



The Chartered Institute of Legal Executives (CILEX)
Inquiry Response:

Ministry of Justice follow-up: Summer 2025

August 2025

Introduction

CILEX has provided data previously to the Public Accounts Committee in relation to the value of legal aid and the work of the Ministry of Justice. In lieu of further data, CILEX has interviewed (either via remote calls or via email) several criminal practitioners who work either on legally aided cases, or who prosecute legally aided cases. CILEX has anonymised the case studies, providing pseudonyms instead of their actual names. CILEX has opted to focus on criminal practitioners given the ongoing CLAIR review.

CILEX hopes the committee sees the value in these lived experiences of criminal practitioners. Whilst the questions were structured, their answers were freely given, and in CILEX's view accurately reflects the harsh realities of practice.

Specific questions concerned the legal aid situation since 2019, and since the general election in July 2024. Answers to these questions were frequently similar and demonstrated that despite several government attempts to better fund legal aid, the impact it makes for practitioners is negligible.

CILEX notes that the select committee will be specifically reviewing the Government's response to the Public Accounts' Committees report, but believes that the below case studies reflect why change is needed, and needed as soon as possible. It should also highlight that agreeing with the recommendations of the committee, whilst failing to implement them, has real-world implications for practitioners.

If you have any further questions, please contact: Policy@CILEX.org.uk

Case Study 1 – Sam

With 30 years of experience in the legal sector, Sam works within a Local Authority in Norfolk, primarily supporting Trading Standards. While they do not undertake legally aided work themselves, they frequently encounter defendants who are legally aided, which has a direct impact on case progression. Sam's work is evenly split between litigation and advocacy, though this can vary depending on the nature of the cases. They are a member of Lawyers in Local Government and the Norfolk and Norwich Law Society.

Since 2019, Sam describes the legal aid system as "difficult." In their experience, the system has worsened, particularly in terms of engagement. Defendants often fail to communicate effectively with their legal representatives, which delays progress. Sam attributes this to underfunding and the prioritisation of private work over legal aid cases. In one instance, it took seven hearings over several months to secure a not-guilty plea.

Ultimately, Sam feels the system is simply broken—making it difficult to assess whether things have improved or deteriorated. Access to legal aid remains insufficient, with slow application processes and a tendency for defendants to plead not guilty to escalate matters to Crown Court. The lack of legal providers further frustrates proceedings which Sam prosecutes.

These delays have a significant emotional impact on witnesses and those harmed by offending. Sam must maintain regular contact and provide updates; however the prolonged process often prevents individuals from moving on, and delays in court listings compound the issue. Some individuals withdraw entirely due to the emotional toll.

While the practitioner's role is sustainable in terms of processing matters, they believe the system is not sustainable for witnesses and those harmed by offending. The lack of closure and extended timelines are detrimental to their wellbeing.

Sam's workload is further complicated when defendants cannot access legal aid, creating additional administrative and procedural burdens. Despite reported increases in funding, Sam has not seen any tangible impact. Sam notes that policy decisions—such as the implementation of the Common Platform—fail to consider the practical realities faced by legal professionals.

They describe the government as "totally disconnected" from the realities of criminal justice. The only area where they see some benefit is in cases involving police arrests, where structured charging processes exist. However, even here, the lack of probation support leads to repeat offending and multiple prosecutions for the same individuals.

If Sam could change one thing about the legal aid system, it would be to introduce funded, mandatory legal advice—ensuring every defendant receives at least 30 minutes with a solicitor before their first hearing.

In terms of systemic improvement, Sam believes change must come from government and broader social reform. Legal aid has long been treated as a “poor relative” within the legal profession, making it an unattractive area of practice. While Sam does not feel optimistic about the future of criminal law, they believe improvement is essential and inevitable.

Case Study 2 - Robin

Robin has worked in the legal sector for 12 years and is currently employed in criminal defence. Robin handles a caseload that is 90% legal aid, with a work split of 60% litigation and 40% advocacy. Their career began as a paralegal, and they are now a member of CILEX.

Robin describes the legal aid system since 2019 as “complex,” noting that it has worsened over time due to reduced access for the public. However, they acknowledge some recent improvements since July 2024, particularly the introduction of the Legal Aid Portal, which has made processes more efficient for both practitioners and clients.

Despite these improvements, Robin believes the Government has not done enough to ensure access to legal aid. One of the key challenges they face is navigating the complex financial eligibility rules. Individuals with modest savings or incomes just above the threshold often find themselves excluded from support, despite genuine need.

For practitioners, Robin highlights that there is low pay for paralegals—often the entry point for new practitioners—acting as a deterrent to those considering a career in criminal law. Robin also believes that funding issues are forcing their practice to reduce staff and making recruitment increasingly difficult.

Robin believes that recent increases in legal aid fees have provided some assistance, but they believe this falls short of what is needed to bring about meaningful change. Robin especially highlights that funding levels do not reflect the cost of living.

When asked about prison estate pressures, these have further complicated their work. Clients are frequently moved to distant facilities, making in-person visits challenging. Additionally, the high number of individuals in custody has made securing videolinks increasingly difficult.

Ultimately, with a lack of court space, prison capacity, and new recruits, Robin feels very pessimistic about the future of criminal defence in England and Wales.

Case study 3 – Viktor

Viktor has been working in the legal sector for six years and is currently employed at a private law firm in London. Their caseload is heavily weighted towards legal aid work, accounting for 95% of their practice, with a 90/10 split between litigation and advocacy. They began their career as a paralegal and are a member of both the London Criminal Courts Solicitors' Association (LCCSA) and CILEX.

They describe the legal aid system since 2019 as "painful." Having entered the profession that same year, they have found the system increasingly difficult to navigate. The unchanged income thresholds set by the Legal Aid Agency (LAA) have failed to keep pace with rising wages and living costs, leaving many clients unable to afford representation or burdened with unaffordable contributions. Viktor notes that the LAA's evidence requirements can be overly pedantic—such as demanding annotations for every bank transaction—and even assessing gambling winnings as legitimate income.

Since July 2024, the situation has deteriorated further. The transition to a new legal aid application system was disrupted by a cyberattack, leaving the portal offline for months. Additionally, regulations have continued to shift, with prior authority applications are facing significant delays, and Viktor sees no clear resolution in sight.

Access to legal aid remains a major challenge. For working clients, the application process is especially onerous, requiring detailed financial scrutiny and repeated requests for additional documentation. Viktor believes that this administrative burden consumes valuable time that could otherwise be spent preparing cases. Following the LAA system hack, this has significantly increased Viktor's workload. Manual processing of legal aid and prior authority applications is far more time-consuming and inefficient.

The firm Viktor works for remains stable due to its established presence and proactive management, but personally, they are uncertain about continuing in legal aid work long-term. Although there has been some increase in funding, entry-level wages remain low compared to other sectors and areas of law, which continues to deter new entrants.

Viktor believes that court backlogs are worsening, adjournments are frequent due to resource shortages, and there is a lack of specialist prosecutors and probation capacity. These issues have persisted and, in many cases, intensified.

If Viktor could change one thing about the legal aid system, it would be to properly fund it. They argue that underfunding leads to rushed casework and undermines the quality of representation. Fixed fees incentivise volume over depth, which can be detrimental to clients.