



Mr. Philip Alston
UN Special Rapporteur on extreme poverty and human rights
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

8 November 2018

Submission Law Society – Poverty and lack of access to justice

Dear Mr Alston,

The Law Society of England & Wales (the “Law Society”) is the professional body representing more than 180,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world. The Law Society holds Special Consultative status with the United Nations Economic and Social Council since 2014.

I welcomed the news that you are undertaking a fact-finding mission to the UK to look into poverty and human rights in the UK. As you are no doubt aware, there is a recognised, albeit under-researched, link between poverty and the ability of ordinary people to secure access to justice.¹

The Law Society is deeply concerned about the impact of the Government’s cuts to legal aid, made in 2013 under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (‘LASPO’), and continuing to this day, in denying people who live in poverty the ability to address the social welfare and other legal problems they face. LASPO has significantly undermined the ability of people to use the law as a tool to address some of the causes and consequences of the poverty that affects their daily lives.

The Government is conducting a post-implementation review of the cuts, and we have submitted evidence to this review in September 2018, which can be found here:

<https://www.lawsociety.org.uk/policy-campaigns/consultation-responses/ministry-of-justice-laspo-part-1-post-implementation-review-law-society-response/>

The documents which may be of particular relevance to your inquiry include our report on the impact of the cuts, “Access Denied? LASPO four years on: a Law Society review”,² two reports on the legal aid means test and the way it excludes people in poverty from receiving legal aid (including the report “Priced out of Justice” of March 2018); and a table identifying all the pieces of research and official

¹ See, for instance, the Brookings Institute article, “Does legal aid reduce poverty?”, <https://www.brookings.edu/blog/future-development/2015/06/23/does-legal-aid-reduce-poverty/>. See also The Open Society Foundations, “How Access to Justice Helps in the Fight Against Poverty”, <https://www.opensocietyfoundations.org/voices/how-access-justice-helps-fight-against-poverty>

² <https://www.lawsociety.org.uk/support-services/research-trends/laspo-4-years-on/>

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reports on the subject of which we are aware (all available via the link above to our LASPO submission).

I hope that these materials will be of use to you in your inquiry. We are of course available to provide any further information you may require. We would welcome the opportunity to discuss this further with you or your assistant and confirm that we are happy for any of this material to be made public.

Specific recommendations

We have made approximately 25 recommendations to the Government in relation to restoring access to legal aid to those who cannot afford to pay for legal advice. Among the key recommendations are:

- To restore legal aid for early legal advice, particularly in family and housing and welfare benefits law.
- To restore the legal aid means test to its 2010 real-terms level, and to conduct a review to consider what further changes are required to address the problems exposed by our reports into the civil and criminal means tests,³
- To conduct an economic review of the long-term viability and sustainability of the legal aid system.

Yours sincerely,

Christina Blacklaws
President
The Law Society of England & Wales

³ <https://www.lawsociety.org.uk/news/documents/priced-out-of-justice-report/> and
<https://www.lawsociety.org.uk/support-services/research-trends/report-on-affordability-of-legal-proceedings/>

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