



Ministry  
of Justice

## Post-Implementation Review Evidence Gathering Exercise Terms of Reference

### **The Legal Aid, Sentencing and Punishment of Offenders Act 2012**

Since 2013, the provision of legal aid in England and Wales has been governed by Part 1 of LASPO and its associated delegated legislation. Part 1 of LASPO replaced the Access to Justice Act 1999 as the statutory framework for legal aid and made major changes to the scope of legal aid, the eligibility requirements for individuals applying for legal aid, and the level of remuneration payable to individuals undertaking legally aided work.

### **The objectives**

The objectives of the LASPO reforms were set out by the Coalition Government in its 2010 consultation *'Proposals for the Reform of Legal Aid in England and Wales'*. These objectives were:

- To discourage unnecessary and adversarial litigation at public expense;
- To target legal aid at those who need it most;
- To make significant savings to the cost of the scheme; and
- To deliver better overall value for money for the taxpayer.

Subsequent amendments to Part 1 of LASPO and its secondary legislation, most notably as part of the *'Transforming Legal Aid'* programme of work had objectives that accord with one or more of these four objectives. The main change associated with Part 1 of LASPO that had objectives beyond these four was the creation of the Legal Aid Agency to replace the Legal Services Commission, which had its own additional bespoke objectives.

In recognition of the extensive nature of the changes made by LASPO and subsequent amendments, the Government is undertaking a Post-Implementation Review (PIR). The aim of the PIR will be to assess the impact of this set of policies against the aforesaid objectives and estimates outlined prior to their introduction in contemporary impact assessment.

### **How the review will be carried out**

The review will be led by Ministry of Justice officials and will cover all the specific policy changes made by Part 1 of LASPO and its subordinate legislation.

Much of the data that will inform our assessment is held internally by the Ministry of Justice, in particular, the Legal Aid Agency and Her Majesty's Courts and Tribunals Service.

However, to ensure our review is as informed as possible, we are keen to consider data and evidence held outside Government that could aid our assessment. As such, we plan to initiate a comprehensive process of structured engagement between Government and interested parties, starting in the coming weeks.

To inform the above review, and the Government's thinking on how we move forward into the future, the Government is also keen to engage with interested parties who wish to contribute to the evidence-gathering exercise of the Post-Implementation Review. This engagement is going to be conducted in several forms:

- Consultative groups led by MoJ officials, to which certain interested parties will be invited to participate. Interested parties will be grouped into four sectors: civil justice, family justice, criminal justice and the advice sector. Participants will vary for each group to broaden engagement and ensure the data and evidence discussed are as relevant as possible.
- Individual engagement between MoJ officials and interested parties who wish to provide data and evidence. This will be an avenue by which the MoJ can take into account the experiences of people who receive government-funded legal advice and representation.
- A route by which interested parties are able to submit data and evidence to MoJ officials for consideration as part of this work.

The ability of everyone to resolve their legal issues is vital to a just society. We are committed to ensuring legal aid and other forms of legal support are available to those who need it.

It is right that the Government takes the time to assess the extent to which the objectives of the LASPO changes were achieved. In addition, this process of consideration and engagement with interested parties also represents an opportunity for the Government to consider what the future should look like.

The consultations that preceded LASPO were published over seven years ago, and since this time there have been significant developments in our justice system. This includes the processes through which people can access legal advice. We have seen changes in our courts and tribunals service, which are also apparent more generally in the rapid technological advancements seen across society over the past seven years.

As such, the Government plans to use this opportunity to inform its wider consideration on the future of legal support in the justice system.