

**National Report: United Kingdom (England and Wales)**  
Prepared by the Law Centres Network

**1. Please provide up-to-date information about your country and its legal aid organizations.**

Information about your country (region or state)*				
Country	Population (by the end of 2022)	GDP (by the end of 2022)	Poverty line & population living in poverty	Total no. of practicing lawyers
United Kingdom (of which, England and Wales)	67 million (of which, 60 million in England and Wales)	£2.2 trillion	UK-wide, 14.4m (22%) people in relative poverty after housing costs.  UK average poverty line after housing costs is £150/week for a single person (higher for couples or w/dependents).	196,666 lawyers across several legal professions: 162,128 solicitors, 17,538 barristers and 17,000 chartered legal executives
* In addition to the country information given above, for countries with federal systems where the legal aid organization described below is not a national organization, please provide data for the state/province/area where the legal aid organization operates.				
Information about the legal aid organization				
Name of legal aid organization	Date of establishment	Total no. of applications received in 2022	Total no. of applications approved in 2022	Total no. of applications rejected in 2022
Law Centres Network	1978 (or 1970 for the establishment of the first Law Centres)	Civil legal aid had 271,000 applications in CY2022, but only a large minority of them needed prior approval	116,430 civil applications were approved in CY2022 (a further 154,590 cases required no prior approval)	8,148 civil applications were rejected (of 116,430 applications that were subject to prior approval)
Total no. of employees	Total no. of Legal Aid Lawyers	Government funding for the legal aid organization in 2022	Total legal aid expenses in 2022	Proportion of government funding to the total legal aid expenses
1,200 people across all Law Centres	No definitive figure: even the Legal Aid Agency only counts providers, not practitioners	£2.1 billion for FY 2022/3 (£1.88 bn in FY 2021/2): includes civil and criminal legal aid and central admin	£998 million for <i>civil</i> legal aid in FY 2022/3, and £917 million for criminal legal aid in England and Wales	77% of <i>civil</i> legal aid expenditure in FY 2022/3 was met by the government (through the Legal Aid Agency)

**2. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the judicial system in your country?** Please include, but do not limit your answers to, the following aspects:

- (1) What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?
- (2) Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?
- (3) How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?

The UK has seen numerous restrictions imposed in response to the pandemic. Some of them affected the entire population, such as three lockdown periods; travel restrictions locally, between regions, and internationally; and imposed shutdown of businesses.

It seems clear that some of the restrictions imposed have at least restricted the exercise of human rights, if not breaching some of them. This issue is discussed at length by English barrister Adam Wagner in his book *Emergency State: How We Lost Our Freedom in the Pandemic and Why It Matters* (2022). Wagner, who is a human rights specialist, recorded every rule change imposed by the UK government and explained and interpreted them to the public on Twitter as they appeared.

Some of the above restrictions and others like them affected in particular people seeking justice: access to the court estate was severely restricted. Proceedings were initially paused, until court officials and judges could be equipped to continue work from home, whereupon hearings recommenced on a remote basis (by telephone and online), with familiar and expected accessibility issues. Residential possession proceedings were paused for several months, resuming on a very restricted and remote basis afterwards, with a further temporary moratorium on enforcing evictions. Worst of all, for a period, the government considered suspending trial by jury in order to prevent congregation, but thankfully this was not acted on.

Court backlogs have not been cleared and in many cases increased:

- At the end of September 2022, there were 347,820 outstanding cases in magistrates' courts, which was lower than the peak of around 422,000 cases in mid-2020.
- The situation in the crown court – which conducts more serious or complex hearings and, crucially, jury trials – is much worse. Its case backlog reached a record 64,709 in June 2023. The backlog grew initially due to Covid-enforced court closures and social distancing, and then again in 2022 due to industrial action by criminal barristers over a 41% decline in Criminal legal aid spending in real terms since 2011/2012.
- 28% of cases in the backlog waiting for over a year, and 10% waiting over two years
- Over 50,000 cases in Employment tribunal and delay on average of 49 weeks
- Over 175,000 people awaiting Asylum claims and a 57% increase in the number of people waiting more than six months for a decision

Longer waiting times mean people experience a poorer quality of justice, "justice delayed is justice denied"

**3. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.**

There is an ongoing impact from Brexit which plays out in different ways including a worse performing economy and the Cost of Living crisis impacting more deeply in the UK than other European countries. There is ongoing debate within government and threats to leave the European Convention on Human Rights to which UK continues to be a signatory post Brexit. The Convention affords the following:

- Article 2: the right to life
- Article 3: the prohibition of torture and inhuman or degrading treatment
- Article 4: the prohibition of slavery and forced labour
- Article 5: the right to liberty and security
- Article 6: the right to a fair trial
- Article 7: the prohibition of retrospective criminal penalties
- Article 8: the right to private and family life
- Article 9: the freedom of thought, conscience and religion
- Article 10: the freedom of expression
- Article 11: the freedom of assembly and association
- Article 12: the right to marry
- Article 13: the right to an effective national remedy for breach of these rights
- Article 14: the prohibition of discrimination in the protection of these rights
- Protocol No. 13: the abolition of the death penalty in all circumstances
- Protocol No. 1, which contains three additional rights:
  - Article 1 of Protocol No.1: the right to free enjoyment of property
  - Article 2 of Protocol No.1: the right to education
  - Article 3 of Protocol No.1: the right to free and fair elections

Given the protections afforded by the ECHR and that the European Court for Human Rights ruling still apply to the UK, withdrawal from the Convention would pose a significant risk to the Human Rights of all those who live in the UK.

The cost-of-living emergency in the UK has deepened the extent of poverty and is a the blow to dignified living. The Joseph Rowntree Foundation (JRF) which publishes an annual report on Poverty in the UK. It's cost of living tracker in October 2022 present a shocking picture:

- around six in ten low-income households are not able to afford an unexpected expense
- over half are in arrears
- around a quarter use credit to pay essential bills
- over seven in ten families are going without essentials.

JRF also found that in 2022:

- 3.8 million people experienced destitution (struggling to afford to meet their most basic physical needs to stay warm, dry, clean and fed).
- This included about 1 million children.
- It was almost two and a half times the number of people in 2017.

Furthermore, in a recent comment the UN's Special Rapporteur on Extreme Poverty, Olivier De Schutter said:

"It's simply not acceptable that we have more than a fifth of the population in a rich country such as the UK at risk of poverty today," referring to government data showing that 14.4 million people lived in relative poverty in 2021-22 – a million more than the previous year. "The policies in place are not working or not protecting people in poverty, and much more needs to be done for these people to be protected... the UK had signed an international covenant that created a duty to provide a level of social protection which ensured an adequate standard of living but that it was being broken"

The current Government has actively attempted to curb human rights through introducing legislation such as:

- The Bill of Rights Bill which was eventually scrapped in June 2023. It was originally introduced to parliament in June 2022. Had it not been scrapped, it would have created an acceptable class of human rights abuses, weakened individual rights and seen the UK diverge from our international human rights obligations.
- Nationality and Borders Act introduced in 2022 and came into effect this year creates a two tier system where some refugees will have more rights than others based on how they entered the UK. It is this Bill which has enabled the Rwanda solution. Legal challenges to the Bill have meant that so far no one has been sent to Rwanda.
- The Illegal Migration Act 2023 - The Act creates a system in which anyone arriving via small boats in the United Kingdom will not have their asylum claim, human rights claim or modern slavery referral considered while they are in the UK, but they will instead be promptly removed either to their home country or to a safe third country to have their protection claims processed there.

**4. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly?** Please include, but do not limit your answers to, the following aspects:

- (1) Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)
- (2) Procedures, review criteria, or requirements for application documents for the public to apply for legal aid
- (3) Ways to provide legal advice to the public
- (4) Development in the rule of law through education and outreach services
- (5) Caseload and case types for each type of service
- (6) Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?
- (7) What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?

During the pandemic, the Legal Aid Agency seemed to be hostage to circumstances and largely in reactive mode. No attempts that we are aware of were made to foresee changes to the public's patterns of legal need or advice seeking. Therefore, changes – inasmuch as any were made – have lagged behind the need for them, leaving practitioners on the frontline in a bind. The most elementary adaptations, such as agreeing standards for the client's signature to be given remotely when they could not attend in person, were delayed and even then required further interpretive efforts from practitioner bodies in order to be usable by frontline practitioners.

The pandemic has forced the Legal Aid Agency to reconsider many of its provisions, introduce new changes and accelerate the implementation of planned changes. Digital communications between providers and the LAA, that had been optional before the pandemic, became the norm. A normally change-resistant LAA has come to reconsider its service requirements, including remote service provision, remote supervision within each provider, or remote auditing by LAA of work done. Some of these changes, while necessary during the pandemic, have remained in place since – in part as a reaction to systemic problems, such as stagnant fees, that have driven a workforce recruitment and retention crisis that necessitated more remote work.

**5. Beside the impacts of the pandemic, has the organization you work for or the legal aid organization in your country undergone other major changes in the following areas in the past five years (i.e., since the last Forum)? If yes, please describe what the changes are and explain why they occurred and what the impacts are.**

- (1) Form of organization (including organizational framework, supervisory authority, and organizational structure)
- (2) Development strategies and primary focus of the organization
- (3) Budget, financial sources, and expenses for legal aid
- (4) Procedures or financial eligibility requirements for legal aid application
- (5) Service delivery model (such as services provided by staff attorneys or external lawyers; if both, please indicate the ratio between them)
- (6) Salary of legal aid staff attorneys or remuneration of external legal aid lawyers
- (7) Management of quality assurance for legal aid services
- (8) Rule of law through education and outreach services
- (9) New services and businesses (technology-related services or businesses can be detailed in the following two questions).

**Our organisations**

- Move to remote working enabled Law Centres to keep working during the critical period of the early pandemic. It has also helped us widen our recruitment pool and make our recruitment practices more flexible and inclusive. Work from home is still the norm at LCN and brings its own challenges of keeping everyone up to date with all they need to know, as well as preserving a team spirit and the mental wellbeing of staff.
- Law Centres were heavily reliant on in-person services, as are their clients. Without this traditional mode of access, they have had to go back to basics in order to stay accessible to their target beneficiaries where possible. We have supported them with user research and in community engagement practices, work that is ongoing. Some Law Centre staff members have struggled with the emotional strain of operating a traumatising service remotely from their homes, an exposing experience. Others have embraced work from home to the extent that their reluctance to return to the office has created challenges for maintaining office hours.

**6. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences, including, but not limited to, the following:**

- (1) Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work
- (2) When and why the technology-based services were launched
- (3) Pros and cons of using technology tools to provide legal aid services
- (4) Challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges
- (5) How to bridge the gaps in users' technological capabilities to tackle digital exclusion
- (6) Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?

The Legal Aid Agency uses ICT to administer legal aid and manage contracts - from tendering to billing to responding to problems – but it does not provide client facing services using ICT.

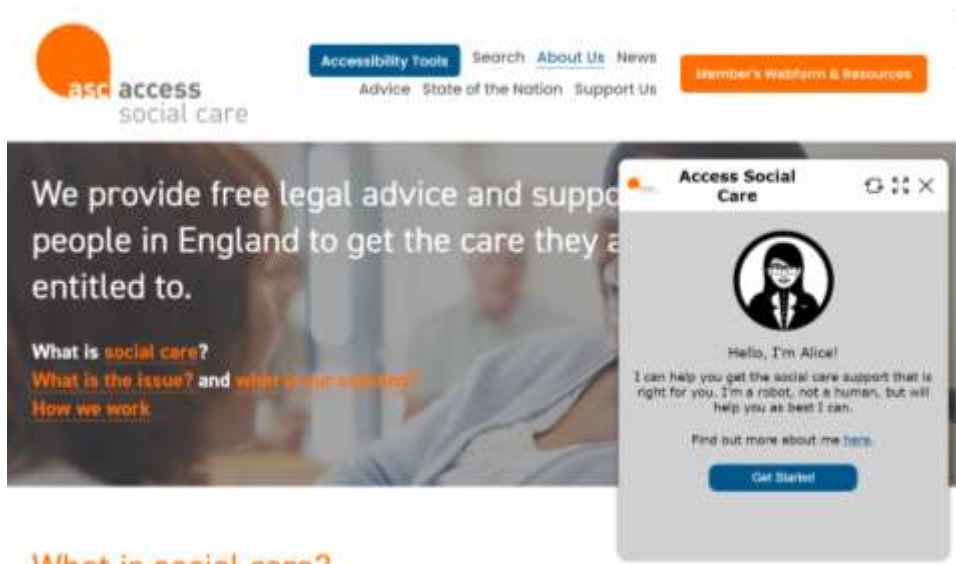
The Law Centres Network similarly uses ICT to assist administration and management of our service and to provide lawyers with tools that will assist them in their work, e.g. template documents, case management systems, online legal resources etc. We have also developed tools using ICT to assist people more easily access our services such as EnquiryDesk.

LCN does not use ICT to create self-help tools for people trying to solve their legal problems. There are other organisations in the UK that do this. For example, Citizens Advice has an excellent website with comprehensive and easy to understand initial advice on many topics, but not on legal aid services. They refer to legal aid lawyers for legal assistance.



Access Charity uses a ChatBot that also provides initial information on how to access social care and identifies the type of assistance required.





There are various other small tools like this.

The UK Court service has invested heavily in ICT. They are developing dispute resolution tools and provide such a tool for small consumer claims.

**7. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:**

- (1) Technology tools or systems and functions, and how they work
- (2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?
- (3) Pros and cons of promoting digital transformation for legal aid organizations and professionals
- (4) Challenges in promoting digital transformation and how to overcome them
- (5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.

LCN with grants from charitable foundations has invested extensively in upgrading the ICT infrastructure of Law Centres since 2016. The National IT Upgrade Project forms part of LCN's wider Digital Transformation initiative to enable Law Centres to embrace digital solutions where relevant, to improve ways of working and improve the experience of clients accessing Law Centre services.

It focuses on Digital Infrastructure and facilitating improved ways of working through adoption of cloud technologies and collaborative tools like Office 365 (O365). This involves an audit of existing infrastructure, replacing or updating old or antiquated infrastructure and systems (laptops, equipment, telephone etc.), safe disposal of obsolete equipment (old computers and servers), upgraded networking equipment and capabilities, support to move emails and files into the cloud, as well as training and support to make the most of O365. LCN has so far upgraded 28 Law Centres in 33 locations with over 1000 users. Obviously, this migration to cloud-based working were crucial to centres' adaptation to remote working during Covid-19, and beyond as

Law Centre staff have shifted to a hybrid model of working. The upgrade has saved time across the network equivalent to 9 full-time staff. Reduction in staff time dealing with IT problems leading to improved service to clients as well as an improved and smoother experience for clients.

Some other examples of our work in this area includes an upgraded members' area that gives Law Centre staff and volunteers easy access to a wide range of resources giving them access to:

- 137 how-to guides on a range of topics from governance to wellbeing
- 135 template policies and documents
- Bios and contact details for LCN and Law Centre staff
- More than 20 discussion groups where practitioners can find support from the peers
- Details of events, training sessions and vacancies from across the network
- Over 300 grant funding opportunities, curated for Law Centres
- Updates from LCN and the wider social justice sector

We have also developed a tool to assist with the administration of Law Centres called *BackOffice*. It uses Salesforce to manage back-office functions like grant, contact and volunteer management, as well as HR and other office management related tasks.

LCN has another programme of work around data that focuses on the use, security, privacy protection and building the data maturity of organisations.

**8. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues?**

Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards.

Please present **not more than three** targeted legal services for specific vulnerable groups, with attention to the following:

- (1) Background: the reason why this group/issue is selected, and why the service was launched.
- (2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.
- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?
- (5) How to achieve service optimization within a limited budget.
- (6) Service challenges and how to overcome them.
- (7) Achievements.

English and Welsh civil legal aid is targeted only by economic hardship (a means test covering income and assets) and the scope of the problems covered (set in legislation). This is important because it means that legal aid offers NO dedicated access routes for particular vulnerable groups or to particular targeted services. Even groups that by their circumstances and the nature of their problems would easily qualify for legal aid, such as children or asylum seekers/refugees, are required to go through the same access points and application process as all others – and face unnecessary and avoidable administrative burdens.

Therefore, the many ways in which our member Law Centres provide dedicated services that respond



to people's circumstances and needs come not thanks to legal aid but in spite of it.

**9. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.**

Class actions are rarely taken in the UK. Law Centres however do take on strategic litigation when the opportunity arises. For example, over their history, Law Centres have established the right of homeless 16 and 17 year olds to be housed, the rights of part-time and casual workers to certain benefits, recently secured the increase of the weekly allowance provided to asylum seekers, etc.

Judicial Review is used on a regular basis as a means of reversing wrong decisions and enabling people to access the services that they have been denied.

**10. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.**

The UK involves citizens in trials through jury service. Structurally, this is a very important provision: as a profession, the Bar continues to lag significantly behind general population markers on diversity. Consequently, the bench, the vast majority of which is drawn from the Bar, is itself predominantly male, white, non-migrant and privately educated. The rules for the jury system vary among the legal jurisdictions: in England, a jury must be made up of 12 members, ten of which must agree in order to convict a defendant; whereas Scottish juries are 15-strong but only require 8 jurors to agree a conviction. In any case, neither the Legal Aid Agency nor our organisation play any part in the jury system.

**11. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?**

Some examples of LCN and Law Centres' work in this area include:

- Victims of crime project – protecting those who find it harder to communicate their need
- Race equality programme to use Law Centre skills to contribute to the dismantling of systemic racism and to support local groups that are more likely to be victimised
- Some examples of collaborations with other professions:
  - Southwark health-justice partnerships working with Guys & St Thomas's Hospital in London
  - Coventry health-justice partnership with 11 GP practices, utilising health budgets
  - Springfield Law Centre is based in a mental health facility
  - Kirklees Law Centre works directly with a number of mental health agencies
  - Many Law Centres employ 'Crisis Navigators' – community and social workers who

accompany lawyers to court and other settings and work with the lawyers to address the non-legal aspects of the person's situation.

**12. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.**

Legal needs surveys require sufficient scale to be meaningful and our organisation does not have the resources for funding such scale. Instead, we support our members (and prospective members) to conduct their own local or regional legal needs analysis, that helps plan services that respond to local need. When Southwark Law Centre wanted to expand into the next-door borough of Lewisham, we supported them to conduct such a local legal needs study. We have done the same with a group that wants to set up a new Law Centre in north Wales. We are also involved in an academic study of local legal need involving one of our members, in Coventry. In addition, during the pandemic we have conducted our own user research to understand the changing demographics of people seeking legal assistance from our members, and the changing patterns by which they were seeking help.

By contrast, the Legal Aid Agency has shown a distinct lack of curiosity about changing patterns of need or help seeking, or reshaping legal aid in order to respond to those changes during the pandemic. Current legal aid legislation offers an entirely rigid legal aid provision that has changed very little in a decade. There is no inbuilt incentive to changing it (specifically to improving it) and, in any case, the Legal Aid Agency is not empowered to do so without prior guidance from the Ministry of Justice. Even now, as the Ministry of Justice conducts a Review of Civil Legal Aid that could overhaul legal aid policy, it has not commissioned a legal needs study to inform it.

The only bodies that currently conduct legal needs studies jointly are the Legal Services Board, which is the statutory super-regulator of legal services and practitioners, and the Law Society of England and Wales, which is the professional body of solicitors. The second and so far last time they have done so was in 2020. While we practitioners find the study insightful and useful, there is no evidence that it is being referred to in legal aid policymaking, and more's the pity.

**13. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?**

The UK does not fulfil all the requirements for providing legal aid to specific vulnerable groups. In England and Wales, the scope of legal aid was shaped by the requirements of our Human Rights Act (which 'brings rights home' from the European Convention on Human Rights, of which the UK is a signatory. Nominally, the Legal Aid Agency may also award Exceptional Case Funding for cases where not providing legal aid could result in the claimant's human right being breached.

This level of provision is merely at a basic standard that does not serve specific vulnerable groups. Firstly, the threshold for legal aid eligibility is almost entirely financial (accounting for income and assets) and being a child, having a disability or another protected characteristic does not let help seekers access legal aid, be it through generic or dedicated services.

Secondly, even the 'safety net' scheme offering Exceptional Case Funding is not enough to secure access to legal aid. The government had expected to help some 5,000-7,000 cases a year with ECF, but even ten years in it only helps up to half that volume, with over 70% of cases being immigration cases, normally concerning deportation, asylum or detention. This means that discrimination cases, for example, that directly affect people with protected characteristics, struggle to find legal assistance. In part, this is due to systemic disincentives for legal service providers to use ECF: the application is long and cases are often time-sensitive; the discretionary nature of ECF means that the long preparation work is done at real risk that nothing will come of it; and overall, the legal aid service provider base has shrunk by a third in the past decade, not least because fees have not been updated since the last century.

Thirdly, there is a clear distinction between the rights included in the Human Rights Act and others that are not. Despite being international undertakings, the conventions on the rights of children or people with disabilities or women or racialised people do not bestow additional statutory protections on these populations because they are not part of the statute book. They have their uses in litigation and case law, but that is the preserve of the fortunate few who were able to access legal advice and assistance that would take them to a hearing.