

AdviceUK Response to the “Civil Legal Aid: Towards a Sustainable Future” Consultation

March 2025

Introduction

AdviceUK is a charity that represents over 650 social welfare advice centres across England, Scotland, and Wales. Our members provide advice on a broad range of issues including welfare benefits, debt, housing, and immigration. Many deliver multiple areas of advice simultaneously, reflecting how legal and social problems intersect in people’s lives. Of these members:

- Around 25% provide debt advice, often under FCA regulation or community-based funding streams.
- A subset (~10%) holds Legal Aid Agency (LAA) contracts; including Disability Law Service, Centre for Women’s Justice, Just for Kids Law, and the Legal Remedy Centre
- Approximately 15% of respondents to the AdviceUK 2025 members survey cited potential changes to Legal Aid as a key upcoming challenge

We welcome the Ministry of Justice’s consultation on raising civil legal aid fees for Housing & Debt (hereafter “Housing”) and Immigration & Asylum (hereafter “Immigration”), as well as exploring changes to certain contractual obligations. This dialogue is long overdue, given that civil legal aid fee levels have not increased since 1996. Our response is informed by extensive consultations with a wide range of stakeholders and Advice UK members—including the Legal Aid Practitioners Group (LAPG), Greenwich Housing Rights, and other front-line legal aid providers—ensuring that our recommendations reflect the real-world challenges faced by the sector.

The proposed principles that inform decision making on civil legal fees generally reflect the needs and views of the sector. We welcome efforts to provide a remuneration rate that will improve staff recruitment and retention, ensure high quality provision and early resolution where appropriate, streamlining the processing and payment of bills and delivering value for money for the taxpayer. However, the LAA may wish to include a statement on delivering services that meet the needs of clients, regardless of their format. Cutting costs cannot be considered more important than service delivery. The Government should ensure that the legal aid market is funded sustainably in the long term. A fee review mechanism should be introduced to regularly uprate fees in line with inflation and cost drivers. The Government must not wait another, near, thirty years to uprate fees.

Below, we present an expanded analysis of the consultation questions, highlighting:

1. **Ensuring true sustainability:** While the proposals mark a positive step, the scale of the uplift may still prove insufficient to address systemic issues, such as severe adviser shortages, staff retention and training issues, escalating costs, and widespread unmet legal need.
2. **Tying fees to actual costs:** A one-time uplift is not enough to cover rising overheads and ensure genuinely sustainable funding. A formal fee review mechanism is critical to keep pace with inflation and other cost drivers over time. We are not convinced that the proposals will deliver the financial viability required for Housing and Immigration civil legal aid providers, as the consultation suggests. Fees must be uprated to deliver genuine financial sustainability to ensure that advisers can continue and improve upon their vital work.
3. **Balancing innovation with client needs:** While remote and flexible models can increase access to legal aid, they should not come at the expense of high-quality, face-to-face advice,

particularly for vulnerable clients, digitally excluded individuals, and those with complex needs. Government should prioritise service delivery models that are best for clients rather than defaulting to remote provision to cut costs.

- AdvicePro, AdviceUK’s data and insights platform, shows a marked rise in the number of clients seeking face-to-face assistance. From March 2024 to March 2025, 233,966 cases involved in-person interactions, including over 38,000 home visits, 16,000 in-person appointments, and 17,000 centre visits. By comparison, there were only 29,671 face-to-face cases in 2021–2022—an uptick that we attribute to the compounding cost-of-living crisis, which has intensified housing insecurity and immigration challenges. This trend reinforces the importance of sustainable, adequately funded legal aid—particularly for vulnerable clients who cannot navigate legal processes remotely.

The Government should ensure robust safeguards to maintain adequate face-to-face provision in all regions, preventing the exclusion of clients who cannot effectively engage remotely.

1) Do you agree with our principles for setting fee levels within civil legal aid?

Answer: Maybe

Reasons:

We broadly agree with the ambition to secure a sustainable market, encourage early intervention, and ensure that vital legal services are paid a fair price. These goals are fundamental to a healthy civil legal aid system.

However, we question whether the principle of “reducing the number of different rates” goes far enough to foster genuine sustainability. True sustainability must be underpinned by fee levels that truly cover providers’ operational costs, including significant unbillable workloads spent on LAA audits and extensive reporting requirements. The principle of paying a fair price should explicitly incorporate these hidden or partially hidden costs.

Additionally, the system must ensure that the specialist skillset in Housing or Immigration work—especially for solicitors handling complex or urgent matters—gets properly rewarded. Where scope is narrowly restricted, such as only covering homelessness or possession in Housing, it creates an under-incentive for prevention-oriented or disrepair casework that would keep households stable.

2) Do you agree that we should increase the fees paid for Housing and Immigration work?

Answer: Yes

Reasons:

Our analysis, based on the Review of Civil Legal Aid (RoCLA)¹, indicates that current fee levels are unsustainable for many providers. RoCLA’s Provider Survey found that a significant proportion of Housing and Immigration providers are operating at a loss, directly undermining their ability to deliver essential face-to-face services.

¹ <https://www.gov.uk/guidance/civil-legal-aid-review>

- Additionally, AdvicePro data (March 2024–March 2025) indicates that face-to-face legal advice remains critical, with over 233,966 cases involving in-person interactions, including home visits (38,273) and in-person appointments (16,376).
- Remote-only legal aid models are often inadequate for clients with limited digital literacy, multiple vulnerabilities, or complex cases requiring urgent intervention.
- Case studies from our member organisations show that contractual pressures forcing providers to shift to remote-only models have disproportionately impacted asylum seekers and tenants facing eviction, reducing access to high-quality legal aid.

Without a meaningful fee increase, legal aid deserts will continue to expand, and more clients will be left without access to justice. Fee levels must reflect the actual cost of delivering sustainable, high-quality legal aid, particularly for vulnerable communities who rely on in-person support.

3) Do you agree that fees for Housing and Immigration work should be increased to a minimum hourly rate of £65.35/£69.30 (outside London/inside London)?

Answer: No

Reasons:

Our response supports a meaningful rate increase after many years of stagnation, noting that the last significant fee adjustment was in 1996. While the proposal to raise the hourly rates to £65.35/£69.30 is a positive step, AdviceUK members have indicated that this uplift may still fall short of covering the real operational costs, particularly for cases of high complexity. Many advice centres report that their overheads—most notably, staff salaries—are artificially suppressed, which in turn hinders recruitment and retention of qualified advisers. Furthermore, our discussions with members, including input from the LAPG, suggest that for many providers, the proposed rate increase will not be sufficient to achieve financial sustainability. To prevent recurring crises, we believe that a one-off uplift is not enough; instead, the Government should establish a regular fee review mechanism—annually or biennially—that adjusts fees in line with inflation, cost-of-living changes and the actual cost of delivering complex legal aid cases. This approach would help ensure that fee levels remain adequate over time and better reflect the true cost of service delivery.

3a) If the fee is already above this rate, do you agree that rates should be increased by 10%?

Answer: Yes

Reasons:

Our position is that for providers who already receive fees above the proposed minimum rate of £65.35/£69.30, a further 10% uplift is warranted to ensure consistency and fairness across the sector. This standard 10% increase is designed to maintain the relative advantage these providers currently hold, preventing them from falling behind due to ongoing inflationary pressures.

It is important to clarify the historical context: significant fee adjustments were last made in 1996, with 10% cuts in 2011. Changes have not kept pace with rising operational costs. Although this question specifically addresses providers already benefiting from higher fees than the new minimum, the 10% uplift serves as a uniform mechanism to ensure that all fee categories—whether they meet or exceed the minimum—are regularly adjusted to reflect contemporary cost realities.

We believe that while a 10% increase is a step in the right direction for these providers, it should be complemented by a “catch-up plus indexation” approach. This would involve periodic fee reviews (perhaps annually or biennially) to fully address the cumulative inflationary shortfall since the last major adjustments. Such an approach would not only safeguard the financial sustainability of providers but also support their capacity to recruit and retain skilled advisers in a competitive environment.

4) Do you agree that the minimum hourly rates for Controlled and Licensed Work should be the same?

Answer: Yes

Reasons:

Having aligned rates for Controlled vs. Licensed Work reduces the current disincentive to undertake early advice or simpler “controlled” matters, which often do not pay enough to cover overheads. Early intervention in both Housing and Immigration can resolve legal issues more cost-effectively than if problems escalate to court proceedings. Aligning rates better incentivises timely assistance.

However, we stress that if these aligned rates remain too low, providers will still struggle to meet real costs. Harmonisation alone does not solve underfunding.

5) Do you agree that our proposed rates will enable legal aid providers to undertake increased volumes of legal aid work?

Answer: No

Reasons:

While the proposed fee increases will ease the financial burden on providers—helping them to manage existing caseloads more sustainably—they are unlikely, by themselves, to lead to a significant increase in the volume of legal aid work undertaken. Many providers are currently operating near or below break-even levels and must rely on cross-subsidies from charitable grants or commercial work, resources that are inherently limited. A 2024 report from Frontier Economics found that 82% of surveyed housing and family civil legal aid providers were loss making.²

Increased fee levels can improve financial viability and reduce some burden on legal aid providers, but to expand capacity and serve more clients, systemic changes are also needed. For example, if the current capacity assessment only requires “one provider per procurement area,” many regions with unmet need will continue to be underserved. For example, the Public Law Project has claimed that south-west England has the largest asylum “advice desert” in the country, where access to legal assistance is severely limited.³ This is despite the fact that the Home Office reported that, in September 2024, there were 4,201 people claiming asylum in the region.⁴ Therefore, while higher rates will ease the operational strain on providers, they do not automatically translate into increased service volume unless accompanied by broader structural reforms that address local demand and resource allocation.

² Frontier Economics, “[Research on the Sustainability of Civil Legal Aid](#),” 9 May 2024.

³ Dr Jo. Hynes and Joseph Summers, “[Immigration legal aid in south-west England: New depths of unmet need?](#)” *Public Law Project*, 17 December 2024.

⁴ Home Office, “[Immigration system statistics data tables](#),” 27 February 2025.

In essence, the proposed rates are a necessary step to ensure providers can maintain quality service delivery under current pressures, but they should be viewed as an improvement in sustainability rather than a direct driver of increased capacity.

6) Do you agree that increases to Immigration should be implemented first?

Answer: No

Reasons:

Both Housing and Immigration legal aid sectors face serious challenges. Feedback from our members and the Review of Civil Legal Aid (RoCLA) indicate that in many areas, both sectors are struggling with provider withdrawals and extended waitlists.⁵ Although Immigration provision has notable regional gaps, the Housing sector is equally affected by insufficient face-to-face coverage and increased demand driven by rising eviction pressures. In August 2023 it was reported that, in England and Wales, landlord possession claims were up by 24% on the same period in 2022.⁶ Given that both sectors are critical to ensuring vulnerable clients receive timely legal assistance, it would be more equitable to implement fee increases concurrently. If a staggered approach is unavoidable, any time lag between the sectors should be minimised to prevent further degradation in Housing services.

7) Do you agree with simplifying the fee system by harmonising the fees identified?

Answer: Maybe

Reasons:

While we welcome the idea of simplifying fee structures as a means to reduce administrative burden and streamline billing processes, we caution that simplification alone will not resolve the issue of underfunding. For instance, standardising the calculation of “travelling and waiting time” at 50% of the base preparation and attendance rate could help reduce errors and administrative overhead—provided that the underlying base fee itself is truly viable. Similarly, aligning “routine letters and telephone calls” fees at the highest current rate could eliminate confusion, but if these rates remain below the actual cost of handling complex cases, the overall financial sustainability of providers will still be compromised. Ultimately, while harmonisation can contribute to improved efficiency, it must be coupled with a mechanism for regular fee review to ensure that all fee categories remain responsive to real operational costs and evolving service demands.

8) Do you agree that we have correctly identified the range and extent of the equalities impacts for the increases in fees for providers set out above?

Answer: Maybe

Reasons:

We agree that raising fees in Immigration will better serve minority ethnic communities, asylum seekers, and other vulnerable groups. Similarly, boosting Housing legal aid can help those facing homelessness or poor housing conditions. This is because these issues disproportionately affect

⁵ Evidence from [RoCLA](#)

⁶ Monidipa Fouzder, “[Rising evictions 'highlight critical need for legal aid'](#),” *The Law Society Gazette*, 11 August 2023.

marginalised individuals. For example, black people are three times as likely to experience homelessness as white people in England and all minority ethnic groups are more likely to experience housing disadvantages than white British groups.⁷ However, we urge the MoJ to further assess how remote delivery expansions might disadvantage people with disabilities, language barriers, or severe mental health conditions who rely on in-person contact. Whilst remote advice is a great option for some individuals with complex needs, for others it is not a viable option. We recommend gathering disaggregated data on how any new changes affect protected groups, ensuring that future reforms address potential disparities.

9) Should we remove or reduce limits to the number of Controlled Work Matters where the client does not attend the provider's office to make an application for Controlled Work?

Answer: Maybe

Reasons:

We appreciate that the consultation seeks to offer greater flexibility for clients who have difficulty traveling, such as those with mobility challenges or who are in areas without a local office. However, we are cautious about completely removing the current 50% threshold without first gathering comprehensive feedback from our members. A full removal could risk a further decline in face-to-face service capacity, which is essential for vulnerable clients who may not have the means or digital skills to access remote advice effectively.

(9a) Providers often report that, due to the current contractual requirements, they are forced to schedule in-person signings for reasons that are purely administrative rather than based on client need. This can reduce overall efficiency and divert resources from cases where a genuine face-to-face interaction is critical. At the same time, strictly enforced limits can inhibit the use of remote processes where they would be more convenient and cost-effective for both providers and clients. The challenge lies in balancing flexibility with ensuring that clients who truly require in-person services are not left behind.

(9b) At this stage, it is difficult to predict a precise quantitative shift in service delivery without further member consultation. Some providers might see a moderate increase in the proportion of cases managed remotely, as the removal or relaxation of limits could allow them to streamline processes where remote sign-up is efficient. However, many providers also emphasise that a significant portion of their client base—particularly those with complex needs, limited digital access, or other vulnerabilities—relies on face-to-face interaction for effective legal support. Consequently, while there might be an increase in remote advice for straightforward cases, we expect that overall service delivery percentages would need to remain balanced to ensure that critical in-person support is maintained. We recommend that any changes be accompanied by flexible guidelines and robust monitoring mechanisms to ensure that the shift toward remote advice does not inadvertently reduce the availability of face-to-face services for those who need them most.

10) When ensuring greater flexibility to provide remote advice, what measures or safeguards would help ensure that clients who need face-to-face are not turned down or de-prioritised?

We believe that rather than imposing rigid mandates on advice centres, it is preferable for funders to collaborate closely with providers to ensure that the service model remains responsive to client

⁷ Professor Nissa Finney, "[Ethnic inequalities and homelessness in the UK](#)," *Centre for Homelessness Impact*, December 2022.

needs. In practice, this could involve funders working with providers to develop flexible guidelines that require them to offer appropriate face-to-face support when a client's circumstances indicate it is necessary. For example, funders might require providers to have a documented process for assessing client needs, ensuring that those with complex communication challenges, disabilities, or other vulnerabilities receive in-person services.

In addition, the LAA and other funders should engage directly with providers to accurately assess the balance between remote and face-to-face service provision. This proactive approach would help identify any emerging gaps in access, ensuring that vulnerable clients are not being underserved. Rather than imposing additional reporting requirements, funders should work collaboratively with providers to understand what service models best meet client needs. For some geographies and demographics, in-person support is essential, while for others, remote or hybrid models may be more effective.

11) Which categories/areas of law do you practice in (drawn on for 9 & 10)?

AdviceUK members work in Housing & Debt, Immigration & Asylum, Welfare Benefits, Community Care, Public Law, and other areas - frequently managing clients' intersecting legal problems. Our answers draw mainly on Housing/Immigration perspectives.

12) Would you want the contractual requirement for permanent office locations to be reduced or removed?

Answer: Maybe

Reasons:

Some not-for-profit providers find it burdensome to maintain a five-day publicly accessible office, particularly if they focus on outreach or serve multiple rural communities. On the other hand, a total removal of the requirement might degrade local in-person services. Already, many advice "deserts" exist, and we risk further closures if offices are no longer required. A more flexible approach—such as a part-time presence or the use of "pop-up" clinics—could reduce cost pressures while still preserving local face-to-face help.

13) Does the requirement for a permanent office provide sufficient flexibility for the availability of civil legal aid advice based on your experience?

Answer: No

Reasons:

Many providers already adopt innovative models, such as using community hubs, shared premises, or rotating clinics, rather than maintaining a single permanent office. Smaller agencies, in particular, struggle to sustain the overhead of a full-time office if footfall is low or if they operate across multiple remote areas. This rigid requirement often results in funds being diverted to underused premises rather than frontline advice, and it can discourage new entrants from joining the sector.

(13a) The financial burden of maintaining a permanent office often means resources that could be better allocated to direct service delivery are instead spent on overheads.

14) If there were a change to the requirement for a permanent office, what measures or safeguards would help ensure face-to-face advice is still accessible?

We propose that instead of imposing additional regulatory requirements on advice centres, funders should collaborate with providers to ensure that flexible service models still meet client needs. We do not wish to mandate new outreach standards or additional quality measures that could burden advice centres further. Instead, funders should support best practice approaches—such as the use of rotating or “pop-up” clinics—by sharing evidence from successful models where these arrangements have effectively provided accessible face-to-face advice without imposing fixed minimum outreach hours. This collaborative, non-regulatory approach would allow providers the necessary flexibility while ensuring that vulnerable clients continue to receive in-person support when needed.

Conclusion & Additional Observations

While we strongly welcome the Government’s recognition of the urgent need to raise fees for Housing and Immigration, we remain concerned that these proposals by themselves:

1. **Offer only a single, partial remedy that does not go far enough to address the financial constraints of the sector:** A robust fee review mechanism is imperative. Without an ongoing approach to keep pace with costs, providers will soon regress into unsustainability. Based on conversations with AdviceUK members working in this field, the fees, as currently proposed, will not make all civil legal aid providers profitable, as is suggested in the consultation.
2. **Must extend to other areas:** The same cost-of-service methodology we advocate for is equally needed for mental health, community care, discrimination, and public law matters.
 - AdvicePro data from 2024-2025 shows a sharp increase in face-to-face legal advice demand, reinforcing the need for sustainable funding beyond Housing and Immigration.
 - Legal aid deserts are worsening, particularly in rural areas and high-rent urban regions. The Government must prioritise face-to-face provision in these areas."
3. **Depend on workforce viability:** Higher fees may help with recruitment and retention, but the system also needs radical simplification of LAA processes, so that unbillable hours do not undermine any fee uplift. Furthermore, the MoJ should consider other opportunities to improve workforce retention and development.
4. **Should preserve in-person access:** We see potential in remote service provision and office flexibilities but caution that a rush towards remote-only delivery can marginalise the digitally excluded or those with complex vulnerabilities.

AdviceUK appreciates the opportunity to comment on these proposals. We would welcome any opportunities to discuss our submission with policymakers and officials to help design a truly sustainable civil legal aid system.