



A forensic view of Legal Aid

Society members' views on working with Legal Aid in Forensic Science

Executive Report

This report outlines the feedback from members regarding a survey on the way the Legal Aid system is working for all those involved in Forensic Science. The survey was conducted in Spring 2025 to gather members' initial views.

It is clear from members' experiences that the current workings of the system are not conducive to a healthy ecosystem in which forensic experts can operate.

- **Over half of respondents expressed dissatisfaction with the way work was awarded and nearly 75% were struggling to get paid within 3 months**
- **25% waited 6 months to get paid**
- **Delays in the criminal justice system have led to cash flow problems**
- **Nearly 60% of respondents had refused to quote for Legal Aid work**

"For the amount of forensic work now required for our analyses it is not worth it as our fees get knocked down. We are not a charity and the hourly rates are so low so as to make it financially unviable... Solicitors are also supposed to settle fee notes within 30 days but we wait many months for payment when they have already secured payment from the LAA"

A system of obtaining quotes, quite often by a junior member of a legal team, that are then 'negotiated down' is a standard practice. There was evidence that the cheapest quote is accepted, regardless of quality, and this should be unacceptable to the justice system.

Asking an expert for their view on length of time required to perform scientific, skilled assessments should be respected rather than an automatic response with arbitrary reductions,

"They argue over the hours and sometimes the rate (even though it is at their guideline rate)"

and this results in reduced rates for the expert in real terms. This will eventually weaken the market and result in a poorer version of justice.

This, linked with slow payment for SMEs and sole operators, sometimes stretching beyond 9 months is unsustainable and will reduce the market of available experts.

"Instructions are based solely on who can provide the lowest quote for fees, nothing regarding level of expertise or whether the quote includes all the required work to an appropriate level and depth....we are then asked to match the lowest quote as the solicitors wish to instruct us but at the lowest quoted fee when there is often a mismatch in the work quoted for"

Next steps

- Continued work with members to gather more narrative and examples of where the system is not working for experts.
- A Working Group will be formed to focus on the main issues, and prioritise for onward discussion with relevant bodies, such as the Legal Aid Agency, The Solicitors' Regulation Authority and many other organisations in the judicial system.
- Using the output from this report and the Working Group discussions, we will design a pathway to a fairer environment for experts in forensic science and will lobby and influence on this basis.

Summary

Unfortunately, and alarmingly, the existing system puts too much financial power with the Legal Aid Agency team obtaining quotes. Pressure to gain savings without a detailed knowledge of the forensic work required is a race to the bottom already. Any legal team should be allowed to agree the fees of and instruct the expert that they wish, as long as the expert adheres to LAA guideline rates – thus allowing oversight from the LAA.

Expert work cannot continue to be treated as a commodity to be bid down when there is a structure for financial reward in the LAA expert's rates. This should not be used as a starting point for negotiations or quibbling over the number of hours or days required for work.

Some legal firms are also taking advantage of sole operators and SMEs by delaying payment, and in some instances, not paying at all. The Legal Aid Agency and the Solicitors' Regulation Authority will be contacted for comment and a practice put in place to safeguard the agreed finances due to the expert.

Due to the financial pressures noted in the members' responses, it is clear that forensic experts are leaving the industry as in some instances, the approved payment appears to be no more than 'voluntary charity work' – and obviously not sustainable in the current economic climate.

All organisations involved in the legal aid process need to rectify this quickly as the choice of experts in all areas is dwindling fast.

The Chartered Society would also be keen to discuss with the working group, the introduction of a mandatory requirement for court experts to have a senior grade of membership from their chosen professional body. This brings in another level of governance, as all have a Code of Conduct that members have to adhere to, which ensures a standard of qualifications and experience, linked with continued professional development.

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Summary of respondents

There were 49 respondents, 46 of which were members of the Society with 3 being passed the survey by contacts. All responses have been included unless specific to membership. Where we have asked respondents to express satisfaction levels, there is a 1 to 10 scale, with 1 being Very Dissatisfied and 10 being Very Satisfied

90% of respondents acted as specialist experts in Forensic Science, with the rest as agencies or acting as connections between experts and the Courts.

57% of these said that over half of their work came from Legal Aid.

Satisfaction levels

We asked

“How satisfied are you with the way in which work is awarded by the LAA via instructing solicitors?”

There were a range of answers with an average of **4.2 out of 10** – with 53.1% either Very Dissatisfied or Dissatisfied. Nearly 41% of respondents stated that they had refused to quote or turned down Legal Aid work.

Our members said:

LAA goes for cheapest bid, even if it is not for the same work/service
At the moment it is a race to the bottom - lowest price is all that matters and sadly the industry is its own worse enemy since there are firms willing to cut. The issue being I know how much it costs to run and I have seen this before - the firms are going to go bankrupt and Companies House is already showing these signs. The LAA provides no distinction between an expert level work or an analyst/technician. I am having responses from the LAA such as "usually X devices only require X amount of time", and that was in a detailed instruction involving a murder case. We are informed by the FSR it is quality and accuracy that matters, and the LAA are wanting it done cheap and fast - I am at a loss as how we are supposed to do this.
Low fees and slow payment
LAA make the solicitors shop around but in the end this usually delays matters and the solicitors end up back with the expert they started with but the time to examine the case and produce a report is greatly diminished. There are times they have refused the costs despite the quote being low to begin with, LAA do not always appreciate the amount of work required to examine a case properly.
The LAA often arbitrarily refuse to fund part of the work outlined in a quote or assign the wrong (cheaper) rate applicable to the expert, or insist on 3 quotes and only fund the lower amount even if the scope of work in each quote is different.
LAA go with the lowest quote as opposed to the most suitable expert for the case in question. LAA have no scientific knowledge to make a sensible judgement LAA often refuse to pay the guidance hourly rate and won't cover quality checks LAA have no way of knowing who is the right expert for the job.
LAA reluctant to pay reasonable travel when a visit to Forensic laboratory or police premises on other side of country from work place is essential for conducting work. Solicitors often under pressure to find cheapest quote from experts for LAA award and for those cases where I have considered it necessary to travel to a laboratory to examine exhibits (rather than just review emailed documents) my quote has been rejected.

The reality of quoting for Legal Aid work...

Under a quarter of responses (22.4%) stated that “they always got their quote accepted” and it was a mixed response when we asked “in the last full year, what percentage of LA cases have been accepted without any issues?” with 40% saying over half the cases get returned.

A sample of typical comments;

If they cut the fee then I will refuse the work. I do have some goodwill in this, but I am very aware it is not sustainable to be working for free and it just adds to the overall problem.
When we know that we are clearly being used as a 'Second Quote' by Solicitors (appreciating it is not their fault). When the LAA arbitrarily lower our quote to what they think is suitable, or expect us to match another lower costing expert.
LAA won't agree my rate or offer a minimum number of hours which means I can't do the task properly
Because the LAA hourly rate is totally unrealistic and does not take into consideration the actual time involved
...a case is granted 50 hours requires 60+ actual hours work on it, and now the LAA have added into the mix of cutting the 50 hours to 40 hours, so we are being expected to work those 60+ hours for 40 hours of payment and then get messed around entirely via the Court process for zero or very little fee
Refusal to fund peer review. In my view we need to push back on this. If not, either peer review will be missed or experts will simply absorb the cost. This is not acceptable.

Getting paid

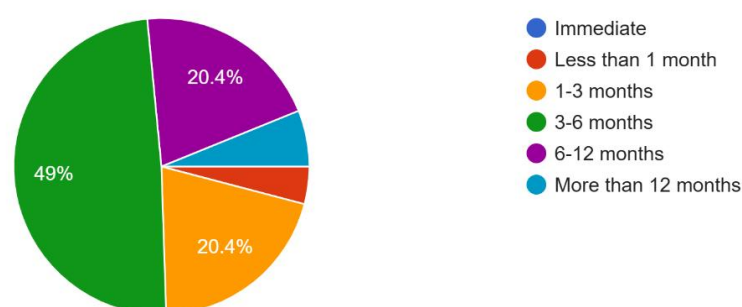
We asked “How satisfied are you with the speed of payment after taking on Legal Aid work?”

Overall the score on a 1 to 10 scale was 3.4 with 65% stating Very Dissatisfied or Dissatisfied.

The length of time to be paid was also scored

On average, how long does it take to receive the funds from the Instructing Solicitor?

49 responses



This shows nearly **three quarters of invoices still outstanding after 3 months** and over a quarter still to be paid after 6 months. The majority of reasons given stated hold ups with Solicitors or a lack of reason given.

This situation is unsustainable and will result very quickly in competent experts declining to work under Legal Aid. This will impact the choice of experts and the resulting quality of work done.

Main perceived issues

We asked members to state the main thing they would change with the Legal Aid system, excluding rates for experts.

Responses included;

Immediate payment following receipt of my reports
they need to understand the complexity of expert witness assessment and not apply fixed hours
The LAA should not be asking Solicitors to obtain more than one quote - as per their own wording in their contracts with Solicitors. They say that an expert must be on the Solicitors approved panel and must comply with the LAA rates and that is sufficient to fulfill their requirement under the Solicitor's legal aid contract with the LAA....therefore the LAA should not be enforcing second quotes if the Solicitors and Expert abide by these rules. The LAA could continue to question our quote, but at least we would be fighting our own battle for the Solicitor to be able to instruct the expert that they want....and it would stop the 'cheapest expert wins' battle which is wholly inappropriate and a huge waste of time and resources all round. (Indeed cases are being missed at court simply due to the LAA forcing Solicitors to shop around when we could have completed it weeks previously).
A better understanding of the actual time and work involved in communications, studying documents and producing the reports.
The whole approach to defence expert casework and funding needs a serious review. In a worryingly high percentage of cases the prosecution casework in Fire investigation was poor. The quality of scene work and criminalistics low. The facilities for court witness services not available to the defence. Poor PDF images of crime scenes and exhibits offers instead of high resolution images which had to be forcibly requested. Often turning up the day before the trial with the wrong passwords to access the material. Unused case material bundles had to be requested constantly. Often useful defence material was in the unused bundles.
That once an estimate has been agreed by the LAA, it has to pay the expert rather than the solicitor. All the solicitor should have to do is confirm the report has been delivered and that it is satisfactory. Payment should be made by the LAA within 10 working days thereafter direct to the expert.
I would make the process of claiming for court attendances easier, centralising it to a single department of address instead of dealing with all courts separately.
Allow the correct hours justified to do the required work due to the involvement of science and the increased depths of analysis now required by the FSR's codes. and yes, RATES!

There were many comments varied across similar themes and the above is a sample of the views of our members.

We would like to thank all members that took part in the survey.

END

The Chartered Society of Forensic Sciences was formed in 1959 and gained its Charter in 2004 and is the professional membership organisation for anyone studying, researching and working in forensic science in the UK.

More detail here at www.csofs.org