

Criminal Legal Aid Independent Review

Having considered the comprehensive report prepared by Sir Christopher Bellamy, issues that we as a profession have been highlighting over several years have now been acknowledged.

Our members will not be surprised at the conclusions reached by Sir Christopher Bellamy, and the clear message from his report is that the profession is in dire need of extra funding, and it cannot wait. On 18 January 2022 Sir Christopher Bellamy told a Parliamentary committee that the position of the solicitors profession is even more “parlous than that of the bar” with “rates being less in cash terms than in 1996 “

Some of the recommendations in the report will require careful consideration and will not be achieved overnight. The recent changes to the AGFS funding mechanism have demonstrated how seemingly minor differences can turn an increase into a cut. The recommended investment of 15% should apply to the 2008 rates, not to current rates which were reduced by 8.75% after years of stagnant rates which due to the effect of inflation were falling in real terms.

While the government considers its response and collaborates with defence practitioners, we call for an immediate initial increase of 15% to all current fee schemes applied to the 2008 rate of pay.

Since the report was announced in 2018, many have given up hope and left the profession. Those who held on are running out of patience. The current timetable for responding to CLAR tells them the Ministry of Justice has no serious plans to ensure adequate provision for criminal legal aid services.

The CBA has made it clear that their membership will not tolerate any delay and have voted to take direct action if the government fails to act.

On behalf of our members, the association has been in talks with the CBA, and it is clear that both sides of the profession are united in their aims.

