

**Legal Services Research Centre Conference
30 June 2010**

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Opening address by Sir Bill Callaghan, Chair of the Legal Services Commission

Welcome. My name is Bill Callaghan. I chair the Legal Services Commission of England and Wales. This is now the 8th International research conference held by the Legal Services Research Centre or LSRC.

It is pleasing to see that so many of you are back again having attended previous conferences. It's a testament to the high quality of the research and debate delivered here, and its relevance to the effective delivery of legal aid. For those who are new delegates, a very warm welcome to you and I hope that you will enjoy the conference and benefit from the papers that will be delivered over the next three days.

For the many international guests amongst us, it is a great pleasure to have you involved. We have delegates from 16 countries and representatives from every continent with the exception of Antarctica! And I'm especially delighted to welcome from South Africa, members and researchers from the Legal Aid Board. South Africa has done a fantastic job in hosting the World Cup soccer. I wish I could say the same about the performance of the England team.

You've come here to this conference from around the world because all of you care about justice and about the role research plays in informing policy and in promoting and safeguarding our justice systems. Despite differences in our justice systems, administrative mechanisms, levels of eligibility and schemes of funding, all of us here share much in common.

As policy makers, policy administrators and policy researchers, we all share the need for public understanding of the role of the law and justice in our societies.

The need for fairness: fair access to the law, not just for those who can afford it but for those most in need. Fairness for those who don't understand the law's complexity and for those who are victims of injustice.

We all share the need for independence and impartiality of the law. Free from interference by government and applied without fear or favour to all citizens. And we share, perhaps now more than ever, the pressing need to get value for money. It is in times like these that good research is more important than ever.

And by 'good' I mean useful. The kind of research that shows the impact of changes to our justice system on legal aid providers and most importantly the users of legal aid. The kind of research that gives genuine insight into behaviour and which enables policy makers to make tough choices with good information like: where to focus resources; how to balance or prioritise competing areas of expenditure; how to get the best from the resources we have.

The kind of research that opens up new opportunities to innovate. This is our central objective – producing research that's useful and practical for policy makers – and it's the theme of this conference.

Here in Britain, you may know that the new coalition Government has recently announced 25% cuts in the budgets of most of its major spending departments in a bid to bring down public sector debt. That includes the Ministry of Justice, the department that oversees prisons, the courts and legal aid.

The Legal Services Commission's legal aid budget is £2.1 billion - almost a quarter of the Ministry's total budget. The Justice Secretary has announced the start of a fundamental look at the legal aid system. Indeed, I have come this afternoon from a meeting with his policy officials and the Commission's Board to discuss the work. I cannot anticipate the outcome but the Government will be

looking at ways to make the system more efficient, while ensuring that it continues to provide necessary access to justice for those who need it most.

One option that's not being discussed is staying the same.

One change I can say which seems likely to happen is in the organisational relationship between the Legal Service Commission and the Ministry of Justice. Late last year, the previous government asked an eminent public servant, Sir Ian Magee, to carry out a review of the Legal Service Commission's role and functions. He recommended that we change from being a Non Departmental Public Body to become an executive agency of the Ministry of Justice.

The new government has recently indicated that it is minded to follow Sir Ian's recommendation. If so, we would expect legislation to go before Parliament later this year.

Whatever the eventual status of the Commission, whether we are an agency or a Non Departmental Public Body, my view is that relationships are by far the most important element.

Ministers will continue to set the policy direction of legal aid. We will continue to deliver legal aid operationally. The criminal courts will continue to grant legal aid to defendants providing the necessary independence from Government. If we do become an agency, we will need to ensure a similarly robust and independent system is in place for the granting of civil legal aid applications. Whatever the final outcome, I am determined to ensure that there will continue to be a good working relationship between the Commission and the Ministry.

These sorts of change – negotiating the obstacles we face and choosing a path forward – are not unique to England and Wales. Here, as in your countries, decisions like these are made easier by good research which informs policy.

My background is working as the Chief Economist of the Trades Unions Congress and in that capacity I helped the Economic and Social Research Council (a public body that funds research) to ensure that it took account of users of research and not just academic views.

In a similar vein, I was a founding member of the Low Pay Commission that helped introduce the National Minimum Wage in the UK in 1999. This was a controversial issue and highly charged politically. The Low Pay Commission, comprising members from business, trade unions and academia, looked hard at the existing evidence, commissioned new studies and talked extensively to low paid workers and the jobless as well as to more formal representative bodies. Our evidenced-based approach ensured that the Minimum Wage was introduced at a level that did not have an adverse impact on employment.

So, colleagues, I am a big fan of evidenced based policy making and when I joined the Legal Services Commission in 2008 I was glad to see that approach entrenched, particularly through the work of the LSRC. Recent examples of the LSRC's policy relevant work include its research on police station advice which demonstrated the significant misconceptions people have in relation to the availability of free and independent advice following arrest. One simple but practical consequence was a range of new posters and leaflets for police stations and courts that tackled some of the misconceptions around – for example, the belief that asking for a solicitor was a 'sign of guilt' and that the legal aid funded duty solicitor worked for the police. And of course, the LSRC has just published research on Community Legal Advice Centres and Networks of which you will hear more tomorrow.

There clearly is an opportunity for research to drive changes in policy and changes in the way we all deliver justice, and for this reason, conferences such as this are crucial in providing insight into emerging research from leading academics and policy makers from around the globe.

Colleagues, no one can pretend that the current fiscal climate is an easy one. However, I strongly believe that the current review should be seen as an opportunity and not as a threat.

It would be hard to argue, in this country at least, that the legal aid and justice system is the 'best of all possible worlds' and that there is no scope for greater efficiencies and use of new technology. Though there may be some legal Dr Pangloss's about.

Good and useful research can and should help policy makers ensure that we concentrate resources on the poor and disadvantaged who need legal aid most.

I would like to hand over to our chair, Dr Nicky Padfield, to open the first session on 'upholding rights'. I hope I will have an opportunity to speak with some of you after the plenary session at the reception. But not before I ask you to join me in thanking the LSRC for their organisation of this event.

Ends

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