

Legal Services Commission Response to EU Stockholm Programme 16 September 2009

Introduction

1. The Legal Services Commission (LSC) is a non-departmental public body sponsored by the Ministry of Justice (MoJ). The LSC is the biggest single purchaser of legal services in England and Wales, indeed the world; with an annual spend of £2.1 billion. We are responsible for the delivery of civil and criminal legal aid and the development of community legal services.
2. The LSC is responding to the proposed work programme because it is a significant stakeholder in both the civil and the criminal justice systems delivering through approximately 4400 contracted firms of solicitors, 400 not for profit organisations and the Independent Bar legal advice, assistance and representation to those facing legal problems, criminal investigation or charges. This is achieved through the Community Legal Service, Community Legal Advice, advice networks, the Criminal Defence Service (CDS) as well the directly employed Public Defender Service (PDS) and CDS Direct, a telephone advice service to those being questioned by the police.
3. Our budget and services are subject to any change in policy and practice that could have the potential to affect future LSC expenditure. All government departments are required to undertake a Legal Aid and Justice Impact Test with MoJ to identify any pressure on the LSC expenditure.

Response

4. The LSC notes with interest the proposals contained within the paper. The proposals are at a high level; hence, we are unable to provide specific comments. However, we would like to point out that any change in policy that increases the complexity the justice system would potentially increase the overall strain on the legal aid fund. The paper indicated that an overall strategic aim for the next 5 years is an extension of jurisdiction; this will increase costs of those cases affected.
5. For example, the proposals relating to terrorism will increase the complexity of these cases which are already amongst the most expensive of those that we fund.
6. However the LSC welcomes the proposals relating to increasing the efficiency of the criminal justice process. We note with interest the proposals to investigate the possible use of remote interpreting by videoconference. The LSC has been involved with the Metropolitan Police project that is exploring the same idea and agrees that such an approach has a significant impact on the overall efficiency and effectiveness of the process.
7. We note that the plan seeks to achieve a 'codified' or common approach to both legal immigration and asylum law/procedure. The effect of this will be a mutual recognition of an immigrant's status amongst member states. These individuals will have 'rights' equivalent to European Union (EU) citizens. All of these may have impacts on the legal aid funding. There may be an additional impact on social and welfare law legal aid should these individuals settle within England and Wales.

8. There is also a discussion on detention of immigrants. Again, there may be an impact on legal aid funding depending on how they are developed.
9. We note that there are proposals to develop the rights of the child and provide greater protection to the victims of domestic violence. The LSC has made great progress in meeting government's objectives in this area and is continuing to develop its policies. These will clearly be influenced by the development of the EU programme in this area.

I hope that you find this response useful. If you have any queries about its contents, please do not hesitate to contact Tim Collieu, Head of Policy External Communications at tim.collieu@legalservices.gov.uk.

We look forward to working with the Ministry of Justice and the Commission of the European Communities in further developing these policies.

Yours sincerely

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Legal Services Commission