

Background to the Legal Aid Review and SAVE initiative

The Isle of Man Treasury launched a 'Securing Added Value and Efficiencies' (SAVE) initiative in 2017. Over 1300 ideas were submitted including around 700 suggestions to save money. One of these suggestions was to consider the establishment of a Public Defender Scheme (PDS). A PDS is a system under which lawyers are employed at a cost to Government to represent the interests of defendants in criminal matters.

A [SAVE Programme Progress Report](#) was laid before Tynwald in June 2018. It included 'Proof of Concept' reports prepared by PriceWaterhouseCoopers (PwC) for a number of SAVE initiatives, including the PDS. Based on a PDS having 6 Advocates and 4 administrators in addition to office costs, the PwC report included indicative cost savings of £1m per year in Criminal Legal Aid expenditure (which was calculated at £2.3 million at the time of the report). The report acknowledged that a robust solution would be required to avoid a conflict of interest between a PDS, if established, and the Prosecutions Division of the Attorney General's Chambers.

Following the SAVE Progress Report being presented to Tynwald in June 2018, a commitment was made to explore the feasibility of a PDS. There followed a request from the Treasury for HM Attorney General to lead the project, and a Project Manager was appointed to the Attorney General's Chambers in September 2018. It soon became apparent that a PDS should not be considered in isolation and the scope of the project expanded to consider all aspects of Criminal Legal Aid provision.

In January 2019, following a request from the Legal Aid Committee, the scope of the project widened further to include Civil Legal Aid. This was announced at the January 2019 sitting of Tynwald by the Treasury Minister, in which he said:

Over the last 5 years, the average cost of Legal Aid [Criminal & Civil] and its administration has been £3.8m per annum. Whilst legal advice, assistance and representation come at a significant cost to the public purse, this review will not simply be about cutting or better controlling public spending. The question we must ask ourselves is:

"How can Government ensure that Legal Aid is applied appropriately to those who need it, whilst balancing the financial realities of the Isle of Man?"

By extending this project's remit to become one of "Access to Justice" we will have the opportunity to review the Island's Legal Aid provision as a whole and whether any aspects could or should be changed or improved. The overarching principles of access to justice and quality of service should be in place, and if there are potential efficiencies and savings to be made, this project will seek to identify them.

Following the Treasury Minister's announcement, the project was re-launched as the 'Legal Aid Review' which is now being undertaken in two parts: Criminal Legal Aid and Civil Legal Aid.

Links

- SAVE Progress Report submitted to the June 2018 sitting of Tynwald
<http://www.tynwald.org.im/business/opqp/sittings/Tynwald%2020162018/2018-GD-0030.pdf>
- Tynwald Hansard 19 June 2018 (SAVE Programme debate)
<http://www.tynwald.org.im/business/hansard/20002020/t180619.pdf>

Tynwald Hansard 15 January 2019 (Public Defender Scheme project - statement by the Treasury Minister)

- <http://www.tynwald.org.im/business/OPHansardIndex1821/2900.pdf>