

## Legal aid deserts in England and Wales

*The Law Society represents, promotes, and supports solicitors, publicising their unique role in providing legal advice, ensuring justice for all and upholding the rule of law*

### Summary:

Advice on housing is vital for people who are facing eviction, the homeless and those renting a property in serious disrepair. However, almost a third of legal aid areas in England and Wales have one or no housing provider. One provider is not enough. The Law Society is calling for the Government to:

- Commission a second provider in areas that currently only have one
- Commission an independent review into the sustainability of the civil legal aid system

### The issue

Recent data from the Legal Aid Agency (LAA) shows that large areas of England and Wales have little or no provision for housing legal aid services.

Almost one third of legal aid areas have one, and in some areas no, housing provider, including large areas such as Cornwall and Somerset. Two areas, Shropshire and Suffolk, have no provider at all.

The Law Society has developed a [heat map](#) highlighting these shortages. The worst affected areas are:

- South West: over a half of areas have only one provider
- West Midlands: over a half of areas have one or no provider. Shropshire has no provider
- Wales: half of areas have only one provider

### The impact

**Advice on housing is vital for people who are facing eviction, the homeless and those renting a property in serious disrepair.**

Whole geographical areas with just one housing legal aid provider result in a number of problems:

- Families on low incomes cannot afford to travel to see the one provider that may be located many miles away from where they live. This means they are unable to seek essential legal advice, even in the most extreme cases, such as homelessness.
- One firm in a large area may not have capacity to provide advice to those who need it. People requiring legal aid advice for housing issues often need advice urgently and cannot go onto a waiting list.
- Conflicts of interest can arise because one law firm cannot represent both a tenant and their landlord. A conflict can also arise if the firm has been acting for the landlord on another matter, such as a family matter. This would mean the firm would not be able to act for the tenant.

In addition, early legal advice on housing matters can make the difference between people being made homeless or not, and is quicker and cheaper for the family and the state.

**We are calling for the Government to ensure that the LAA commissions a second provider in areas that currently only have one.**

## The context

### Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012

- Major changes were made to the legal aid system by the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, which came into force on 1 April 2013. As a result, a number of areas of law are no longer eligible for legal aid, including many areas of housing. Exception applies to cases where the home is at immediate risk, homelessness assistance, housing disrepair cases that pose a serious risk to life or health and anti-social behaviour cases.
- As a consequence of LASPO, the volume of legally-aided housing cases halved between July to September 2012 and July to September 2013. The drop has continued, with the last reported quarter (Jan - Mar 2016) seeing a 17% decrease compared to the same quarter in the previous year.<sup>1</sup> This does not mean that demand has decreased. The number of tenants evicted from their homes has reached a record high<sup>2</sup> and more than 103,000 children in England spent last Christmas in temporary accommodation, a seven year high.<sup>3</sup>

### Legal aid fees

- Legal aid services are provided by small businesses which need to be economically viable to survive. The fees paid for legal aid have not been increased in line with inflation since 1998-99, which equates to a 34% real-terms reduction.<sup>4</sup> When introducing cuts to legal aid, the MoJ also reduced the fees to legal aid providers by 10% in 2011, without carrying out a study of the sustainability of the market at those reduced fee levels.

**We are calling on the Government to commission an independent review into the sustainability of the civil legal aid system.**

## What you can do

- Write to the Minister of State for Courts and Justice, Sir Oliver Heald QC MP, to highlight the detrimental impact the shortage of housing legal aid providers is having on your constituency, and calling on the Government to support our policy asks to:
  - Commission an independent review into the sustainability of the civil legal aid system
  - Commission a second provider in areas that currently only have one
- Table Parliamentary Questions to bring the issue to the Minister's attention. Please get in touch if you need more information to assist you with this.

### For further information please contact:

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<sup>1</sup> [Legal Aid Statistics England and Wales tables Jan-Mar 2016](#), Table 5.1

<sup>2</sup> Ministry of Justice: Mortgage and landlord possession statistics, January to March 2016

<https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-january-to-march-2016>

<sup>3</sup> Shelter, figures reported in BBC News article, December 2015 <http://www.bbc.co.uk/news/uk-england-35121260>

<sup>4</sup> [National Audit Office: Implementing Reforms to Civil Legal Aid](#) (2014), paragraph 3.20