

## Criminal Legal Aid Roundtable – Meeting Summary

Roundtable with the Lord Chancellor – Monday 20 May 2013

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### Summary

- Criminal legal aid lawyers met with the Lord Chancellor on Monday 20 May to discuss the *Transforming Legal Aid* proposals face-to-face with Chris Grayling. The meeting provided opportunity for representatives chosen by local law societies from across England and Wales to discuss their thoughts and concerns directly with Chris Grayling.
- Attendees warned that rural areas would be particularly affected by the introduction of PCT, which would lead to 'solicitor deserts'. One local representative noted that whereas Cornwall alone is currently served by 13 legal aid firms, the Government proposal would see only 10 firms serving the whole of Devon and Cornwall.
- Others impressed upon the Lord Chancellor the impact the proposals would have on quality of legal representation, with financial incentives to plead guilty risking miscarriages of justice.
- In the meeting Grayling attempted to defend the removal of client choice, saying that restricting client choice was necessary in order to guarantee volumes of legal work. Lawyers also feared the changes would fail to deliver savings, saying the new system could end up costing the taxpayer more.
- The government issued details of its plans to introduce PCT for criminal legal aid in its April consultation. The consultation, due to close on 4 June, includes measures to cut a further £220 million from the legal aid budget.

### Lord Chancellor's opening remarks

1. The Lord Chancellor opened by setting out the background to the proposals, stressing that the Government was "committed to tackling the deficit", and therefore had to make "difficult decisions". The Ministry, he said, has only four major areas of spending and legal aid "cannot be exempt".
2. Explaining his rationale for introducing price competitive tendering (PCT) he said: "there is no zero pain way of bring down costs... I recognise that we have a world class justice system to protect, but I believe that the only way to reduce costs is to restructure the supply market." PCT, he argued, compelled that restructuring while reducing costs.
3. Directly addressing the issue of quality, raised by a number of practitioners at the previous meeting, he argued that while he "had to reduce costs by imposing a 17.5% cap on bids" this was not, in his view, "a lowest common denominator process". He had, he said, "no intention of simply accepting the lowest bids regardless of quality", adding that he saw "no role for industrial size providers".
4. He repeated that he has asked the Bar Council and Law Society to consider shaping the quality tests providers must meet in to partake in the process.
5. As at last week's meeting he emphasised that he was open to alternatives that achieved the same level of savings. He said "I will look seriously at other ideas if these can deliver savings".

6. The Lord Chancellor concluded his remarks by emphasising that “this is a genuine consultation” and that “if there are issues, such as client choice, where people have very strong feelings I want to hear them. I am open to discussing choice”.

## **Questions/comments**

### *Bidding areas*

7. Many representatives raised serious concerns about the proposed procurement areas, particular from the perspective of rural areas and areas with unique local conditions. Representatives from Northumbria, Wales, the West Country and the Isle of Wight all suggested that, in the words of Lewis Pearson from Northumbria, “one size does not fit all” and that “local geography means that these proposals will not work”.
8. Eve Taylor, representing the Isle of Wight, raised particular concerns about access to legal advice on the island if the proposed shared procurement area with Hampshire goes through.

### *Timescale*

9. A number of attendees noted that restructuring on the scale envisaged within the short timescale being discussed was, in the words of James Brotherton (Chichester law society) “totally unrealistic”.

### *Funding / Investment / cap on contract value*

10. Several attendees attacked the economic fundamentals of the proposals, stating that after discussions with their banks it was difficult to see how the proposals could work. Phil Goldberg, representing Leeds, argued that expanding to cover the entire procurement area while facing a capped contract value meant his bank “won’t invest in me” and that his “losses would run into the hundreds of thousands”.
11. Trudy McBride, from Cardiff law society, argued that “expense and disruption of restructuring without the confidence of a contract” was foolish. She queried: “who would invest in such an operation?”.

### *Client choice*

12. The restriction on client was, once again, one of the primary concerns raised. Helen Johnson, of Leicestershire law society, argued that the removal of choice would “seriously damage the criminal justice system”. The absence of choice would “lead to a serious breakdown of trust between solicitor and client” leading to “more litigants in person and greater costs in the long term”.
13. Zoe Gascoyne, from Liverpool law society, emphasised to the Lord Chancellor that outside of London most defendants choose their solicitor. In Liverpool, she said, “firms undertake a great deal of own client work based on reputation”, adding that “practically speaking, removal of client choice will end up costing the taxpayer much more”.
14. The Lord Chancellor emphasised that, if (as the consultation seeks views on) clients were allocated by either date of birth or surname, “repeat offenders would be returned to the same solicitor”.

### *Welsh language*

15. Lynda Roberts, representing Gwynedd, tackled the Lord Chancellor on the lack of a Welsh Language Impact Assessment. Chris Grayling responded that the absence was “not intentional” and he and his officials “were alive to the matter”.