

# Update: PLP's Work on Civil Legal Aid Policy

## March 2021

### The state of Legal Aid

Legal aid should be available to those who need it. PLP has submitted evidence to the Justice Select Committee's ongoing enquiry into 'The Future of Legal Aid' outlining current problems with the civil Legal Aid scheme, which include:

- Too many people are financially ineligible for legal aid and cannot afford to pay for legal support privately
- When legal aid is not available, Exceptional Case Funding ('ECF') is not an effective safety net to prevent breaches of fundamental rights
- Legal aid is unavailable in many areas of the country, for entire categories of law
- Legal aid rates are so low that is not economically viable for many law firms to offer it

Urgent reform is needed. Legal aid must be accessible, effective, and sustainable to ensure access to justice:

- **Means Assessment:** Income limits should be reviewed annually and consider levels of spending needed to maintain an acceptable standard of living, and capital assets should be valued at 'nil' where it would be fair to do so.
- **ECF:** There should be no further delay in wholesale improvement to the scheme.
- **Advice deserts:** The LAA should be given mandate and resources to monitor unmet need and the Lord Chancellor should exercise his powers to remedy or prevent market failure.
- **Court reform & remote advice:** There should be early consultation with LAA and practitioners. Remote provision of services must consider vulnerable groups and avoid a reduction in quality.

### What is the future of Exceptional Case Funding?

PLP has written to the Lord Chancellor to request the following four specific changes to the Exceptional Case Funding (ECF) scheme, intended to provide a safety net for those whose human rights would be breached without access to legal aid:

- Implement an effective urgent procedure
- Reinststate a direct helpline to the ECF team
- Simplify procedure in areas with high grant rates
- Regularly update ECF guidance

The Covid-19 pandemic has exacerbated barriers to the ECF scheme, but our research shows that even prior to the pandemic legal aid providers found the application process off-putting because it is time-consuming, risky and financially unviable in many cases.

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**Please use and share our work where it supports your efforts to improve legal aid.**

[READ](#) PLP's submission to the Justice Select Committee's ongoing inquiry.

[READ](#) PLP's letter to the Lord Chancellor calling for urgent changes to the ECF scheme.

[READ](#) PLP's research - 'Improving Exceptional Case Funding: Responding to Covid-19'

