

Justice Committee – Access to Justice Inquiry

Response by the Anti Trafficking and Labour Exploitation Unit (ATLEU), September 2025

INTRODUCTION

This response to the Justice Committee’s call for evidence, Access to Justice Inquiry, is by the Anti Trafficking and Labour Exploitation Unit (ATLEU).

ATLEU is the only UK charity providing dedicated holistic legal advice and representation to survivors of trafficking and modern slavery. Based in London and Sheffield, our specialist multidisciplinary legal team assists survivors to escape, recover and rebuild their lives: securing safe and appropriate housing, regularising immigration status, obtaining trafficking identification, subsistence and support, and recovering compensation from their traffickers or the state. In 2023 alone, ATLEU supported 285 survivors of trafficking and slavery - 98% of whom were refugees or migrants, 67% female; and 12% children or young people.

This submission responds to questions one, three, four, five, seven and ten. It focuses on the legal advice crisis and the barriers in access to justice as experienced by survivors of trafficking and modern slavery.

ATLEU has documented and reported widely on the legal advice crisis affecting survivors of trafficking and modern slavery. In October 2022, we published an evidenced-based and survivor-informed report on the crisis, *It has destroyed me: A legal advice system on the brink*.¹ We also submitted our evidence regarding the crisis, its impact on this vulnerable group, and the causes to different consultations run by the former government on legal aid². In March 2025, we responded to the government’s call for evidence on *Civil Legal Aid: Towards a Sustainable future*.³

This response is informed by ATLEU’s experience as a small legal aid provider specialising in

¹ ATLEU, ‘*It has destroyed me*’. *A legal advice system on the brink*, October 2022. Available at: <https://atleu.org.uk/news/2022/10/17/it-has-destroyed-me-new-report>

² For example, ATLEU, *Response to the Ministry of Justice Review of Civil Legal Aid – Call for Evidence*, February 2024. Available at <https://www.atleu.org.uk/publications/#legal>

³ ATLEU, *Response to Civil Legal Aid: Towards a Sustainable Future*, March 2025. Available at <https://www.atleu.org.uk/publications/#legal>

trafficking and modern slavery cases. ATLEU holds legal aid contracts in immigration for both its London and Sheffield offices. We were awarded a Peer Review rating of Excellence (1) in the immigration category on our last peer review in 2023 and of Excellence (1) in our housing category in our peer review conducted in 2024. ATLEU also provides training and advice to professionals working with survivors of trafficking and modern slavery nationally. ATLEU has also developed a free, national referrals system to help support providers to find legal representation and advice.

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QUESTION 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?

Civil legal aid is on the brink of collapse. There are legal advice ‘deserts’ (areas where there are no legal aid providers) and ‘droughts’ (areas where there appears to be a supply of providers but they have no capacity to take on new cases) across the UK. The crisis in civil legal aid is well evidenced, including in the 2024 National Audit Office (NAO) report on the Government’s management of legal aid⁴, reports commissioned by the Ministry of Justice for the Review of Civil Legal Aid⁵ and consequent consultation response documents, as well data published by experts such as Dr Jo Wilding⁶.

At current, civil legal aid does not offer a financially viable business option for legal aid providers. There has been decades of underinvestment and chronically low fees which, prior to the government's November 2024 announcement of rise in housing and immigration fees, had remained static for 28 years. The current fee system and an incredibly complex administrative and billing system is driving providers away from legal aid and bringing the sector to the brink of collapse.

The legal advice crisis is having devastating consequences for millions of affected individuals who cannot secure legally aided advice that they so desperately need to solve a whole range of problems, and that Parliament and LASPO says they are entitled to.

⁴ National Audit Office, *Government’s management of legal aid*, 9 February 2024. Available at <https://www.nao.org.uk/wp-content/uploads/2024/02/governments-management-of-legal-aid.pdf>

⁵ PA consulting for the Ministry of Justice, *Review of Civil Legal Aid: Provider Survey Report*, January 2024, available at <https://assets.publishing.service.gov.uk/media/65aa4068ed27ca000d27b28a/civil-legal-aid-providers-survey.pdf>

⁶ Dr Jo Wilding, *The legal aid sector is collapsing and millions more may soon be without access to justice – new data*, June 2023, available at: <https://theconversation.com/the-legal-aid-sector-is-collapsing-and-millions-more-may-soonbe-without-access-to-justice-new-data-207045>

The access to justice crisis for survivors of trafficking and modern slavery

Access to legal advice and representation is critical for survivors of trafficking and modern slavery to secure identification as a victim, support to assist their recovery, justice and freedom. However, survivors of trafficking and modern slavery are not able to access specialist legally aided advice and representation when they need it due to a huge gulf in availability. This is having devastating consequences including homelessness, destitution, missed case deadlines, detention and removal.

Survivors of trafficking and modern slavery are not able to access specialist legally aided advice and representation when they need it due to a huge gulf in availability. This occurs in the broader crisis in civil legal aid, yet the primary cause is the way in which trafficking and modern slavery cases are funded. They are uniquely complex, long running and costly: ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out. The legal aid billing process for immigration cases is the most complex in civil legal aid at controlled work level and deters providers. Additionally, key areas of advice are out of scope for legal aid and the Legal Aid Means Test is causing barriers in access to legal aid, sometimes leaving victims trapped in exploitation.

Victims and survivors of trafficking and modern slavery are also a group for whom access to legal aid is vital. The vast majority of those who are unable to get legal aid will be forced to go without legal advice and representation as they cannot otherwise afford to pay for it, while others will borrow large sums to do so, ending up in debt, which drives vulnerability to further exploitation.

The lack of legal aid provision for survivors of trafficking and modern slavery is an issue across all of England and Wales, with the north of England being especially poorly served. While lack of provision is considered most acute outside of London, demand still far outstrips supply in London. ATLEU has offices in both London and Sheffield, and across both, referrals are extremely high, far exceeding our capacity.

ATLEU's 2022 report, *It has destroyed me: A legal advice system on the brink*, found that a staggering 90% of support workers had struggled to find a legal aid immigration lawyer for a survivor in the past year. Survivors are facing lengthy delays just to get an initial appointment. 76% reported significant delays, of up to three months or longer, in finding an immigration legal aid lawyer for a potential or confirmed victim of trafficking or modern slavery. 43% of respondents reported serious delays of up to six months or longer.⁷ Queries to ATLEU's advice service suggests that this problem is still acute, with support workers routinely unable to secure a legal aid solicitor for a service user.

Example 1: ATLEU spoke to a support worker working under the MSVCC on our advice line in August 2024 and they said they had worked in that organisation for 2 years and out of 80 or 90 service users who needed immigration advice, they had only persuaded one legal aid lawyer to take on an immigration case. They were located in the south west of the country.

⁷ ATLEU, *'It has destroyed me'. A legal advice system on the brink*, October 2022

Example 2: An MSVCC support worker contacted ATLEU's advice line in February 2025 and said this about service users seeking immigration advice: *"Since last year I have been sending out emails every 6 weeks or so and making calls to get some support for these clients but either firms are at full capacity or don't have the funds for legal aid support. This is no exaggeration and I have the evidence in my emails that I must have emailed over 100 different firms and unfortunately had no success. Do you have any advice as to where my client should go as I know many of my colleagues are struggling with the same issue. Clients have out of time appeals, VTS applications/appeals, first time asylum application needs and it appears there is no one taking clients on who cannot afford private fees."*

This support worker had sent these emails to law firms in London every 6 weeks since January 2024 to January 2025 and had not been able to place any of the clients who needed immigration advice with legal aid lawyers.

These experiences are not unique. We are contacted constantly about survivors who need legal aid immigration representation in particular, across the country. No area is immune.

Survivors are struggling to access legal advice within their home location, or in reasonable distance from their home location. 84% of support workers told ATLEU that over the last 12 months, survivors had sometimes, often, most or all of the time only been able to access legal aid immigration advice outside of their location.⁸

The legal advice crisis for survivors of trafficking and modern slavery is a direct consequence of flaws in legal aid funding and structure. Trafficking and modern slavery cases are not financially viable for legal aid providers. Trafficking and modern slavery cases are widely regarded as being particularly complex, long running and costly. As such, these cases are ill suited to payment by standard legal aid fixed fees, which do not change to reflect the time taken or level of work carried out.

The financial challenges created by the legal aid fee structure is significantly worse in trafficking immigration cases as opposed to other types of immigration cases. This is particularly the case since Part 5 of the Nationality and Borders Act 2022 was brought into force, with changes to Home Office guidance and practice around the NRM. Identification is now more difficult and evidence heavy, with the burden put on survivors to prepare witness statements as standard as part of the identification process. More survivors are now considered for disqualification from the NRM, including identification, which is a matter only an immigration lawyer could deal with under the scope of legal aid prior to a decision being made. Applications for leave to remain as a victim of trafficking are even harder to succeed in, often running alongside other immigration applications like asylum.

The impact on survivors of not being able to get legally aided advice when they need it is devastating. ATLEU's 2022 research documents this starkly: 55% of responding support workers said it had left survivors they supported destitute or unable to access appropriate accommodation or support. An overwhelming 97% said it caused survivors stress, anxiety or

⁸ ATLEU, *'It has destroyed me'. A legal advice system on the brink*, October 2022

contributed to poor mental health including suicidal thoughts. In 64% of cases, it led to survivors missing important deadlines which can have serious long-term consequences, such as deadlines with the Competent Authorities in their trafficking identification case, and 57% said it left survivors in a position where they were unable to claim asylum. 29% of respondents said the inability to access legal advice had left survivors in a situation of exploitation.⁹ Finally, survivors not able to access quality legal advice within a reasonable timeframe have been detained and put at risk of removal.

In addition to problems of availability, the financial unviability of trafficking and modern cases in the immigration category means that many immigration legal practitioners, or their firms, will refuse to take on or limit the number of trafficking/modern slavery cases they take on. Others may take on clients who are survivors of modern slavery but restrict the work undertaken on that particular aspect of the case. This can lead to a problem of poor quality advice.

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

The potential downstream benefits of civil legal aid are significant. By removing many social welfare matters from the scope of legal aid, LASPO has meant that people are often unable to access legal advice and representation until crisis point. This causes significant harm to individuals, as well as being a poor use of resources. At crisis point, a case becomes more protracted and complicated, and an individual is likely to need to interact with a broader range of public services for support and assistance. This might not have been necessary if advice and support had been secured earlier, preventing the issue from building to crisis point.

This point also applies to advice areas that are still within scope of legal aid, but where there are not currently sufficient providers providing quality advice across the country to enable them to pick up matters early. This is the case for survivors of trafficking and modern slavery, who are currently not able to access quality and specialist legal advice to pick up matters early. For example, ATLEU has seen a noticeable trend in survivors of trafficking and the professionals who support them approaching us with immigration appeals where they are unrepresented. The cost to the Tribunal will be much higher than if they were represented. For example, corresponding with individuals who do not know how to use an online system where an appeal has been lodged for them online and do not have representatives to narrow issues and present appropriate evidence and submissions on the points in dispute. There are also survivors who have not had representation at all reaching appeal stage, where much more work must be put in to prepare and present the case.

⁹ ATLEU, *'It has destroyed me'. A legal advice system on the brink*, October 2022

We are now regularly contacted about survivors of modern slavery who are at the end of their identification period in the NRM, i.e. who have received positive conclusive grounds decisions, and do not have immigration legal aid advice. After a positive CG, survivors are in the “Recovery Needs Assessment” (RNA) process, by which their support under the MSVCC may be extended. Someone who has not been able to access immigration advice, so is unable to transition to other forms of support (eg asylum support or mainstream support through benefits or the right to work) is then in a very precarious position.

The Home Office is increasingly placing pressure on support workers to require individuals to apply for forms of support that may be inappropriate (often schedule 10 support, which is an application that covers matters that only someone regulated to provide immigration advice can advise on). The survivor may be deemed to be not engaging with the process to move them out of MSVCC support if they do not agree to make an application, despite not having advice on whether this is appropriate or legal assistance to make it, so face withdrawal of support entirely.

Survivors should be able to access an immigration legal aid lawyer at the very start of the process as a right under s.32 and s.32A of schedule 1 part 1 of LASPO. It is very concerning that so many now do not have representation throughout this process and face exit into destitution when they cannot access immigration advice to have allowed them to make applications for leave to remain if appropriate, or even get advice on the suggestion that they should apply for schedule 10 support when this is posed by the Home Office.

QUESTION 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.

Not addressing the legal advice crisis is costly

As highlighted in response to questions 3, we believe rather that **not** addressing the crisis in civil legal aid, by making changes to the structure and funding required, is costlier in the long run.

As stated, at crisis point, a case becomes more protracted and complicated, and an individual is likely to need to interact with a broader range of public services for support and assistance. This might not have been necessary if advice and support had been secured earlier, preventing the issue from building to crisis point.

For example, ATLEU took on an asylum appeal for a survivor who had no legally aided representative. In cases from this country, country and medical expert evidence is essential for success. The survivor has never had a witness statement prepared and had to prepare one herself with her support worker for the purposes of her identification in the NRM, which did not address all the issues that need to be covered for an asylum claim. Had this evidence been prepared and presented at an earlier stage, it is possible this case may never have reached appeal.

A lack of timely access to legal advice is also leading to survivors missing important deadlines in their cases, such as with the Competent Authorities or with the Home Office. This makes representation much more complex down the line, which is also costlier.

Obtaining compensation can give survivors the finances to rebuild their lives and achieve financial independence. Therefore, the near impossibility of finding a lawyer to take on a trafficking and modern slavery compensation claim is a missed opportunity to make traffickers pay and promote financial independence.

The legal advice crisis is costly in terms of the use of resources of the organisations who are delivering the Modern Slavery Victim Care Contract (MSVCC). The hours of time spent on trying to find a solicitor with capacity is detracting from the ability of front line workers to focus on core support services and promoting the recovery of survivors. 94% of support workers responding to ATLEU's survey said that it was causing them additional work.¹⁰

A lack of access to legally aided advice is exacerbating mental health difficulties among survivors. This puts mental health services under strain that could have been avoided. An overwhelming 97% of support workers responding to ATLEU's survey said it caused survivors stress, anxiety or contributed to poor mental health including suicidal thoughts. One survivor waiting for a solicitor to be found to represent them told their support worker that *"I will be better off to run away as no one can help me"* as the experience was making them feel so worried.¹¹

A need to reform the unnecessarily complex and burdensome administrative system

We strongly believe that there are cost-neutral actions that the Ministry of Justice could take now which would have a positive impact on the crisis in civil legal aid. This primarily relates to reforming what is an unnecessarily complex administratively burdensome system of running files, billing them and contract management that deters so many providers. The system is excessively burdensome, time consuming and very costly for a smaller provider like ATLEU to manage. It is a huge factor in deterring providers, and must be addressed if the government is to have any hope of attracting more quality providers and solicitors back to legal aid work.

The Ministry of Justice should also make it easier for experienced and talented lawyers to act as supervisors, keeping and attracting good lawyers to oversee this work. Providers cannot

¹⁰ ATLEU, *'It has destroyed me'. A legal advice system on the brink*, October 2022

¹¹ ATLEU, *'It has destroyed me'. A legal advice system on the brink*, October 2022

run a legal aid contract in a certain area without a supervisor that meets requirements set by the LAA, which can be particularly onerous in some categories, particularly for smaller providers.

Running a legal aid case

The rules and guidance on running a case and eligibility for legal aid are incredibly complex. The administration around legal aid forms, means and merits tests is time consuming. Providers bear a huge amount of risk on controlled work files as the means and merits assessment is delegated to them and it is only at the end of the file when you discover if the LAA agrees. If they disagree, you can lose everything on a file - your time and all the fees you have paid out to others.

Administration that is not about serving client needs but meeting case management, billing and audit requirements can take hours, leading one ATLEU lawyer to conclude, *"I could in theory spend a week each month on administrative tasks"*. This time is not billable, and is a poor use of time when ATLEU's referrals outstrip our capacity as highly as they do. Every caseworker spends hours on administration and contract compliance each week, but supervisors and managers have particular responsibilities and they are the most experienced caseworkers but have large amounts of time diverted away from doing casework to service the legal aid contract.

Recent research supports this. The Legal Aid Practitioners Group has published an analysis by Dr Jo Wilding that found *"legal aid organisations undertake a significant amount of unpaid work – the average amount of time spent on non-chargeable tasks was just over one hour and 43 minutes per day, which is around one quarter of a standard 7 hour working day for each employee"*.¹²

In immigration work in particular there are multiple potential areas for error. Errors arise from the variety of codes used by the LAA, through rules on VAT, what content should be in invoices and rules on minimum charges for interpreters. There are limits on disbursements that can be incurred only in immigration controlled work.

Exceeding a cost limit will mean a loss of funds. Evidence of each cost limit throughout the case must be present at the point of billing. The LAA's "Immigration and Asylum Common Errors Document 2024"¹³ runs to 11 pages of substantive text and records common errors which will not all be changed by this consultation. Errors are described as *"serious, numerous and costly"* and it is acknowledged in that document that: *"Claiming errors also present both financial and resourcing risk to Providers, as costs claimed for work that is not compliant with the 2018 Standard Civil Contract will be recouped by the LAA and may result in further Contract action, including Contract Notices and Contract Sanctions."*

Billing process

¹² https://lapg.co.uk/wp-content/uploads/Non-chargeable-Time-in-Legal-Aid-Work-Report-launch-press-release-29.09.25.pdf?mc_cid=55d47f00cd&mc_eid=ea1aecb99b

¹³ https://assets.publishing.service.gov.uk/media/66291f063b0122a378a7e6e6/LAA_Imm_Common_Errors_Document_April_2024.pdf

The legal aid billing process for immigration cases is the most complex in civil legal aid at controlled work level. Sometimes work to process a large immigration case can take a full day of time, to ensure all the components needed for billing are in place. Due to the complexity, ATLEU employs a highly experienced specialist billing team member for one day per week dedicated to processing our controlled work files and a team member coordinating billing for our legal aid certificates for two days a week. In addition to these two members of staff, we regularly work with more than one external cost draftsman. The overhead of employing billing team members is met by ATLEU as the legal aid provider and has only been possible because of grant funding, as legal aid fees do not cover the full cost.

The LAA states that they allow electronic files for audits and billing, but in practice escape case billing often requires us to present documents that have not been specified in advance as mandatory items. This means we need to spend additional time providing documents after the event that we could have prepared to submit and factored into our standard processes. In addition to having dedicated billing staff, our caseworkers spend a lot of their time checking and preparing files for billing in line with LAA requirements, as they know the cases best.

Audits

Audits are time-consuming processes. Providers must undergo either an Lexcel or SQM audit in addition to regular LAA contract management. This includes at least an annual contract manager reviews, core file testing, peer review and an ongoing exercise in relation to recoupment of payments on account in certificated cases. If issues are picked up on compliance with Legal Aid rules, that could result in further audits, cost reductions and Sanctions. It is our experience that immigration providers face higher levels of scrutiny than other civil providers do. In one calendar year, ATLEU had two contract manager annual reviews.

Please also refer to our response to question 5 which highlights measures that could be brought in without significant cost that would improve access to justice.

QUESTION 5. If limited funds were available, what would be the priority areas for spending?

We welcome the Ministry of Justice's plans to raise legal aid fees for housing and immigration work. This is an important step in the right direction. However, it is clear that this increase is not enough. In order to enable legal aid providers to undertake increased volumes of legal aid work, we believe that a more significant increase to fees is necessary.

In 2024, the National Audit Office calculated that in real terms civil legal aid fees are now approximately half what they were 28 years ago.¹⁴ We believe that fees should increase in line with the amount they have lost in the decades of inflation since they were set. We also believe that an increase needs to be applied across all categories of civil legal aid in order to save a dying sector. Further, it is important that following this raise, a review mechanism be put in place so that fee levels keep pace with inflation. Fees should be index-linked and reviewed at least annually to ensure that they remain viable. We suggest they are set and overseen by an independent body which consults with the relevant practitioner bodies in an open and transparent process. Interpreter and expert fees rates should be increased and kept under review by an independent body, in line with inflation. Telephone interpreting rates should be increased in the same way.

Additionally, it is not possible to incentivise legal aid providers to undertake increased volumes of legal aid without reforming the overly complex system of running files, billing them and contract management that deters so many providers. The Legal Aid Practitioners Group recommends that the government “*review, amend or even remove processes to reduce the administrative burden on providers.*”¹⁵ These are measures that could be brought in without significant cost, in discussion with providers and all practitioner representative bodies and interest groups, and the National Audit Office. The Ministry of Justice should contract with quality providers and do what it can to keep good people in the sector, which ultimately would reduce risk to the public purse.

If no such changes are made to the system, the number and quality of legal aid providers will continue to decline and the sector will eventually collapse. This will have a catastrophic impact on our ability to meet our obligations under law and will leave an ever growing number of people without access to justice and remedy. Access to independent legal advice goes to the very heart of our justice system. There is no alternative to an appropriately funded legal aid system.

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

ATLEU has experience of pro bono support, for example, in representation survivors where a case is outside the scope of legal aid such as enforcement of compensation claim awards, or working with those supporting survivors to get advice on criminal injuries compensation when they cannot access a legal aid lawyer through the Exceptional Case Funding scheme. However, there is no alternative to an appropriately funded legal aid system which ensures that legal advice is available in practice when survivors of trafficking and modern slavery need it. Highly vulnerable clients, needing continuity of representation, the length and complexity of

¹⁴ National Audit Office, *Government’s management of legal aid*, 9 February 2024

¹⁵ https://lapg.co.uk/wp-content/uploads/Non-chargeable-Time-in-Legal-Aid-Work-Report-launch-press-release-29.09.25.pdf?mc_cid=55d47f00cd&mc_eid=ea1aecb99b

trafficking immigration cases and the requirement for expensive expert medico-legal and country expert reports and interpreter fees all combine to make this area unsuitable for pro bono representation.

Legal aid already involves free advice and time, as not all work done by legal aid lawyers is remunerated.

QUESTION 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?

ATLEU welcomes the Ministry of Justice's plans to increase fees in housing and immigration advice, which represents the first raise in fees in 30 years. We are concerned however currently that there is no announced timetable for implementation despite the urgency. Furthermore, while this increase is welcomed, but it is insufficient given the number of years for which they were static, and in just two areas of advice, albeit ones in which the collapse in providers is perhaps greatest.

We therefore recommend:

Funding

- Rates of remuneration for civil legal aid should be increased across all areas, for legal aid providers and counsel, by the amount they have lost in the decades of inflation since they were set.
- Fees should be reviewed and set by an independent body, which consults with the relevant practitioner bodies in an open and transparent process, and should be reviewed annually to ensure that they remain viable.
- All immigration legal aid should be remunerated with hourly rates. If escape fees are retained, thresholds by which a claim can "escape" the fixed fee should be lower, at no more than 1.5 x the fixed fee.
- Interpreter and expert fees rates should be increased and kept under review by an independent body in line with inflation. Telephone interpreting rates should be increased in the same way.
- There should be consistent and guaranteed funding support for all of the accreditation fees (e.g. on the Immigration and Asylum Accreditation Scheme) that are required by providers in order to practice legal aid, as these are not met by the rates paid.

Funding is a major cause of the legal aid crisis, but there are other crucial aspects that must

be addressed to save a dying legal aid sector. The Ministry of Justice should contract with quality providers and have measures that go beyond funding rates, to ensure that those providers can stay in business, retaining senior and experienced staff who are able to grow and train more junior caseworkers.

We take this opportunity to highlight key areas that we consider crucial for reform and improvement, and how this would be best achieved. Many of these would be essentially cost-free and we hope can be implemented as a matter of urgency.

Administration

- An efficient, streamlined process for administering and billing legal aid matters should be introduced to replace the overly complex, burdensome bureaucracy that deters so many legal aid providers.
- A system of frequent and regular claims for payment at controlled work level (reflecting the actual value of time spent) should be introduced to ensure that those providing legal advice are properly supported to deliver quality advice and are sustainable. These should have simple administration, and enable a claim for the actual value of the work done. This is possible on certificated files, so should also be possible for controlled work.
- There should be a supportive and sensible approach to audits and file reviews, to minimise claw back and self-review exercises, reflecting the complexity of legal aid practice and how errors are inadvertent and easy for every provider to make because the system is labyrinthine in detail.
- The Legal Aid Agency should have to itemise every payment made for a file to providers as a matter of course. This is not done for payments at controlled work level, meaning providers can miss out on funds they are owed and spend time trying to reconcile figures for payments received against claims made.

Supervisory requirements

- Remove the case involvement standard or introduce greater flexibility for it. These are currently far too onerous and heavy in many areas of law and make recruitment difficult. Supervisors are essential to the operation of a legal aid contract, yet experienced practitioners have left the sector and if they can be persuaded to come back, may not meet the case involvement standard. This requires a minimum number of casework hours, in that category, over the last 3 years if working full time or 5 years if part time.
- There should be flexibility that enables more experienced caseworkers to return to legal aid, including reducing the limit needed for casework hours, particularly where someone has been in relevant employment in the intervening period since last doing legal aid (even if not casework, for example, teaching or working in the field in an NGO).
- There should be a way for the LAA to recognise the experience and quality of a supervisor in their work through other means that would allow the supervisor requirement to be met even if certain aspects are not present, for example, a certain type of case conducted in the last 12 months.

Specific changes to remedy the trafficking and modern slavery legal advice crisis

Put in place an appropriate funding model for trafficking and modern slavery cases:

- Immigration legal aid for trafficking and modern slavery cases should be paid on an hourly

basis with rates of remuneration raised to a sustainable level.

Legal aid scope and eligibility:

- Bring the following areas of law into scope of legal aid for all survivors: pre-NRM advice and representation (not dependent on another area of work already falling within the scope of legal aid); advice on trafficking identification including assistance with public order disqualification cases prior to a decision (separate to advice on leave to enter or remain); and advice on the Criminal Injuries Compensation Scheme.
- Survivors of trafficking and modern slavery should receive non-means tested legal aid and this should be evident on the face of legal aid forms and catered for within CCMS applications.

Data collection:

- Collect and routinely publish data on the numbers of survivors who are accessing legal aid including the number of survivors of trafficking and modern slavery that are currently in the National Referral Mechanism and how many are currently without legal aid representation and for how long.

Cross-departmental collaboration:

- Work with the Home Office to reduce the over legalistic processes in the NRM that make it more likely that survivors will get negative decisions if they do not have legal assistance.
- Put in place training for Home Office decision makers in the NRM so they follow the law and guidance when making decisions to ensure that decisions are made right first time and fair processes are followed, for example, encouraging competent authorities to follow the statutory guidance on making sure all “relevant” questions have been asked (rather than just sending generic requests for information) and discussing negative decisions before they are made with key parties in case there is further information that can be provided.
- Repeal Part 5 of the Nationality and Borders Act that has introduced negative changes to identification and leave to remain, and led to more inflexible decision making in practice.
- Ensure that the Home Office makes adjustments for unrepresented people so they are subject to fair decision making processes, for example, allowing interviews in practice for unrepresented individuals who have no way of drafting their own witness statements.
- Remove the time limit and restrictions around how many times a reconsideration request can be made for an identification decision, which introduces unfairness for unrepresented people, but makes cases for survivors even more complex when run by legal aid lawyers.

September 2025