

Justice Committee

House of Commons, London SW1A 0AA

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Rt Hon. Rishi Sunak MP

Chancellor of the Exchequer

HM Treasury

By email only

Cc: Rt hon. Robert Buckland QC MP; Mel Stride MP, Chair, Treasury Committee

8 April 2020

Dear Rishi

The Justice Committee yesterday took evidence from the Lord Chancellor and Secretary of State for Justice, during which session various questions were raised relating to the long-term viability of sections of the legal professions owing to the diminution of court-related work, including legally aided proceedings resulting from the Covid-19 coronavirus outbreak.

It was clear that the Lord Chancellor and officials in his Department and in agencies such as the Legal Aid Agency are working hard on finding solutions to the immediate cash flow problems faced by both solicitors and barristers in both the private practice and not-for-profit sectors of those professions. It is also apparent, however, that there is a substantial potential risk to access to justice for court users who require legal advice, including some of the most vulnerable people in our society when it comes to family, civil and criminal cases.

In a submission to our Committee, the Bar Council reports:

The Bar Council has conducted a survey which shows that 67% of criminal chambers cannot survive three to six months without financial aid and 90% cannot survive 12 months, without additional financial support. 60% of criminal sets have already furloughed clerks or other staff, and more are likely to. The situation could not be much bleaker for a profession that is essential to upholding the rule of law and access to justice for the public.

In addition to that, the Bar Council notes that junior practitioners, with little track record to demonstrate earnings, and those returning from parental or caring leave to the profession recently will be particularly vulnerable. Similar issues face solicitors, particularly those who have worked in the family, civil and criminal legal-aided sector. Since those cohorts represent both valuable diversity within the legal professions and the future of those professions, this has particularly alarming implications for future access to justice, one of the foundations and jewels of our democratic society.

We are aware, of course, that financial pressures from all sectors of the economy will press upon the Treasury in the weeks, months and years to come, but write to support whatever efforts the Lord Chancellor will be making to secure necessary additional funding to ensure the viability of firms and individual practitioners whose work has, in the words of one of our Members, 'dropped off a cliff' in the past three weeks.

The assistance package already announced by the Ministry of Justice and the Legal Aid Agency is welcome, including expansion of the scope and relaxing the evidence requirements for hardship payments in crown court cases; aligning legal aid fees for First Tier Tribunal immigration and asylum appeals with HMCTS' move to an online system for these cases; halting pursuit of debts owed to the Agency.

We would hope that other such schemes as providing, for example, monthly average incomes to those who can demonstrate a track record in providing routine legally aided services might be considered carefully.

And we would hope that the Treasury will be sympathetic to the further proposals the Lord Chancellor has committed to developing in consultation with the industry as necessary requests for future funding are made.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Neill', with a large, stylized initial 'R'.

Sir Robert Neill MP

Chair

Justice Committee