of a system of provision that can provide both generalist and legal assistance as needed. This is reflected in practice across many Law Centres, that use their most experienced workers at point of triage.

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

6. The odds are stacked against people who do not get help with legal problems that they face, and makes it less likely that they would achieve fair justice outcomes. Only 1 in 6 understand their legal problem to be a legal problem, so initially most of us do not look for the appropriate kind of help or look for it in the wrong places (e.g. from their GP). Even finding one's way to appropriate sources of legal assistance, many face unaffordable services or ones that have no spare capacity to help them and in a timely manner. Ultimately, a third of people with legal need in England and Wales (32%) were left with unmet need, mostly because they did not get professional help.⁵ The experience then goes on to inform their perception of the fairness of public bodies and of the rule of law in the UK, as above. Unmet legal need is also recognised by researchers to have health-harming effects.
7. The term 'unmet legal need' does not convey the full personal drama of being left to fend for oneself with a civil legal problem, especially when the stakes about it are high, involving a person's home, their livelihood (through work, benefits or pension), their loved ones (through family disputes), or their very dignity (when facing discrimination or human rights breaches). Many feel disempowered or threatened by possible consequences and decide to simply do nothing, even when this has adverse consequences for them. Asking friends with no legal

⁵ LSB, 2024.

knowledge or searching online may lead to some misleading information or irrelevant content (e.g. from other jurisdictions) that shapes unrealistic expectations. Without timely professional advice, some pursue claims that have no merit while others abandon claims that have merit and are likely to succeed. If they do take their matter forward, the lack of guidance makes it more likely that they would make suboptimal or misguided choices about evidence they submit, arguments they make, or whether and when to settle and on what terms.

8. A recent report, by Dr Jo Wilding for the charity JUSTICE, illustrates the difference that legal advice and representation can make, in the context of the Home Office's Windrush compensation scheme.⁶ The report, in which two of our member Law Centres were involved, also demonstrates less obvious roles that a legal adviser plays for the client. The lawyers have used their skills in gathering, marshalling and presenting evidence, and in spotting procedural and legal errors and challenging them. Consequently, the same client cases under the same terms that had initially been offered £11,400 in compensation were offered after the lawyers' work an average sum of £83,200 – a sevenfold increase. Importantly, the lawyers have also supported their clients, who were already in distressed and vulnerable situations, reassuring them through what can be a confronting procedure and acting as their buffer from the Home Office.

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?

9. Access to justice is a public good, benefiting all members of society, and so the primary responsibility of making it equitably available is on the public purse, that is, the government. Seeking additional funding sources for legal assistance is to be encouraged, as one way to bolster an embattled sector struggling with long term neglect. However, such additional funding must not be used to displace public funding for access to justice or in any way substitute for it. Public funding is and should be the foundation for access to justice, but to be sufficient it is necessary that it increases, because current spend is inadequate. Legal aid fee levels are acknowledged to be too low, including by the National Audit Office. It also only pays for cases and under onerous terms and administration. The legal support programme is still emerging, with a small budget and no ongoing resourcing commitment. The absence of a government access to justice strategy is keenly felt here: while each of these provisions may seem to some adequate in isolation, a comprehensive overview would show how inadequate they are for the known levels of legal need.
10. The two related factors of access to justice that need to be funded are cases and services themselves and core capacity, meaning the standing infrastructure of

⁶ JUSTICE, *People Need Legal Help: The Value of Legal Representation in the Windrush Compensation Scheme*, 2025, <https://justice.org.uk/reports/people-need-legal-help-the-value-of-legal-representation-in-the-windrush-compensation-scheme>.

access to justice. Core capacity, on which we will focus, is so important because it is the combination of services, channels, agencies, professionals and knowledge – the infrastructure involved in making justice accessible. Core capacity is vital to communities’ resilience in the face of ongoing challenges, such as the increasing cost of living, as well as to overcoming adverse events, such as the Grenfell disaster or the Covid-19 pandemic.

11. Core capacity among voluntary access to justice organisations lacks the stability that longer-term funding streams can provide to support resilience. Across Law Centres, on average only 25% of funds are generated through Legal Aid contracts. In addition, less than 20% of funds are come from local authorities: this varies considerably from one locality to another, with some receiving no local government support at all. This means that over half of Law Centre funds are short-term grants from trusts and foundations. A new funding source, independent from government and the political cycle, would be vital for the sector’s sustainability.
12. Of the ideas in currency for additional funding sources to maintain an access to justice core capacity, we believe that the one that holds the most promise is an Interest on Lawyers’ Trust Accounts (IOLTA) scheme. Such schemes have been running for over 60 years in other common law jurisdictions, such as Canada, Australia, United States and New Zealand, and there is nothing unique in the UK that would prevent such a scheme working here except long-held opposition to IOLTA schemes. They generate considerable sums (even when interest rates are low) for access to justice not-for-profit organisations. While this would not directly benefit private firms that are legal aid providers, the wider access to justice sector still stands to gain, as would the many people currently struggling to access justice. Law Centres’ experience is indicative here: many access to justice professionals, primarily solicitors, have cut their teeth in a Law Centre and, while many of them have moved on to other employers, private or voluntary, they have largely remained in the sectoral fold.
13. Additional core capacity funding should aim to do just that: to support a critical mass of access to justice capacity, enabling the sector to invest in its professionals and their development, to respond quickly to changing circumstances, to make services available in hard-to-serve areas. We believe that with these the priority, as was during the pandemic, should be to preserve services that would be hardest to replace if they failed, and ones that require more intensive and professional intervention – that is, legal assistance.
14. It would be very important that whatever additional funding is made available outside of public funding should not go to the Exchequer or any other public body. Instead, it should be held externally as a special designated fund, preferably by an organisation with mechanisms to manage and distribute it to the access to justice sector. This could be an existing organisation, such as a charitable foundation, or a dedicated new voluntary body set up for this purpose. The governance of the special fund should be in the hands of the access to justice sector, so its use will reflect the sector’s shared purpose and aims. It would help protect the independence of a sector that is often called upon to help people challenge public bodies. A dedicated special fund would also be an important funding mainstay

for the sector increasingly under threat for defending the legal rights of disadvantaged, often maligned groups.

15. Of the other ideas currently under consideration for additional funding sources, we believe that a direct levy would be unpopular and less likely than an IOLTA scheme to be accepted. As suggested during a previous government attempt to impose it, a levy might adversely affect pro bono activity. However, another idea that we believe does have the potential to provide significant funds to the access to justice sector, and one that will grow in years to come, is passing unclaimed funds from class actions over to the Access to Justice Foundation, and their distribution to advance access to justice work.

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

16. Pro bono continues to play a part in supporting access to justice, but one that is secondary by its nature. The traditional formula asserting that pro bono is ‘an adjunct to legal aid, not its replacement’ remains the case. Indeed, applications for pro bono assistance from its clearing houses would normally be refused if legal aid is or should be available for the problem instead. However, as legal aid has declined since LASPO, pro bono work has not replaced it – nor can it, in scale or scope. A lack of authoritative data on pro bono activities in the UK limits what we can say about UK pro bono on the whole.
17. Law Centres are an important nexus for pro bono work due to their ongoing community presence and affiliation with the legal community. Pro bono work can considerably increase the capacity of a Law Centre to help local people in need: at our South West London Law Centres, which covers six boroughs in the capital, volunteer lawyers have helped some 3,200 people last year, help worth some £1.5m. However, there are multiple factors limiting pro bono collaborations. The availability of legal professionals varies across the country, as does the availability of law students for student pro bono clinics throughout the year. On Law Centres’ side, there is a cost to offering a pro bono advice clinic, as it requires administration, supervision by a Law Centre lawyer, as well as the extended use of the Law Centre’s facilities. For Pro bono schemes to reach more people and to have greater impact, these costs ought to be covered.

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

18. Acting earlier to resolve disputes would be likely to improve outcomes for people, and more legal assistance should be made available for people at earlier stages. However, people’s problem resolution behaviours often lead them to act late on a legal dispute, or not at all. We have already noted that most people do not understand their legal problems as such, and this means that their path to advice and resolution is often longer and more winding than it need be. Some would also lack the confidence or mental ‘bandwidth’ to engage with resolving a dispute due to their circumstances.

19. Still, when a person does seek legal assistance, they encounter its current scarcity, especially at earlier stages, that is due to the effects of the LASPO Act and other austerity cuts. Legal assistance can help resolve disputes earlier if it is properly resourced and strategically deployed. This means it should be bolstered for the earlier stages of a legal problem, with sufficient scope to address various aspects of a person's problem, and with more in-roads to it, be it through public legal information, through 'trusted intermediaries' in the community (e.g. other voluntary services, schools) and through other parts of the justice system (e.g. courts and tribunals). Bolstering legal assistance at all relevant stages should also be seen as integral to the government's current attempts to strengthen the rights of various groups, such as renters and workers.
20. We are concerned at repeated attempts by successive governments to divert more people away from the courts and toward non-court dispute resolution, also known as ADR, especially when this is mandated. Civil justice cannot be reduced to resolving disputes alone: for many people, whom Law Centres see every day, it is also about vindicating their rights, so diverting them onto a mechanism that is not concerned with this affects their experience of justice. In certain circumstances, it can expose them to unfairness: mandating mediation can sometimes reflect the underlying power imbalance between parties that a judge-led process would have mitigated. It can put undue pressure on a weaker party to compromise on what is rightfully theirs. It can also be inappropriate when one party has already acted in bad faith, or its representative (for example, if it is a public body) is not empowered to make concessions.

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

21. Digital innovation already plays a role in supporting access to justice. The necessity to maintain services through the Covid-19 pandemic has been a watershed in broadening the use of technology to enable remote access to services such as legal aid. As the Law Society's 'legal aid deserts' heat maps have shown, much of England and Wales does not have current local legal aid providers, in a variety of areas of law, so the only way that many clients are able to access legal aid is through digital means (which, through the phasing-out of telephone landlines, now includes telephone). Indeed, the loss of critical legal aid capacity, in providers, offices and legal aid cases that they feel able to open, has meant that, without remote access, the availability and uptake of civil legal aid would have been even more restricted.
22. The lack of comprehensive data from across the justice system is one of the key obstacles to improving access to justice. This is true of the Legal Aid Agency, where last year the Public Accounts Committee joined calls to collect better data that would enable the Ministry of Justice to assess whether a locality has enough legal aid supply to meet demand.⁷ It is also the case with the Courts and Tribunals

⁷ House of Commons Committee of Public Accounts (2024), *Value for Money from Legal Aid*, HC 481.

System, that has taken over a year to publish a response to a data improvement plan that it had commissioned.

23. Another obstacle to wider use of digital innovation to increase access to justice applies especially to AI, and is the cost of developing new digital services and resources in a sector made up predominantly of small to medium organisations. With no profit motive, commercial development in areas relating to access to justice is expectedly sparse.
24. A related third barrier to digital innovation is the dearth of *long-term* funding for digital innovation. Third sector agencies are often best placed to identify opportunities for digital innovation, but are prevented from doing so by lack of funds beyond initial stage. A charitable grant would support a new digital tool to pilot, but funds to further develop and maintain it are near-impossible to secure.
25. A fourth obstacle to wider use of digital innovation for access to justice is the still-considerable levels of digital exclusion, especially among disadvantaged people. This also compounds with lack of legal capacity, creating challenges for ‘assisted digital’ services, where there is an expectation that the person already helping the client interact online also advise them on their case merits and legal options.
26. Furthermore, motivations for pursuing digital solutions in access to justice vary among the different stakeholders. Frontline organisations and those who support them are keen to improve processes and outcomes, that would help them extend their help to more people and more comprehensively. In public policymaking, though, interest seems to be primarily driven by seeking to reduce the overall cost of provision.

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?

27. There are a number of steps that could be taken to improve legal aid, and we will focus here on civil legal aid, in which Law Centres do the vast majority of their work. Probably the first and fundamental step would be to give up the misleading idea that civil legal aid is a ‘market’ in any open sense. As markets go, legal aid is a monopsony: a single buyer (the state) for the service (legal aid), that has monopolistic power to set low fees and demanding terms.
28. In this state of affairs, a one-size-fits-all approach to contracting since 2007 has not made the so-called market more attractive or thriving, definitely not within LASPO restrictions. Instead, we propose adopting a mixed model of delivery as used in Scotland, with discrete roles – and respective terms and contracts – for firms, not-for-profits, and salaried solicitors deployed by the state to regional offices in sparsely populated areas or ones where commercial solutions have failed to take root. A further layer of flexibility would be provided by an ‘always on’ commissioning approach, that the Legal Aid Agency has introduced last year and shows early promise.

29. Next, civil legal aid scope should be broadened to cover all categories provided before the LASPO cuts and to encourage earlier legal assistance that would cover all aspects of a client's problem cluster, thereby providing better value for public funds than current rump services. Frontloading assistance to provide 'a stitch in time' should unlock savings by obviating more intensive and costly interventions downstream, when problems have escalated. As part of their contracts, not-for-profit providers could also be commissioned to engage with community groups to raise rights awareness, upskill intermediaries and encourage clients to take action earlier.
30. Another urgent adjustment should be to 'make work pay' for legal aid providers, as fees are acknowledged to have been allowed over nearly three decades to fall well behind the cost of service provision. Fee levels should be brought up to date and kept under independent periodic review, as the government already does in other regulated industries.⁸ The new fee structure should also allow for more interim payments as a case progresses, to ease pressure on providers who are currently out of pocket until the case closes.
31. We would like to see the Legal Aid Agency adopt the 'high trust' model of contract management and assurance that is used in the Dutch legal aid system, which was highlighted in the Review of Civil Legal Aid international comparators report.⁹ This model would allow it to follow risk and focus its efforts and enforcement action on poorly performing providers or 'repeat offenders', increase its tolerance of small errors and save efforts for both itself and providers. This should be introduced together with a lightening of administrative burdens, many of which are not remunerated, and factoring this work in when calculating the new fees.
32. The Ministry of Justice should invest in the legal aid workforce, in particular at its junior end, to improve its diversity, local (and remote) availability and, ultimately, legal aid's sustainability. It should find ways to expand and build on its current pilot of training contracts for trainees working with HLPAS providers.
33. Providers cannot, and should not be expected to, compensate for LAA's problematic IT infrastructure, which they have had to endure through years of under-investment, recently acknowledged by Minister Sackman.¹⁰ The Ministry of Justice should seize the opportunity of restoration efforts following its data breach to improve not just systems' security but also their *usability*, across applications: from contract bids, through means-testing and passporting, to managing cases and billing. Done right, this investment should increase efficiency and free up user time for both Agency and providers. It would, however, also need to be accompanied by much more robust new contingency arrangements, that would

⁸ This was recommended as a priority issue in the recent Review of Civil Legal Aid (RoCLA). PA Consulting, *Market Research Report: Civil Legal Aid*, 2024, p. 177, <https://assets.publishing.service.gov.uk/media/67499e9e6f60e77679723a60/market-research-report.pdf>.

⁹ <https://www.gov.uk/government/publications/review-of-civil-legal-aid-comparative-analysis-of-legal-aid-systems-report>.

¹⁰ HC Deb., vol. 767, cols. 772-773, 19 May 2025.

be sufficient not just for minor outages of several days but to major events like the current data breach, that are becoming more common.

34. Earlier this year, Minister Sackman stated: “We are determined to nurse this critical sector back to health, rebuilding a legal aid system that is sustainable, effective and efficient, and that helps people to address their legal problems as quickly and as early as possible.”¹¹ It has been clear for some time that, to do so, the legal aid system needs more than minor tweaking. This committee has called for major investment four years ago.¹² The Review of Civil Legal Aid has suggested similarly last year.¹³ We urge the committee to hold the government to its ambition.

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?

35. The LAA data breach incident has had a considerable impact on Law Centres that are legal aid providers. Firstly, it has disrupted their work with clients and has created considerable additional burden them in the switch to contingency arrangements, in changes to those arrangements from time to time, and in additional record keeping and reconciliation, much of which is yet to come when the online portal is fully restored.
36. Secondly, it has repeatedly left providers with a lack of timely information about what is expected of them or how they should act. It has taken days for LAA to assume responsibility for notifying (mostly former) clients affected by the breach, and even then it took a passive approach of a note on the government portal and an assigned point of contact. It has still not been communicated to providers just what has happened to their data that had been accessed. Also to date, over four months into the incident, LAA has not clarified the status the contingency payments it has offered providers, to specify whether they were an advance, a grant or a loan, and therefore how much VAT is owed on them, so providers do not have a clear idea of their final financial position.
37. Thirdly, the lack of information has also contributed to the increased levels of risk that providers were forced to accept. VAT uncertainty has made financial accounting more challenging. Providers were also told to start many more new cases using delegated functions, and extend or amend them with similar initiative, but there has been no assurance from LAA that, when cases can be closed and billed, delegated decisions taken in ‘field conditions’ will be honoured.
38. Given the additional burden on providers, we expect the Ministry of Justice and Legal Aid Agency to set up a dedicated compensation scheme for providers in light of losses incurred to them, which should not need to be evidenced. The switch to

¹¹ <https://www.gov.uk/government/consultations/civil-legal-aid-towards-a-sustainable-future/civil-legal-aid-towards-a-sustainable-future>.

¹² House of Commons Justice Committee (2021), *The Future of Legal Aid*, HC 70.

¹³ PA Consulting, 2024: pp. 175-176.

contingency arrangements has created considerable additional work for providers in keeping up with the changing terms as well as the additional records kept, temporarily for each case. Once the online systems are fully restored, a further stage of additional work will begin, of acquaintance with a new system to replace CWA, of entering case records again online, submitting claims and supporting evidence (both current and backlog), and reconciling contingency fee recoupments and per-case fees. Even if all the additional work caused by the data breach could be recorded, pre-existing mechanisms would not provide a way of billing for it. The compensation scheme would also need to address the damage caused to providers the data breach itself and potential adverse uses of the data.

39. Finally, it is important to note that the data breach incident continues to unfold and that efforts to restore service and stabilise the provision would take months. As this happens in the context of an already weakened system, what will take place in the coming period would affect legal aid and its viability for the medium term. Given these high stakes, we would strongly urge this committee to continue to monitor the matter and issue a follow-up report in a year's time.

September 2025