

LGFS CONSULTATION POSITION STATEMENT

The Law Society, Legal Aid Practitioners Group, Criminal Law Solicitors Association and London Criminal Courts Solicitors Association oppose any further cuts to legal aid as proposed by the MOJ. The published data cannot be considered in isolation and does not justify cuts in any form. These proposals ultimately pose a threat to access to justice, a fundamental right at the heart of the justice system .

Joint representations have been made to the MoJ and LAA in the following terms;

1. We do not agree that any further cut in fee income is capable of being absorbed by the profession and therefore oppose the imposition of an 8.75% cut across the board or the proposed cap on LGFS PPE.
2. We believe that the imposition of either cut will damage the supplier base and provides a very real threat to access to justice. The net effect of the damage will see an increase in cost to the tax payer thus negating any potential savings.
3. We do not believe that there should be any link between the second 8.75% cut and the LGFS spend;
 - (i) The government's own experts have advised them that the profession could not sustain a second 8.75%.
 - (ii) Oxford Economics have stated that without any further cut the total legal aid spend will continue to fall.
4. We do not support what amounts to a 75% cut in the rates payable to court appointed advocates on the grounds that:
 - a. The MoJ has failed to consider within its impact assessment the effect such a cut will have on the victims of crime or prosecution witnesses;
 - b. The proposed cut will deter firms from accepting this high risk type of work on the grounds that it cannot be undertaken at a profit at legal aid hourly rates;
 - c. The proposal and the risks associated with it runs contrary to the Prime Ministers and Lord Chancellor's stated commitment to protect victims of crime.
5. We believe that it is inappropriate, unfair and unreasonable to require litigators to absorb the impact of the LAA's failure to properly interpret the PPE regulations when the Court was simply correcting an injustice created by the LAA.
6. The nature of cases being prosecuted has changed and it follows that prosecuting such cases will create an increase to expenditure in every department. It is fundamentally wrong to expect legal aid practitioners to absorb this.
7. The increase in LGFS spend cannot be considered in isolation. The number of VHCC cases have decreased considerably together with the spend which has been absorbed into the LGFS payments. All or part of the increase may be attributable to cost cutting and policy change instigated by the LAA themselves.
8. The LAA and MoJ have indicated a desire to restructure LGFS payments in the long term. The consultation renders this task impossible because any restructure would

involve a re-distribution of fees that the LAA and MoJ are seeking to cut. Until such time as the consultation and/or proposed cuts are suspended or withdrawn any long term restructure is superfluous.

9. Any restructure of the LGFS must be cost neutral.
10. Special preparation cannot be used as a substitute for PPE payment.

Any further cut threatens the sustainability of all firms regardless of size or structure. It therefore follows that a line must be drawn as the profession cannot absorb any more cuts.

James Parry, Chair Criminal Law Committee, The Law Society

Jenny Beck and Nicola Mackintosh QC (Hon), Co-Chairs Legal Aid Practitioners Group

Zoe Gascoyne, Chair Criminal Law Solicitors Association

Greg Powell, President London Criminal Courts Solicitors Association

