

**LETTER FROM LORD FALCONER, SECRETARY OF STATE FOR
CONSITUTIONAL AFFAIRS**

FOR PUBLICATION

20 October 2006

Sir,

The Government's position on fixed and graduated fees is clear (see [2006] *Gazette*, 19 October, 1).

The LSC and DCA have received about 2700 responses to the Consultation Paper and quite a number of these refer to the proposals on fees for child care and family private help.

I'm pleased so many people took the trouble to respond.

We remain committed to fixed and graduated fee structures. But of course these need to be appropriate to the nature of the work. We want providers to be able to do the most effective job and to have incentives related to this. And we certainly need an effective supply base. We will be revising the proposals for child care and family private help cases shortly to these ends.

Legal aid is not under-funded, but it is not being delivered as effectively as it should be. Therefore, we need to bring these reforms in as quickly as possible, subject to getting them right. The money available for legal aid is limited and the longer they take to introduce, the more will existing cash pressures be an issue that cannot be dodged.

We have been envisaging that it would be much better to move to introducing the fixed and graduated fees well in advance of moving to full competition in 2009 - and that remains our expectation. However, as I have said, if it were regarded by providers as preferable to move to both simultaneously at an intermediate date, we could consider that.

Yours faithfully

Lord Falconer