

## **Justice Imperilled**

In 2010 annual expenditure for the civil and criminal justice system stood at approximately £2bn per annum, which equates to the cost of running the NHS for a fortnight. Spending was falling and was not spiralling out of control. Now, after two years of an unprecedented programme of cuts, the level of spending is down to approximately £1.5bn per annum.

The effect of the cuts is reflected in eye watering statistics. From 2012-13 to 2013-14 debt cases fell from 81,792 to 2,423 and in clinical negligence from 2,859 to 114. In employment law legally aided cases fell from 16,154 to 6 in the same period. The huge increase in Employment Tribunal fees has meant that people without deep pockets have little to no protection against unscrupulous employers. We know that cuts disproportionately affect women and sure enough the government's own figures show an 80% drop in the number of women taking employment cases to tribunal. Funding in family law cases dropped by 60% causing a predicted rise in unrepresented defendants, a trend now also starting to be seen in the criminal courts.

What the figures do not convey is the sheer human misery of being unable to get legal advice. GPs report a large increase in the number of patients who would have been assisted by advice on benefits, employment, debts and housing. Cuts to legal aid are literally making people sick.

Civil Servants in the Ministry of Justice admit the imperative has been to cut first and gather evidence later. As the Justice Committee recently noted there has been no attempt to analyse the knock on effects of the cut on other parts of government spending. Research by the Legal Action Group has demonstrated that every £1 spent on legal aid advice saves the state £6.

With cuts and debilitating restructuring comes the spectre of advice deserts, widespread miscarriages of justice, hundreds of thousands denied redress and the draining of the talent pool of future lawyers and judges as young people increasingly choose a career away from civil and criminal law.

We now have a prison service with rising levels of self-harm, self-inflicted deaths and violence against staff and inmates, the perverse dismantling of the probation service with 1 in 3 officers set to be made redundant in the newly privatised services (plural) and disarray in our courts. All evidence of decision making which has unpicked good practice and failed to address real systemic problems.

Politicians speak about access to justice as an optional extra that we simply cannot afford. But the introduction of legal aid replacing the ad hoc "Poor Law" scheme of the 1920s and 1930s came during a period of true austerity in the wake of the Second World War. Access to justice is more than just a public good which we can choose to fund generously when we are told our economic fortunes allow. Without access to justice for all, inequalities take on a more dangerous edge which threatens the legitimacy of not just the justice system but our democracy.

We call upon the next government to abandon the highly controversial restructuring of criminal defence, restore legal help to the many currently without redress and to establish a Royal Commission to investigate the current crisis regarding the diminution of access to justice. In addition we call for an independent body to review legal aid rates including expert witness rates so as to depoliticise them and instead move to an evidence based approach to ensure public need is adequately met in the provision of legal services.

Yours

Sir Anthony Hooper (former Lord Justice of Appeal, Judicial Fellow of the Judicial Institute of University College, London)

Sir Stephen Sedley (former Lord Justice of Appeal, visiting Professor, University of Oxford)

Sir Alan Moses (former Lord Justice of Appeal)

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Sir Geoffrey Bindman QC (Hon)

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His Honour Judge Barrington Black

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