



**ASLEF Response to the Ministry of Justice: Transforming Legal Aid -
“delivering a more credible and efficient system”**

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK’s largest train driver’s union representing approximately 18,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. ASLEF opposes the government’s plans to slash legal aid and believe that the criminal justice system will become two tiered with those who can afford it instructing a lawyer of their choice whilst the low paid will be denied choice and will be given a solicitor randomly selected by a third party.
3. ASLEF opposes price competitive tendering in principle and simply do not accept that the proposals will provide a more ‘credible’ or ‘efficient’ system. ‘Price competitive tendering’ proposals will simply restrict the process, abandoning client choice and driving down quality. The proposals will exclude specialist providers such as the solicitors used by the trade union movement.
4. ASLEF believes that the proposals are poorly thought through and do not tackle the very many complex issues which arise in the procurement and supply of criminal legal services. Considering the importance of these changes the consultation period is too short, there is a lack of a proper pilot scheme and the proposed introduction of these radical reforms by way of secondary legislation open the proposals to challenge.

5. The long term relationship between a solicitor and a client in which trust is forged can assist the smooth and economic running of the criminal justice system. To get in the way of this can make the process more expensive and cumbersome.
6. Those with no experience of the criminal justice system often need far more assistance and time with solicitors. Therefore many people facing these issues for the first time will be let down by the new proposals as they will not be able to have the current level of client care.
7. Many of ASLEF's members who need legal services have employment law as part of their case. This requires specific expertise. This would not be available under the new structure.
8. ASLEF agrees with the position of the Law Society and the wider profession that awarding contracts of this sort on the basis of price competition alone is unsustainable and will significantly impact on the quality of the service. Additionally we support the Law Society's view that these proposals may very likely lead to market collapse, causing untold damage to clients, the supplier base and the overall integrity of the justice system.
9. The fundamental flaw in a tendering process based on price alone is that a proper market, governed by the rules of the market, cannot prevail: there is no choice and there is no true competition. The proposals are an unreasonable, unnecessary and a dysfunctional way to organise and fund legal representation for people suspected (but not proven guilty) of committing a crime.
10. Legal aid is a cost on the taxpayer. But Justice has a cost. Despite the difficult financial climate we find ourselves in, some things are worth paying

for. ASLEF feels that these measures are one step further towards a legal system where you are judged more on your financial means than your true guilt or innocence. Getting the appropriate legal representation will increasingly become the preserve of the rich whilst those without the financial means will be given a take it or leave option. This is not how justice should work.

Mick Whelan
General Secretary
77 St John Street
London
EC1M 4NN