

Civil Legal Aid Consultation Framework

Background information, scope and proposals:

Consultation [here](#).

For England and Wales.

This consultation considers increases to civil legal aid fees for Housing and Debt work, and Immigration and Asylum work. The government is also seeking further evidence on potential changes to some aspects of contractual requirements.

1. Ensure a sustainable housing and immigration legal aid market by remunerating at a rate which allows providers to attract and retain legal aid professionals and enables providers to innovate and try different delivery models.
2. Ensure high quality provision is available to those who are eligible and encourage early resolution where appropriate.
3. Reduce the number of different rates being paid, paving the way for future simplification of the fee schemes which will make it easier for the LAA to maintain their digital systems and reduce the complexity of submitting claims for providers. This is intended to streamline and accelerate the processing and payment of bills.
4. Pay a fair price to incentivise efficient delivery models whilst delivering value for money for the taxpayer.
5. Revisions to Contractual Requirements:
 - Remote Advice Services: The consultation explores the potential for integrating remote advice provisions into standard civil legal aid contracts, aiming to enhance accessibility for clients unable to attend in person.
 - Office Location Flexibility: Proposals include allowing greater flexibility regarding office locations to enable providers to deliver services more efficiently while maintaining quality and accessibility standards.

Proposing a significant increase to the rates paid for Housing & Debt (Housing) and Immigration & Asylum (Immigration) legal aid work. All forms of Housing or Immigration proceedings will receive an increase to fees and overall spend in these categories will increase by 24% and 30% respectively. This is an increase of £20 million a year.

Proposals will increase the hourly rate paid for legal aid work to a minimum of £65.35/£69.30 per hour (non-London/London) and will increase fixed fees proportionately. **Works with our staff retention recommendations**

This follows the [review of civil legal aid \(2023-2025\)](#):

The Ministry of Justice's "Review of Civil Legal Aid," initiated in January 2023, aimed to evaluate and enhance the sustainability of the civil legal aid system in England and Wales.

Key Components of the Review:

1. Economic Analysis of the Civil Legal Aid Market:

- Provider Survey Report (January 2024): Gathered insights from legal aid providers, exploring their motivations, challenges, and the financial viability of offering civil legal aid services.
 - [Market Research Report](#) (November 2024): Looked into demand and supply trends, recruitment and retention issues, and overall market health, providing a detailed analysis of the civil legal aid landscape. – look at for our campaign
2. Comparative Analysis of Legal Aid Systems:
 - An examination of six legal aid systems—Australia, Canada, Finland, the Netherlands, the USA, and Scotland—was conducted to identify effective practices that could inform improvements in England and Wales.
 3. Social Research on User Experiences:
 - This research focused on the experiences of individuals who have utilized civil legal aid services, aiming to pinpoint systemic issues and areas for enhancement from the user's perspective.
 4. Data Publication Workstream:
 - A series of documents were produced, summarizing key information about civil legal aid services, with a focus on changes over time in areas such as housing, debt, immigration, and asylum.

Outcomes:

Culminated in the "Overarching Summary Report," published in January 2025:

Key Findings:

- **Provider Challenges:** Legal aid providers face financial difficulties due to static fees and increasing operational costs, leading to concerns about the viability of services.
- **User Accessibility:** Potential clients encounter barriers such as limited awareness of available services and complex application processes, hindering timely legal assistance.
- **Systemic Impact:** The strain on legal aid services adversely affects the broader justice system, contributing to delays and reduced public confidence.

Recommendations:

1. **Fee Structure Revisions:** Adjust fees for specific legal aid services, particularly in housing, debt, immigration, and asylum law, to reflect current economic conditions and ensure provider sustainability.
2. **Enhanced Accessibility:** Simplify application procedures and increase public awareness campaigns to inform individuals about their eligibility and the availability of legal aid services.
3. **Operational Flexibility:** Incorporate remote advice services and allow greater flexibility in office locations to adapt to modern service delivery methods and reach a broader client base.

4. Collaborative Framework: Foster partnerships between legal aid providers, community organisations, and governmental bodies to create a more integrated support system for clients.

Relevant Questions:

Question 1) Do you agree with our principles for setting fee levels within civil legal aid? Please state yes/no/maybe/do not know and provide reasons.

Question 2) Do you agree that we should increase the fees paid for Housing and Immigration work? Please state yes/no/maybe/do not know and provide reasons.

Question 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)? Please state yes/no/maybe /do not know and provide reasons.

Question 3a) If the fee is already above this rate, do you agree that rates should be increased by 10%? Please state yes/no/maybe /do not know and provide reasons.

Question 4) Do you agree that the minimum hourly rates for Controlled and Licensed Work should be the same? Please state yes/no/maybe /do not know and provide reasons.

Question 5) Do you agree that our proposed rates will enable legal aid providers to undertake increased volumes of legal aid work? Please state yes/no/maybe /do not know and provide reasons.

Question 6) Do you agree that increases to Immigration should be implemented first? Please state yes/no/maybe /do not know and provide reasons.

Question 7) Do you agree with simplifying the fee system by harmonising the fees identified? Please state yes/no/maybe/ do not know. If you would like to give specific feedback on each proposal, please structure your answer as follows:

7a) Feedback on harmonising 'travelling and waiting time' and 'attendance at court, conference or tribunal with Counsel' at 50% of the hourly rate for 'preparation and attendance' in Immigration and Housing and/or;

7b) Feedback on uplifting all 'routine letters out and telephone calls' in Immigration and Housing to the highest value present after the uplift occurs. Civil legal aid: Towards a sustainable future
Proposals for Housing and Immigration fee increases and exploring contract reform 32

Question 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? Please state yes/no/maybe/don't know and give reasons. If possible, please supply evidence of further equalities impacts as appropriate.

Question 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? Please state yes/no/maybe/do not know and give reasons.

Question 9a) Thinking about the limit on Controlled Work applications that can be delivered remotely, in what ways does this affect your ability to deliver face-to-face and remote advice, based on client need? You may choose more than one: i) it is sufficient (explain why) ii) it creates problems (explain why) iii) other (please specify)

Question 9b) If there were a removal or reduction in these limits, do you anticipate that in the areas in which you provide legal aid help and advice, your firm or organisation would: i) Provide more advice remotely? By what approximate percentage? ii) Provide less advice remotely? By what approximate percentage? iii) Not change the overall percentages for your provision of remote advice? iv) Unsure/do not know. Please also provide any data or evidence you may have in relation to your answer.

Question 10) RoCLA evidence included feedback that providers are best placed to determine when clients need face-to-face advice, and where remote advice is appropriate. However, there is a risk that providers may move towards remote advice provision in a way that leaves clients who need face-to-face with difficulty finding a provider. When ensuring greater flexibility to provide remote advice, what measures or safeguards would help ensure that clients are not turned down or de-prioritised, because they require face-to-face?

Question 11) Which categories or areas of law do you practice in (or have experience in), that you have drawn from when answering questions 9 and 10? Civil legal aid: Towards a sustainable future Proposals for Housing and Immigration fee increases and exploring contract reform.

Question 12) Would you want the contractual requirement for permanent office locations to be reduced or removed? Please state yes/no/maybe /do not know and provide reasons.

Question 13) Does the requirement for a permanent office provide sufficient flexibility for the availability of civil legal aid advice based on your experience of client need in any category of law?

Question 13a) Where the requirement doesn't provide sufficient flexibility, in your experience, what is the impact on delivery of legal advice to clients?

Question 14) If there were a change to the requirement for a permanent office, what measures or safeguards would help ensure we meet the need for clients to have access to face-to-face civil legal advice in a safe, private and accessible environment be ensured?

Evidence needed

- How are advice centres funded? Will all of our members benefit from this funding increase?
- Is there anything missing in the proposals? What else should we be calling for? Think about our campaign

Suggested members to contact

Outline of response

Meetings:

Chris minnoch lapg

- Membership body – any professional who provides legal aid – mostly firms who have legal aid contracts
- 70 of auk members are there's too
- Fees are welcome but hard to believe that this is the first step in wider series of reforms
- Gov recognises that advise investment has benefit in wider public policy initiatives – eg. Renters rights and asylum backlog

- Crucial points in cons.:
- Principles (pg 13-14) – real concrete objectives – this is welcome – but working on are these the correct principles? – more interested in the principles than the number
- Lagg gonna be talking about recruitment and retention
- Trying to get worked examples from members on whether the fees are sufficient in meeting objectives
- Can't measure whether the service is effective until you measure the demand – concerned about flexibility offer because they're not thinking about what services are needed for people – will this limit face-to-face
- Legal aid capacity assessment – all areas other than family, no reference to demand – as long as there's one service? They deem that as sufficient
- Cons. Is happy for some providers to not be in profit – not all in profit but “majority”
- One off increase in fees is not enough – needs to be mechanism to increase/review fees at regular intervals
- Look at law society heat maps for evidence
- Laa immigration southwest providers directory – one provider in person but they're saying as long as you can get remote advice from a centre somewhere else in the country that's sufficient
- What are the principles? – real problem isn't the complexity of the fees it's what the fees do and don't cover – lots of work that legal aid providers do that won't be covered
- What do you think about reducing diff number of rates?
- Fees – tables are not predominantly restricted to housing and immigration – likely that this methodology will be used for other areas of advice
- Criminal legal aid review – 15% uplift in fees had no ideology – more interested in methodology than an actual fee/number