

All About Legal Aid

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What is legal aid?

About legal aid

The government provides funding for legal aid to help people:

- protect their basic rights and get a fair hearing
- access the court process to sort out disputes
- solve problems that contribute to social exclusion.

The LSC runs the legal aid scheme in England and Wales. Our work is overseen by the Ministry of Justice and the annual legal budget is set by the Treasury.

Community Legal Advice is our helpline offering free, confidential and independent legal advice. Further information regarding Community Legal Advice is contained within the trainee information pack or can be found at the following website: <http://www.communitylegaladvice.org.uk/index.jsp>.

Helping people access legal help

We use our annual budget of £2 billion per year to help around two million people access legal help each year.

Through our legal aid schemes we fund solicitors and advice agencies to:

- advise people on their legal problems (such as family breakdown, debt and eviction)
- help people understand their rights and the law
- advise people detained in police stations
- if necessary represent people in court.

Our objective is to help as many eligible people as possible, within a limited budget. Legal aid is fundamental to social justice.

The LSC looks after legal aid in England and Wales. The Scottish Legal Aid Board and the Northern Ireland Legal Services Commission run the system in those countries.

Why legal aid is important

What is social justice?

Our work is fundamental to social and legal justice. In a democratic society all citizens have a right to access justice and get a fair trial.

Many people struggle to understand their legal rights and obligations. They often feel helpless when faced with problems. Without help they are unable to resolve these issues.

The LSC helps people understand their legal obligations and if necessary enforce their legal rights. Our work protects people's rights, ensures they get a fair trial and helps them play a fuller role in society.

Facts and figures

In any given year legal problems such as divorce, eviction or debt will be experienced by:

- 1 in every 4 people
- 1 in 3 long-term sick or disabled people
- 1 in 2 unemployed people
- 1 in 2 lone parents.

The LSC funds legal advice and representation to people held in police stations, under investigation or facing criminal charges.

Of those people held in police stations:

- nearly 1 in 4 are held for more than 24 hours
- 1 in 5 are aged 16 or under
- 1 in 4 are considered vulnerable
- just over half of those held are charged
- no further action is taken with 1 in 5 cases.

In a typical year our legal aid funding will help:

- over 250,000 people involved in family disputes
- over 90,000 people struggling with debt
- around 130,000 people with their housing problems
- around 20,000 people suffering domestic violence
- over 90,000 people get the welfare benefits they are entitled to
- people held at police stations on more than 800,000 occasions
- ensure representation for people involved in more than 620,000 magistrates' court appearances.

A total of two million people.

What are we doing?

We work with our partners including solicitors' firms, advice agencies and local authorities to make sure that people across England and Wales get the help they need.

The LSC:

- provides help through 5,400 solicitors' offices and not-for-profit advice agencies
- funds 5,578 Duty Solicitors to provide advice at police stations and Magistrates' Courts every hour of every day
- gives people easy access to information and advice through the Community Legal Service Direct telephone helpline, website and information leaflets
- provides direct help to the public through the Public Defender Service, our own network of specialist criminal solicitors.

Our wide network of partners includes:

- the courts
- National and Local Criminal Justice Boards, Youth Offending Teams and prisons
- GP's surgeries and women's refuges
- local authorities
- the National Offender Management Service.

Legal aid information leaflets

Our eight information leaflets give practical information on civil and criminal legal aid. They explain:

- how and when you can get legal aid
- LSC policy and procedure on various issues.

You can view or download the leaflets from our website. The table explains what you'll find in each.

Leaflet	Description
A Step-by-Step Guide to Legal Aid, Help with paying for civil cases (LSCG2)	This leaflet explains how the LSC funds civil legal services. It replaces The 'Practical Guide to Community Legal Service Funding by the Legal Services Commission' leaflet PLEASE NOTE: The gross income figure on page 5 is incorrect and should now read £2530, not £2435. An updated version of the leaflet will be available soon. Apologies for any inconvenience caused.
A Practical Guide to Criminal Defence Services (LSCIL2E)	This leaflet explains how the Criminal Defence Service works.
Criminal Defence Services at the Police Station and in Court (LSCIL3E)	What rights people have to legal advice, assistance and representation if they are taken to a police station for questioning or charged with a criminal offence and required to appear in court.
Paying for Your Legal Aid (the Statutory Charge) (LSCIL4E)	Explains when you might have to repay your legal aid and how to do it
Complaints: How to complain to the Legal Services Commission (LSCIL5E)	This leaflet explains how you can complain if you feel something has gone wrong. PLEASE NOTE: The Freepost address on this leaflet is now invalid. Any complaints should be sent to Central Customer Services Unit, Legal Services Commission, 11th Floor Exchange Tower, 2 Harbour Exchange Square, London E14 9GE. A new version of the Freepost form will be available shortly.
Representations (LSCIL6E)	What happens if you think somebody has incorrectly been granted a Community Legal Service Funding certificate
Special Investigations Unit (LSCIL7E)	What measures the LSC may take to ensure that legal aid payments are assessed on accurate financial information
Access to Information (LSCIL9E)	How you can find out what information the LSC holds about you and how to access official information that we keep on record

Leaflets about key areas of the law

Independent experts have written a series of leaflets that provide basic information on key areas of the law. They are about issues that affect people's everyday lives such as:

- dealing with debt
- divorce and separation
- dealing with the police
- education.

The leaflets are written clearly and simply to help readers understand how the law applies and where they can go for further help. They are updated regularly to ensure that the information remains accurate and relevant.

The leaflets are on the Community Legal Advice website. All are available in English and Welsh. Some are available in a number of other languages.

Ordering printed copies

To order copies of these leaflets please fill in the order form under Documents or contact our distribution agency at:

Legal Services Commission

PO Box 386

Hayes

Middlesex

UB3 1WY

Tel: 0845 3000 343

Fax: 020 8867 3225

Email: LSCLeaflets@ecgroup.co.uk

For more information

Queries or comments about the leaflets can be directed to:

Gordon Isaacs

Community Legal Advice

Email: gordon.isaacs@legalservices.gov.uk

About our legal aid schemes

What is the CLS?

The Community Legal Service (CLS) is a network of LSC-funded advice providers. This civil legal aid scheme helps people to protect their rights.

Civil law is the section of the law that deals with disputes between individuals or organisations. Rather than any sentence, custodial or otherwise, the end result is usually financial compensation.

People experiencing social problems often need legal advice in areas such as relationship breakdown, debt, housing, domestic violence and benefits.

Help is also available for asylum and immigration, education, employment, mental health and community care issues.

This type of help might be providing information leaflets or directing people to other services such as debt counselling or mediation. Civil legal aid is also available for specialist advice and taking cases to court where necessary.

Civil legal aid can fund:

- initial advice and assistance with any legal problem
- a solicitor who can speak on someone's behalf at court hearings without formally representing them
- help and advice on family disputes, including assistance with family mediation
- legal representation in court proceedings.

It can also support funding of some private cases including multi-party actions.

What is the CDS?

The Criminal Defence Service (CDS) use criminal legal aid to help people who are under investigation or facing criminal charges.

By ensuring that people accused of crimes have access to legal advice and representation, the CDS also helps the police and courts operate fairly and efficiently.

Criminal legal aid can offer:

- advice and assistance from a solicitor on criminal matters
- free legal advice from a solicitor at the police station during questioning
- the cost of a solicitor preparing a case and initial representation for certain proceedings at a magistrates' or Crown court
- full legal representation for defence in criminal cases at all court levels
- a duty solicitor to provide free legal advice and representation at magistrates' court.

How legal aid is changing

Making sure legal aid is there for those who need it most

Legal aid has been around since 1949. In 2006/07 we helped more than two million people access legal advice.

But the growing demand for help and the fact that our budget is limited means fundamental change is necessary. We need to make sure that legal aid remains available to all who need it.

To do this we are transforming the way we deliver legal services by:

- working only with providers whose commitment and quality we trust
- changing the way we pay providers so we can control our budget
- transforming ourselves to cut administration costs and become more efficient.

What do these changes mean for legal aid clients?

Legal aid clients are central to [our vision](#). Our transformation programme will:

- make more money available for civil legal aid (eg housing, debt and family problems)
- ensure that our funding is being spent in parts of the country and areas of law where it is most needed and can most make a difference to peoples' lives
- provide a joined-up service for clients through our [integrated social welfare law centres and networks](#)
- help the maximum number of eligible clients possible within our fixed budget.

What other benefits are there for clients?

Other benefits you will notice include:

- cases will be shorter as solicitors and advisors will be able to make their own decisions
- less form filling
- more information early on in the case about how much you may be expected to pay back or gain back
- a stronger relationship with your solicitor or advisor
- with less LSC involvement your case can be treated more like that of a private client.

For more information

Visit the [About us>Transforming legal aid](#) pages to read more about how what these changes mean for legal aid providers.

The story of legal aid

How it came about

William Beveridge's 1942 report 'Social Insurance and Allied Services' recommended fighting five 'giant evils': want, disease, ignorance, squalor and idleness.

This led to the four pillars of the welfare state:

- the National Health Service
- universal housing
- state security (benefits)
- universal education.

The importance of access to justice and the right to legal representation was recognised by the Rushcliffe Committee in 1945. Its recommendations led to the setting up of the first legal aid scheme.

Legal aid was looked after by The Law Society, the professional body that regulates and represents solicitors. The Legal Aid Board was set up in 1986 to process applications from solicitors for legal aid and pay the bills they sent in.

The Access to Justice Act 1999 created the LSC and replaced the Legal Aid Board on 1 April 2000.

The legal aid timeline

- 1994: the introduction of franchising, the first quality assurance for legal aid providers
- legal aid door opened to Not for Profit (NfP) agencies: this supported services such as welfare benefits and debt traditionally left to the voluntary sector
- October 1997: Lord Chancellor (Lord Irvine) describes the future of the Community Legal Service (CLS) asking the Legal Aid Board to prepare proposals for providing all civil advice and assistance under contracts
- July 1999: the Access to Justice Act 1999 put a reformed scheme into place that promoted and developed services that could be delivered within a controlled budget and targeted according to need
- it also replaced the Legal Aid Board with the LSC and gave us the power to develop and maintain the CLS and the CDS
- 1 April 2000: launch of the Quality Mark meant only contract holders could carry out civil legal aid work - contract awards are dependent on meeting our quality standards
- 1 April 2001: the CDS now delivers criminal legal aid to ensure that people suspected or accused of a crime have access to advice, assistance and representation.

Recent developments

Legal aid has come under increasing public and political scrutiny. Our system is the most comprehensive scheme anywhere in the world and certainly the best funded. The government cannot keep increasing the money spent on legal aid.

To make sure that legal aid is kept for those who need it most we are transforming the system.

Latest developments include:

- in 2006 a new Ministerial post dedicated to the reform of legal aid was created
- Lord Carter of Coles published his independent review of legal aid procurement in July 2006

Working in legal aid

Why work in legal aid?

Working in legal aid provides the opportunity to make a real difference to people's lives.

Access to good quality legal advice is essential for the most vulnerable and excluded people in society. Without it many risk losing their home, their income or their freedom.

Legal aid work provides a worthwhile, interesting and rewarding career.