

The Bach Commission: Call for written evidence

The Commission will seek to determine how the State can guarantee, in the context of an ever greater strain on public finances, that all those who need it have access to advice, representation and the courts. This will be considered alongside the question of how the provision of advice and the justice system can become more efficient and be made to work for the 21st century.

In this call for evidence there are five questions. To submit evidence for consideration, please send responses to tobias.phibbs@fabians.org.uk by April 29th 2016.

TOPIC 1: The current state of access to justice

The legal aid budget has been significantly cut in recent years and court and tribunal fees have risen. Court procedures are often prohibitively complex and legal costs for individuals and organisations have risen to the point of being unaffordable for even those of moderate means. The impact on access to justice has been significant. While savings to the legal aid budget have been made, the wider impacts are not being measured and the Government has been criticised for its lack of understanding of the knock-on costs and value for money of its reforms.

The Commission will firstly review the impacts of the reforms so far, looking at their effectiveness, their impact on access to justice and wider areas such as health outcomes or poverty, and the scale of unmet need. The Commission will outline the difference that would be made by a strategy to re-define access to justice as a key public entitlement.

- 1. Please provide us with your name, contact details, and the name of your organisation and your role in it (if applicable).**
- 2. What are your biggest concerns about the state of access to justice? Please provide up to three answers.**
- 3. Please outline in more detail the way in which your/your organisation's work intersects with the question of access to justice, and the way in which current policy enables and undermines access to justice.**

The following questions are intended to serve as indications of the kind of response we are looking for, rather than as direct questions requiring an answer. Please feel free to address them or not, as you see fit, in your response. Try and limit your response to under 1000 words

- What would you or your organisation describe as the biggest impact of LASPO?
- What difficulties do you, your organisation, your clients or the people you represent face in enforcing their legal rights?

- What difficulties do you, your organisation, your clients or the people you represent face in navigating bureaucratic legal procedures?
- How have court and tribunal fees affected the capacity to enforce legal rights of you, your organisation, your clients or the people you represent?
- What, as a user of the system, are you or your clients' biggest frustrations

TOPIC 2: Transforming our justice system

There is widespread acceptance that there must be decent standards of health care or education provided by the State. The same should be true of access to justice. The Commission will look at what these guarantees should look like and establish priorities for publicly funded legal support and interventions, as well as a framework for spending decisions. The Commission will consider what alternative savings or sources of funding could be found to enable us to start to rebuild a decent provision.

Our society has evolved and so has the way in which we “consume” services. So while savings will need to be found, the work of the Commission will focus on how we re-design our justice system for the 21st century, drawing on international and historic comparisons and looking in particular at legal aid and the provision of advice.

It will identify shortcomings in the present system and seek to identify measures, which could prevent the escalation of legal problems and their consequential social and economic costs. It will look at what impact efficiency measures and better use of technology can have and where to focus such reforms. It will consider how to better integrate advice with other aspects of our lives and the role of different sectors. It will consider how best to empower innovative thinking locally and support the sharing of best practice, including a focus on prevention. It will seek to design the blueprint for a new scheme that better meets the needs of those on low incomes, and most especially the needs of vulnerable groups, within a more efficient and effective administrative framework.

- 4. What practical steps could be taken to ensure access to justice for all was a reality? Please provide up to three answers.**
- 5. Please outline in more detail ideas for practical solutions to the crisis in access to justice. These could range from minor alterations to a radical overhauling in our justice system.**

The following questions are intended to serve as indications of the kind of response we are looking for, rather than as direct questions requiring an answer. Please feel free to address them or not, as you see fit, in your response. Try and limit your response to under 3500 words.

- If we were to design a legal aid system afresh, what would be its key features and what would be your red lines?
- How can our courts and advice systems better serve the end user? How we can better tailor the system around the client's journey?
- What minimum requirements to legal advice and assistance should the State provide? Should it be a minimum amount? Should it focus on specific problems or areas of law – and, if so, which ones?

- Do you have any thoughts on alternative savings/ revenue raising schemes that could help provide sources of funding?
- What do you think of the idea of devolving aspects of legal aid and what would be the best way of doing so?
- What would you do to make a career in legal aid more attractive to young lawyers without increasing spending substantially?
- How can we best spread public information about legal rights?
- What international examples should the Commission look at?
- How can we encourage a more integrated approach to solving people's problems (whether at the state, local or individual level)?
- How can the state/local authorities best encourage people away from litigation?
- What role, if any, do you think legal insurance can play in a new system?
- What role do you think new technologies should play
- If technology is going to be used for providing legal advice, how will it be possible to ensure that economic face-to-face advice will also be available for those who need it?
- If technology is going to be used for creating an online court, what face-to-face help will people need before they can access it?
- Do you have a view as to whether personal injury law should be brought back into scope?