

## Parliamentary debate on 12 July 2007

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On 12 July 2007, Members of Parliament debated the Constitutional Affairs Committees report on the Carter review of legal aid and the government's recent response.

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The main issues raised by the MP's were as follows:

- The Government's response to the constitutional affairs committees report was wholly inadequate and did not deal with the issues raised by the committee. Although some changes were made as a result of the report, the underlying flaws of the fixed fee system and competitive tendering were not addressed.
- The issue of advice deserts in rural areas has not been addressed by the government.
- The reforms will lead to many dedicated and experienced legal aid lawyers and not-for-profit organisations being forced to leave the market due to the unsustainable loss of income.
- The impact on black and ethnic minority firms has not been addressed by the Government in their response.
- It is accepted that there has been a rise in legal aid spending, however the Government has failed to take into account the 3,000 or so more criminal offences created by recent legislation and the impact of the Human Rights Act.
- The fixed fee system will affect the most vulnerable people in urban inner city areas who will find access to specialist legal advice increasingly difficult to secure.
- The changes are being rushed through by the government without a solid base of evidence and piloting.

- The Government have not tried to discover the cause of the budgetary problem and to deal with it, they have simply adopted an across-the board solution as a quick-fix.
- The reforms encourage cherry picking. The Government has responded by stating that this will be dealt with by enforcing the terms of the contract but it is difficult to see how the LSC will know if firms are cherry picking.
- The fixed fee system will lead to the disappearance of niche practices specialising with particular complex matters or vulnerable clients as suppliers try to vary their case mix to maximise profitability.
- There should be a vote in the House and some radical changes which should be on a much longer timescale so that they can be tested properly and evaluated.

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Maria Eagle, the Parliamentary Under Secretary of State for Justice made the following points at the end of the debate:

- This country spends far more on legal aid than any other European country.
- The taxpayer has a right to expect good value for money. Payment by the hour is old fashioned
- In response to the arguments given in relation to access to legal advice in inner city areas, she stated that the tailored fixed fee system has resulted in some 200,000 more acts of assistance in a year compared to the previous year when hourly rates were claimed.
- Introducing a minimum contract size will have little or no adverse impact on individual BME solicitors. It is accepted that introducing minimum contract sizes will impact on firms that do less work, however the Government has made no decision to do so.

- In relation to advice deserts, 93% of the population live within five miles of specialist legal aid suppliers. There is no evidence of advice deserts. There is the possibility that firms may merge or decide to stop doing legal aid and that is something that will have to be monitored so that advice deserts do not develop.

*Questions were not put to Maria Eagle due to lack of time.*

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