

Justice under the axe: can the Government's cuts be fair?

The execution of justice is one of the most fundamental responsibilities of any State and so it is understandable that many people claim that large reductions to the Ministry of Justice budget will lead to a more unfair society. However, I submit that they are mistaken. If Government links fiscal consolidation to radical reform, then cost cutting in the Ministry of Justice has the potential to not just make that department more efficient, but also make British justice work better in the long term.

Firstly, it is regrettable that many civil cases reach the courtroom at all. For example, in some cases where there is a dispute over land rights or a divorce settlement, it is likely that involving the courts in the matter will simply further inflame the situation unnecessarily when a reasonable compromise could perhaps otherwise have been worked out between the relevant parties. Of course, it would be wrong to take this sceptical approach towards all civil disputes, but, through a more efficient system of Legal Aid, unneeded aggravation for parties in these disputes produced by tiring and protracted legal cases is more likely to be avoided. Therefore, cuts to Legal Aid could actually lead to ultimately much better outcomes for members of the public in certain cases.

Further to this, the reductions in Legal Aid will not deny access to representation in criminal cases to those on low incomes and they will also continue to allow the use of public money to represent poor people in civil cases when it is absolutely essential and in the interests of justice to do so. By addressing the unsustainable, 'anything goes' system, an unfair anomaly in the system will actually be amended, whereby those on low incomes have been able to have practically any legal action that they wish to pursue funded by the taxpayer, while people on middle incomes have not been eligible to receive this assistance and yet cannot afford to pay for costly legal proceedings. These changes will therefore correct the way that the Legal Aid system has, in recent years, unfairly discriminated against those on middle incomes.

Closing some courthouses is also unlikely to have negative effects on British justice. Regardless of the economic circumstances, it is extremely wasteful and inefficient to keep courts open that hear few cases, especially if there are other, more frequently used courts located nearby. It is difficult to accept that it will make it hard for parties to attend court as a result of them having to travel slightly further; provisions can always be made in individual cases. The idea that there will be increased pollution as a result of this is possibly true, but the impact would be so absolutely minute when radical solutions are needed to solve the climate change problem that this point is a little ridiculous. As for the view that local justice is undermined by closing some courthouses, the reason that they will have been closed is that they would have been delivering very little justice anyway because they would have been used so infrequently and a fair and just outcome, or indeed an unfair and unjust outcome, will still be exactly that no matter where it was reached. Accordingly, it seems entirely sensible to close some courthouses in order to make savings.

As well as there being scope for more efficient delivery of justice in civil cases and criminal ones before conviction, savings can also be found in our prisons.

Requiring convicted prisoners to make contributions out of their earnings towards their upkeep in prison seems very reasonable; it is the convicted prisoner's own fault, not the taxpayer's, that they ended up incarcerated and, although the State clearly does have a responsibility to house these individuals at Her Majesty's Pleasure no matter what the cost, when that cost can be helped met by prisoners' earnings as well, this seems only right; not as an additional punishment, but as a matter of basic fairness, which is also likely to aid the rehabilitation of offenders. The Government has stated that it will implement the Prisoners' Earnings Act 1996, which includes such provisions. As such, savings can be made in this area in a way that actually enhances fairness in the justice system rather than undermining it.

The Government intends to embark on a 'rehabilitation revolution' whereby the private and voluntary providers are paid by results if they are successful in reducing reoffending. Other proposals include paying offenders the minimum wage in prison and, while requiring them to pay some of the money to fund their stay in prison and compensate victims, for example, permitting them access to some of it if they succeed in not reoffending beyond a certain point. Measures such as these, in the medium to long term, could be successful in reducing the number of prisoners by getting them back on the straight and narrow, given that so many of those incarcerated are recidivist offenders; this would obviously save money. Clearly, these reforms will take time, but, by quite possibly reducing crime, they could ultimately reduce the prison population and so enable the Ministry of Justice to survive on a tighter budget.

It stands to reason, then, that the Ministry of Justice is a department ripe for long term reform in order to deter people from unnecessarily pursuing a legal route to solve disputes, prevent the taxpayer's money from being used for spurious legal claims, closing underused courthouses, making prisoners contribute towards their own maintenance and end the presence of a social underclass apparently condemned to a vicious circle of crime and reoffending. Tight budgets offer a real opportunity for more and not less fairness in our justice system and getting to grips with some of the deep flaws in British laws and that opportunity must be seized.

By Jack Simpson