



Legal Aid reform

Justice for All briefing

Over half a million people will lose out on advice about issues like family, benefits, employment, housing, education and debt problems, according to the Ministry of Justice's impact assessment of its own reforms.

The Government plans to cut the legal aid budget by £350 million. The current legal aid budget is £2 billion – equivalent to just two weeks public funding for the NHS.

Over the past 10 years, funding for civil legal aid has decreased by 24% in real terms. The cuts will fall most heavily on civil legal aid as the budget for advice on social welfare and family legal problems is to be slashed.

What cuts are planned to legal aid?

The Government is consulting on reforms to the Legal Aid system in England and Wales, set out in a Ministry of Justice (MoJ) Green Paper. The consultation is open until 14th February 2011. [Read the Green Paper in full.](#)

The proposals will very seriously restrict:

- what advice legal aid funds
- who can get legal aid

The changes will also make it harder for not-for-profit advice agencies, such as CAB or Law Centres, to make ends meet. The lowest fees for civil and family law advice will all be cut by 10%.

Justice for All believes the government's proposals would seriously damage access to justice, especially for the most vulnerable people.

Join us to campaign to ensure everyone is treated fairly under the law, no matter who they are, how much money they have or where they live.

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Cuts to the advice legal aid funds

Debt advice - Legal aid will only fund debt advice when a person's home is at 'immediate risk'.

Debt advisers know that early advice is cheaper and more effective. This proposal would mean people cannot get help until they are at crisis point.

Education advice - All legal aid funding will be cut, which issues like appeals against exclusions or admissions, out of school provision, bullying, and special educational needs and disability discrimination appeals.

Parents would no longer be able to get legal aid to secure the most suitable education for their child, particularly for children with special educational needs.

Employment advice - All legal aid funding will be cut, except for discrimination cases.

Employers can pay for lawyers to represent them at employment tribunals but ex-employees would have no free legal advice or representation – leaving them at an unfair disadvantage.

Family advice - Legal aid will only fund advice on family problems in cases of domestic violence. In all other cases, legal aid will not fund advice on issues like divorce, contact with children, adoption or family maintenance.

The Government proposes families settle their problems through mediation instead, but there no plans to guarantee access to mediation. Mediation is not suitable in all cases, where families cannot agree a compromise. If one side of a dispute could afford a lawyer, this proposal would leave the other one at an unfair disadvantage.

Housing advice - Legal aid will only fund advice on homelessness or serious disrepair threatening health.

Advice on all other housing issues will no longer be funded through legal aid, including issues like protection for tenants against harassment by their landlord.

Immigration advice - Legal aid will only fund cases where someone is detained or fleeing torture, persecution or otherwise seeking asylum. Advice on issues such as extending visas or applying for British citizenships will no longer be funded through legal aid.

This proposal could split up families, who need to change their immigration status to stay together. As the system is so complicated, it is very difficult to do this without advice.

Welfare benefits advice - all legal aid funding will be cut, including issues like appealing decisions for sickness benefits.

Welfare benefits are complicated, and the people who need them are often very vulnerable, making it harder for them to understand or represent themselves at appeals.

Other advice

Many other specific issues will no longer be funded through legal aid. This includes advice and representation at many types of tribunal against companies or government agencies.

In these cases, companies and government agencies can pay for lawyers, but individuals struggling to get fair treatment could be on their own – sometimes facing large legal teams.

Cuts to who can get legal aid

Legal aid is only available for the people on low incomes and with very few assets. The Green Paper proposes making these people pay more towards their legal costs.

These changes could leave people unable to afford legal aid.

Assets

Everyone will have their savings and assets (such as a property) assessed in full. This will significantly increase the time and money spent on administration.

People on benefits are will no longer be automatically entitled to legal aid and pensioners will be expected to contribute from their savings. People with a low level of assets (between £1,000 and £3,000) will be required to pay for the first time.

Income

People with a disposable income of less than £315 a month will still be entitled to full legal aid. People whose income is above this will be required to pay more towards their legal costs – between 35% and 75% of monthly disposable income.

Disposable income is calculated as your income after tax and housing costs and allowances for your children or other dependents. Many necessary costs may be included as disposable income – meaning people may not be able to afford legal aid.