

Community Care Legal Aid in England and Wales:

Urgent help needed

Executive summary

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Executive summary

1. This report draws on research spanning 2022-2026 on community care legal aid in England and Wales.
2. Community care legal aid covers adults' and children's social care including matters arising under the Care Act 2014 and the Children Act 1989, particularly around the support needs of people with disabilities and decisions of social services. It intersects with mental health law, education, housing, and also covers rights to asylum support.

Provision and need analysis

3. There has been a serious decline in Legal Help cases in the period 2009-2025, from 8,539 cases started in 2009-10 to 1,636 in 2024-25.
4. Although there is an overall increase in Civil Representation cases, the vast majority of this (89%) is Court of Protection work which has increased from 37 cases in 2014-15 to 2,063 in 2024-25. Civil representation cases for judicial review, by contrast, declined by almost 50% from 474 in 2018-19 to 240 in 2024-25 and 156 in 2025-26 (recognising that the last year's data may be inaccurate due to the LAA data breach).
5. These are not alternative ways of progressing the same case, so the data clearly shows a significant loss of access across most elements of community care law.
6. The vast majority of Legal Help provision is in London and the East Midlands, though the combination of overall shortages and the hyper-specialisation that providers have deployed as a survival strategy means there is no longer any meaningful regional picture, nor any meaningful local provision.

Executive summary (continued)

7. A high proportion of offices are 'dormant', meaning they undertook no legal aid work in either Legal Help or Civil Representation within any given year. This was 11.5% of offices in 2024-25. In 2025-26, based on only the completion data (as start data remains unavailable), 25% of contracted organisations did not complete any legal aid cases from any of their offices. These proportions are higher than for housing or immigration legal aid.

8. Drawing on proxy indicators of need from the Association of Directors of Adult Social Care (ADASS) surveys, social care statistics, the Index of Multiple Deprivation, previous levels of provision, the accounts of non-lawyer social care support organisations, and lawyer interviewees' accounts of the number or proportion of eligible clients they turn away, it is overwhelmingly likely that a large volume of legal aid need is unmet in England and Wales, leaving some of the most vulnerable people in the country unable to uphold or enforce their legal rights.

9. The research strongly suggests that the Lord Chancellor is failing to fulfil the duty in s1 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act to secure the availability of legal aid in accordance with the Act.

10. The research contradicts the conclusions of the Ministry of Justice 'Deep Dive' as part of the Review of Civil Legal Aid (RoCLA) published in 2025.

Key findings

11. Many legal aid providers have adopted a survival strategy of hyper-specialising in particular sub-categories of community care work, leaving very little provision for the least financially viable sub-categories.

12. Legal Help work is particularly unaffordable, and most providers avoid taking on cases which are likely to remain on the Legal Help scheme. This is particularly so for those in the private sector, but even not-for-profits' lawyers have to limit the amount of Legal Help work they do.

13. Investigative representation is extremely administratively burdensome, particularly because of Legal Aid Agency caseworkers' limited understanding of community care law.

Executive summary (continued)

14. Recruitment of a qualified community care practitioner is very difficult throughout England and Wales, especially outside London, and some providers have found it impossible to recruit a supervisor. The supervisor standard is described as difficult to meet, especially in not-for-profits which are cross-subsidising legal aid work with grant-funded projects and are not undertaking the required number of hours in legal casework.

15. The complexity of community care cases is increasing for several reasons including clients having less non-legal support and requiring more support from their lawyer to be able to give instructions; family members becoming more desperate before finding legal assistance; the de-skilling of local authority lawyers making the conduct of cases more difficult; and some local authorities taking a more adversarial approach.

16. The solutions to the crisis are multi-faceted, particularly in advice desert areas: an increase in fee rates alone will not resolve the recruitment and client care crises, for example, but no solutions are viable without a substantial increase in fees to make the work financially viable.

Summary of recommendations

1. Increase legal aid fees

The fees for both Legal Help and Civil Representation work need to increase significantly. Some other areas of law have received a fee increase because it became apparent that the duty in s1 of the LASPO Act to secure the availability of legal aid in accordance with the Act was not being fulfilled. That is undeniably the case in community care legal aid. The combination of receiving no fee uprating since 1996, a 10% fee cut in 2011, the loss of other areas of law from the scope of legal aid leaving some practices financially unviable, and significant increases in all operating costs including rent, utilities and staffing mean that providers are unable to continue without a fee increase.

2. Reduce the escape threshold to double the fixed fee

Unless the government is willing to abandon the fixed fee, the escape threshold needs to be reduced to double the fixed fee. That has been adopted in immigration law. It means providers' maximum loss per case would be 99% of the amount they were paid, instead of the current 199%, when a case costs just under three times the fixed fee. This would still not entirely fulfil the 'swings and roundabouts' principle unless they completed two cases for half of the standard fee for every one which cost almost double but did not quite escape, but is more manageable than the current situation. This recommendation still requires that the hourly rate for Legal Help is increased.

Summary of recommendations (continued)

3. Separate the core community care and Court of Protection data

And monitor these separately to ensure that there is a realistic prospect that community care legal needs are being met. Likewise split the children's and adult social care data so that it is possible to monitor these separately. As the data in this report shows, the amount of Civil Representation work outside of Court of Protection cases is very low, but this loss of provision is hidden unless one painstakingly dismantles the data on the Power BI site. There is a need for more intensive monitoring of community care legal need (without requiring the few remaining providers to undertake unpaid monitoring of the cases they turn away).

4. Reduce bureaucracy

As with other areas of law, there is an urgent need to reduce legal aid bureaucracy and the time spent on tasks for which providers are not paid. This currently amounts to a median figure of 15% of an eight-hour working day. There is scope to reduce this bureaucracy or alternatively to pay for the time which is required but currently non-chargeable (and therefore not counted in the calculation of whether a case escapes the fixed fee).

5. Invest in training, retention and supervisory support

Support organisations to remain or expand into community care law by fully funding traineeships, set-up costs for organisations accepting new contracts, and remote supervision and mentoring in-reach to create capacity in new areas.

Summary of recommendations (continued)

6. Develop a clearer understanding of the escalated and shifted costs

...which occur when people do not receive access to community care legal aid. The National Audit Office has previously criticised the MoJ for lacking a clear understanding of these shifted costs resulting from legal aid cuts. The MoJ should undertake research to build understanding of the benefits of legal advice and representation, and of the shifted and escalated costs when these are not available, to be set against the more obvious costs of providing legal aid.

7. Work with the Welsh Government

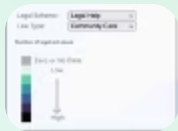
...to better understand the shortages of community care (and other) legal aid and the impact of this on the devolved Welsh legislation. This work needs to take a holistic approach to understand the impacts of administrative matters such as the lack of standardised wording for legal aid applications relating to Welsh legislation, as well as the broader implications of lack of case law development, to inform a strategy for overcoming the shortage of provision.

8. Deploy the powers in LASPO s2

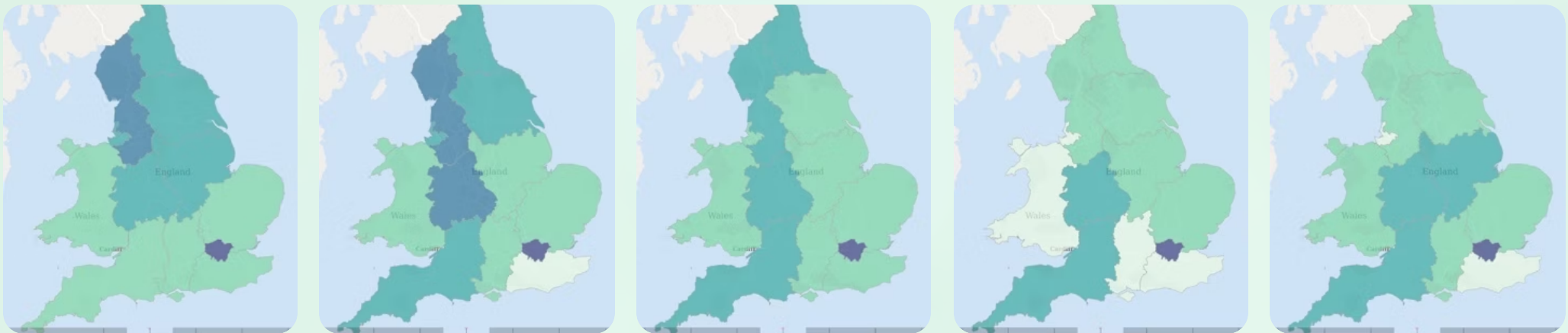
An overarching recommendation is that the MoJ should explore ways of exercising the powers in LASPO s2 to make alternative arrangements (such as grants) to secure provision of community care legal aid in line with the duty in LASPO s1.

Time-series mapping the Legal Help decline

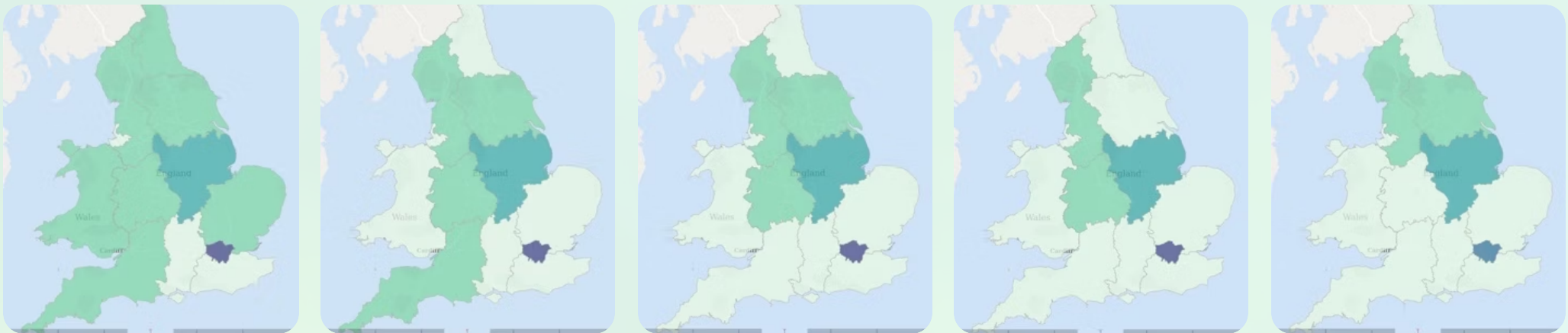
The provision maps on this page show the decline in Legal Help provision across England and Wales from 2010 to 2024, by Legal Aid Agency procurement area.⁵



2010-2014



2015-2019



2020-2024

