



House of Commons
Justice Committee

**Family Legal Aid
Reform: Government
Response to the
Committee's Eighth
Report of Session
2008–09**

**Fifth Special Report of Session
2008–09**

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The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Committee staff

The current staff of the Committee are Fergus Reid (Clerk), Dr Sarah Thatcher (Second Clerk), Hannah Stewart (Committee Legal Specialist), Gemma Buckland (Committee Specialist), Sonia Draper (Committee Assistant), Henry Ayi-Hyde (Committee Support Assistant) and Jessica Bridges-Palmer (Committee Media Officer).

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Fifth Special Report

The Justice Committee published its Eighth Report of Session 2008–09 on Family Legal Aid Reform on Wednesday 15 July 2009, as HC 714. The Government response was received on 14 September 2009 in the form of a letter from Lord Bach, Parliamentary Under-Secretary of State, Ministry of Justice, to the Chairman of the Committee which is appended below.¹

Appendix: Government response

I am writing in response to the Committee’s report on Family Legal Aid Reform (Eighth Report of Session 2008-09) published on Wednesday 15 July 2009.

You will recall in my initial response to the Committee [...] that I expected to announce the way ahead following our consultation on family legal aid reform (“Family legal aid funding from 2010”), before recess. On 20 July, I tabled a Written Ministerial Statement (Official Report, Column WS156) which effectively announced that I had decided to delay publication of final proposals to allow for further work on the modelling of the schemes to be undertaken by my officials over the summer.

Whilst I do feel that it is right, in principle, to proceed with a harmonised family advocacy scheme, it is equally important to ensure that those models, and the assumptions that underpin them are as accurate as possible. As you are aware, the Legal Services Commission (LSC) continued to work closely with the profession on the detail of the proposed family advocacy scheme long after the consultation closed in April this year. I believe that a good deal of progress has been made in recognising and rewarding complexity in the revised scheme because of this.

The greater graduation now reflected in the revised proposals required extensive remodelling of the schemes by the LSC. For this reason, and in order to take proper account of the points raised in the Committee’s report, I decided that further analysis was required. This way we can ensure, as far as possible, that the modelling is sufficiently robust and will give us a clear picture of how we can achieve harmonisation on a cost neutral basis and still retain quality family law services for children and other vulnerable clients.

The analysis work is still ongoing and once I am satisfied with the results, I intend to announce my decision on the final shape of the scheme. I do not intend to undertake any further consultation before doing so, as I feel we have allowed extensive opportunity for comments on and contribution to the emerging structure of the scheme. I am grateful to the Committee for its contribution to this process. As I have already indicated, I believe that the final proposals will reflect many of the concerns raised about these proposed reforms.

¹ See also Written Ministerial Statement, Official Report, 13 October 2009, Column 23 WS announcing a further review of the delivery of Legal Aid

Once the analysis work is completed, I will make a final decision on the way ahead, which will be made public as soon as possible, through formal announcement. I will then write to the Committee again, offering a fuller response to its report on Family Legal Aid Reform.

Lord Bach
Parliamentary Under-Secretary of State
Ministry of Justice
14 September 2009