

19 February 2019

The Commission on Justice in Wales

Dear Commissioners

The Law Society's work on access to justice

I am writing to you to provide some further information about The Law Society's work on access to justice issues. The main focus of our work concerns legal aid and the impact of the very substantial cuts in scope and eligibility since 2013 that resulted from the Legal Aid and Punishment of Offenders Act (LASPO).

There have been a large number of reports by different organisations on the impact of LASPO. We believe that the following are amongst the most significant:

The National Audit Office – Implementing Reforms to Civil Legal Aid (2014)

<https://www.nao.org.uk/wp-content/uploads/2014/11/Implementing-reforms-to-civil-legal-aid1.pdf>

The Justice Select Committee (2015)

<https://publications.parliament.uk/pa/cm201415/cmselect/cmjust/311/311.pdf>

The Bach Commission Review - The Right to Justice (2017)

http://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB.pdf

More recently (June 2018) the Public Law Project produced a briefing on the main impacts of LASPO on Wales. The briefing shows that proportionately the negative impact has been greater in Wales than in England.

https://publiclawproject.org.uk/wp-content/uploads/2018/07/LASPOA_briefing_Wales.pdf

The Ministry of Justice is about to publish its LASPO Post Implementation Review. The Law Society submitted a considerable body of evidence to that review. Our priority concerns can be listed as follows:

- Impact of the scope cuts on vulnerable people
- The importance of having access to early legal advice
- Financial eligibility for legal aid and the impact of failing to uprate means test thresholds
- The lengthy and complex procedure for obtaining Exceptional Case Funding
- Insufficient funding for supporting litigants in person
- The need for an independent review of the financial sustainability of legal aid providers.

The professional body for solicitors

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Our main submission of evidence to the MoJ was The Law Society's own review, 'LASPO Four Years On' published in 2017. We also submitted further documents including those on the civil and criminal legal aid means tests and comments from legal aid practitioners obtained via a series of focus groups including one that took place in Cardiff. The full list of documents submitted with links to them can be found here:

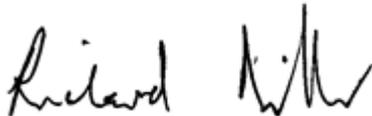
<https://www.lawsociety.org.uk/policy-campaigns/consultation-responses/ministry-of-justice-laspo-part-1-post-implementation-review-law-society-response/>

Additionally, we published a crime duty solicitor 'Age Profile Heat Map' in April 2018¹. This indicates that in five to ten years' time there could be insufficient criminal defence solicitors in many regions, leaving people in need of legal advice unable to access their rights. For example, our data showed that in West Wales and Mid Wales, over 60% of duty solicitors are aged over fifty years old, yet the average for the wider profession is only 27%. There is also a pressing need to find a way of encouraging young solicitors to take up criminal law. The data also shows that there is a dearth of young solicitors entering the profession, notably there is only one criminal law solicitor aged under thirty five in West Wales and in Mid Wales.

For housing advice, provision Wales has declined by almost half from around 60 legal aid provider offices in 2013 to 34 in 2018. We produced a heat map for housing advice provision in England and Wales back in 2106², which illustrated a dearth of legal aid housing provision in large areas of Wales. The map shows that Mid Wales, North West Wales and South West Wales each had only one legal aid provider for housing law. We are about to release updated version in the next few weeks and we will provide you with a copy when it is published.

I hope this information is useful. Please let me know if you have any questions.

Yours faithfully



Richard Miller
Head of Justice

¹ <https://the-law-society.carto.com/builder/85de6858-77ba-4568-b225-41ffeed3b6df/embed>

² <https://www.lawsociety.org.uk/policy-campaigns/campaigns/access-to-justice/end-legal-aid-deserts/>