

Legal Aid Reform: The Way Ahead

Summary of the reforms and changes from consultation proposals

Criminal legal aid schemes

Police Stations

- fixed fees introduced in October 2007

Consultation proposal – fixed fees introduced in April 2007

- fees reconfigured according to the new boundary areas to allow for sensitivity to local conditions

Consultation proposal – fees set by Criminal Justice System area

- fees will include travel and waiting
- best value competitive tendering introduced by October 2008 (further consultation will take place in summer 2007)

Consultation proposal – best value competition introduced from 2009/10

- new boundary areas consulted on in early 2007

Consultation proposal – consult on new boundary areas by January 2007

Magistrates' Courts

- revised standard fees, which include an element of travel and waiting, will be introduced in main urban areas from April 2007 (detailed arrangements announced in early December 2006)

Consultation proposal - revised standard fees, which include an element of travel and waiting, introduced for everyone in April 2007

- the feasibility of introducing graduated fees in April 2008 will be carefully considered nearer the time given that best value competitive tendering will now be introduced by October 2008

Consultation proposal – develop a graduated fee scheme for introduction in April 2008

- the feasibility of introducing alternative payment arrangements for assigned counsel from April 2008 will be carefully considered nearer the time given that best value competitive tendering will now be introduced by October 2008

Consultation proposal – consider the issue of assigned counsel in magistrates' courts and implement changes in April 2008

- best value competitive tendering introduced by October 2008 (further consultation will take place in summer 2007)

Consultation proposal – best value competition introduced from 2009/10

Crown Court

- revised graduated fees scheme for advocates introduced in April 2007

Consultation proposal – revised graduated fees scheme for advocates introduced in April 2007

- litigators graduated fees introduced in October 2007

Consultation proposal – litigators graduated fees introduced in April 2007

- a single graduated fees scheme that will be subject to best value tendering and combines fees for both litigators and advocates, will be introduced by October 2008

Consultation proposal – DCA/LSC should consider harmonising the separate litigation and advocacy graduated fee schemes into a single graduated fee for implementation as soon as possible after 2009

Minimum Contract Size for Criminal Work

- The decision on where to set the minimum contract size for criminal work will be made early in 2007 when we are clearer on police station boundary areas

Very High Cost Cases in the Crown Court

- a panel of Very High Cost Criminal Cases (VHCCCs) suppliers will be introduced in October 2007. Detailed proposals on the qualification and selection process for the VHCCC panel will be the subject of further consultation in the New Year

Consultation proposal – a best value tendering panel of Very High Cost Criminal Cases (VHCCCs) suppliers will be introduced by October 2007

Civil legal aid schemes

Unified Contract

- Standard terms introduced in April 2007 - will allow for a minimum income level to be introduced in the future
- Contract specification will remain largely in current form until the introduction of the new fee schemes in October 2007

Consultation proposal – unified contract with a fixed minimum income level of £25,000 or £50,000 introduced in April 2007

Harmonisation of solicitor legal aid rates for county court and Family Proceedings Courts – private family law

- rates to be harmonised from April 2007, in advance of the introduction of the Family Help private scheme in October 2007 and the new Family Private Representation scheme in April 2008

Consultation proposal – harmonise rates for both county court and Family Proceedings Courts from April 2007

TFF Replacement Scheme

- TFF Replacement Scheme will be implemented from October 2007 for both solicitors and for the not-for-profit sector

Consultation proposal – TFF Replacement Scheme implemented in April 2007

- national fixed fees to replace TFFs

Consultation proposal – TFFs to be replaced by national or regional fixed fees

- escape threshold – where cases are paid at the hourly rate – set at three times the fixed fee

Consultation proposal – escape threshold set at four times the fixed fee

- fixed fees set using full 2005/06 data and include nfp costs

Consultation proposal – fixed fees set on average TFF payments to solicitors for the first 8 months of 2005/06

- fees for tolerance work based on the average cost of these cases (in some categories this will mean that the tolerance fee is more than 15% less than the fixed fee, in other categories less than 15%)

Consultation proposal - fee for tolerance cases will be 15% less than the appropriate fixed fee

- NfP's will be paid the same fees as solicitors from October 2007 - transitional arrangements are unnecessary given the nature of fees to be implemented and improvements already achieved in nfp performance

Consultation proposal – transitional arrangements for nfp's if fixed fees introduced in April 2007

Care Proceedings Graduated Fee Scheme

- revised Care Proceedings Graduated Fees (consultation on which will take place in early 2007) – apart from advocacy - implemented in October 2007

Consultation proposal – Care Proceedings Graduated Fee Scheme introduced in April 2007

- single standard rates for advocacy work (covering both solicitors and barristers), encompassing a review of Family Graduated Fees Scheme for barristers, implemented in April 2008 (consultation will take place in the early summer of 2007)

Consultation proposal – no current plans to amend the Family Graduated Fees Scheme for barristers

Family Law – Private

- revised graduated fees (consultation on which will take place in early 2007) implemented in October 2007

Consultation proposal – graduated fees introduced in April 2007

Immigration & Asylum

- Graduated Fee Scheme and proposals for services excluded from the scheme delayed until October 2007

Consultation proposal - Graduated Fee Scheme and exclusive contracts or exclusive panels for the services excluded from the scheme e.g. services at/for Asylum Screening Unit, detention centres and Unaccompanied Asylum Seeking Children implemented in April/ October 2007

Mental Health

- Graduated Fee Scheme being reviewed in light of responses with implementation postponed until October 2007. LSC will publish details of new scheme in early 2007

Consultation proposal – Graduated Fee Scheme implemented in April 2007