

## **‘Catastrophic legal aid deserts’ put access to justice at risk**

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The Law Society has published a concerning analysis which reveals “catastrophic legal aid deserts” across the country. The Society has warned “growing numbers” are without access to publicly funded legal advice and that government investment is desperately needed to support the nation’s most vulnerable, as well as to protect the livelihoods of legal aid professionals. Interactive maps illustrate levels of availability for legal aid across the country in respect of issues relating to housing, welfare, education, community care and immigration.

The Law Society warned “stringent and successive” government cuts to legal aid, along with “stagnant” pay for professionals, has led to the lack of support, with those living in areas without a major city worst affected. Society president, Stephanie Boyce, said: “A fair society has a legal system where rich and poor are equally able to access justice. For rights to be real, everyone who is entitled to state-funded legal advice to uphold their rights should be able to get that advice when they need it. Our analysis shows people on lower incomes who face terrifying legal issues from domestic abuse to homelessness or who need to challenge inadequate care or education from their local authority increasingly can’t get the expert legal advice to which they are entitled.”

The analysis reveals that the fees government pays for legal aid provision have not increased for more than 20 years – indeed, fees were cut by a further 10 per cent in 2011. Low pay has forced legal professionals to withdraw from providing legal aid as the work is not economically viable for smaller firms.

The number of criminal aid firms in existence has steadily declined over recent years and recent figures Boyce said were “of grave concern”. She warned: “If this trend continues, in 15 years’ time there could be insufficient numbers of providers with a criminal legal aid contract to represent those accused by the state of serious crimes. Criminal defence is an ageing profession attracting few young lawyers, there are already areas without any duty solicitors available and firms face a talent drain to the Crown Prosecution Service, which prosecutes criminal cases and is able to offer better pay, terms and conditions”.

Since 2011, the number of firms providing family law legal aid has also halved. Boyce commented: “In the family courts there is a worrying rise in the number of litigants in person – people who do not have a lawyer to represent them. These cases often involve children or family disputes and can be distressing for all involved. Many cases that could be dealt with effectively through the early intervention of a lawyer escalate unnecessarily, causing untold misery to those involved and an additional burden on already threadbare courts”. She added: “With evictions on the rise following the pandemic, more people are likely to need urgent legal aid, but 23 million people live in a local authority without a single housing legal aid service, leaving pensioners, families with young children, people with disabilities or on low incomes struggling to access legal advice when they are at their most vulnerable. Anyone trying to resolve a serious housing, family, welfare, care or immigration problem is likely to need face-to-face professional advice urgently – if the nearest legal aid solicitor is in the next county this can be an insurmountable barrier.”

Boyce concluded: “Behind each statistic is a child not getting the education they need, a family facing eviction, fighting for welfare benefits to stay afloat in these turbulent times or a person denied a say in how they are cared for. The government must commit in the upcoming spending review to fund the legal aid system properly so that everyone – no matter their background – has access to legal aid when they are entitled to it. This, with measures to address the huge backlogs in civil and criminal courts, would begin to put the justice system on the long road to recovery.”