

Embargoed until 00.01 25 November 2016

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The justice system is in crisis: a set of minimum standards to which all are entitled must be established - suggests interim report of Bach Commission on Access to Justice

The justice system is in crisis, a report published today argues. Cuts to legal aid have created a two-tier justice system in which the poorest go without representation or advice. Minimum standards which ensure access to justice is a reality for all should be developed and enshrined in public policy.

Commenting on the report, Lord Bach, chair of the Bach Commission on Access to Justice, said:

“Our interim report shows that our justice system is creaking at the seams. The LASPO cuts have produced a crisis in the justice system and the poorest in our society can no longer receive the legal support they require.

This unacceptable state of affairs needs challenging and changing. This report is the starting point in our ongoing work to redesign the justice system so that it works for all. The Commission intends now to turn to working through the policy solutions to fix this crisis.”

“Commenting on the report, Richard Burgon, shadow secretary of state for justice and shadow Lord Chancellor, said:

“Since 2010, the Conservatives have implemented unprecedented cuts to legal aid - putting justice beyond the reach of thousands. There is much of substance in the report, which will be welcome to all those who value the principle of access to justice.

I am particularly excited by the idea of enshrining in law a minimum standard for access to justice. A basic threshold for access to justice has the potential to be a historic advance in our law which could improve the lives of thousands.”

The crisis in the justice system in England and Wales is the interim report of the Bach Commission on Access to Justice, and is the product of a series of oral hearings and a public call for evidence which elicited responses from legal service users, providers, academics and many others.

The report outlines six core problems with the justice system:

- **Fewer people can access financial support for a legal case**
Most cases involving housing, welfare, debt, immigration, medical negligence and family law have been removed from scope, leaving those most in need without legal help.
- **Exceptional case funding has failed to deliver for those in need**
The exceptional case funding scheme, designed to mitigate the effects of cuts to legal aid, has failed to deliver with extremely low levels of take-up.

- **Public legal education and legal advice are inadequate and disjointed**
Support for public legal education continues to decline; the number of not-for-profit legal advice centres fell from around 3,226 in 2005 to 1,462 by 2015.
- **High court and tribunal fees are preventing people pursuing legal claims**
Employment tribunal fees were introduced in 2013, and in the months between October 2013 and June 2014 alone, the number of single cases fell by 67 per cent.
- **Bureaucracy in the Legal Aid Agency is costly and time-consuming**
While the overall budget of the Legal Aid Agency faces major cuts, the administration budget last year increased by £2.1 million.
- **Out of date technologies keep the justice system wedded to the past**
While Canada, the Netherlands and the United States are using new technologies to great effect, Britain is lagging behind.

The report also suggests future direction of travel for the Commission, setting out five areas for future policy work:

- **Establishing a set of minimum standards** for access to justice in England and Wales to which all are entitled, enforced by an independent body
- **Reforming legal aid**, including considering loosening eligibility criteria and changing the way it is administered
- **Transforming public legal education** in schools and throughout life
- **Increasing the availability of legal advice**
- **Increasing technological innovation**

- Ends -

Notes

1. **Contact:** Claire Sewell, media and communications manager at the Fabian Society
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2. Download The crisis in the justice system in England and Wales
3. The report is published by the Fabian Society, who provide the secretariat for the Bach Commission on Access to Justice. The author is Tobias Phibbs and the report represents not the collective views of the organisations involved but only the views of the individual authors.
4. The Fabian Society is Britain's oldest political think tank. Founded in 1884, the Society is at the forefront of developing political ideas and public policy on the left. The society is alone among think tanks in being a democratically-constituted membership organisation, with over 7,000 members. It is constitutionally affiliated to the Labour Party.
5. The Bach Commission on Access to Justice is an independent commission with Labour party backing, chaired by Labour peer Lord Bach. It held its first meeting in January 2016.
6. The Commissioners are: Raju Bhatt, Julie Bishop, Sir Henry Brooke CMG, Joanne Cecil, Andrea Davies, David Gilmore, Nick Hanning, Laura Janes, Andrew Keogh, Nicola Mackintosh QC, Carol Storer OBE, Bill Waddington.