



Ministry
of Justice



Legal Aid
Agency



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Legal Aid Statistics quarterly, England and Wales

April to June 2021

1. Main points

When compared to the post-covid April to June 2020 period representation orders granted in magistrates' court increased 37% while Crown Court increased by 17%.

The volume of completed work and associated expenditure in the magistrates' court doubled when compared to the same post-covid period last year.

Overall Crown Court expenditure increased this quarter; up by 10% compared with the same period of the previous year.

Mediation Information and Assessment Meeting volumes were 43% higher than in the same quarter of 2020.

Applications for civil representation supported by evidence of domestic violence or child abuse increased by 21%.

973 applications for Exceptional Case Funding were received in the last quarter.



The comparisons to the pre-covid period show a reversal of these trends with orders down by 19% and 6% respectively.



When compared to the period from April to June 2019 they also increased but to a much lesser extent (6% and 3% respectively).



This is driven by rising receipts in the Crown Courts with overall criminal legal aid workload rising 22% over the same period.



Mediation starts were 55% higher and outcomes also were 60% higher.



The volume of these granted increased by 23% compared to the same period of 2020.



This is a 40% increase from the same quarter last year.

This edition comprises the first release of official statistics for the three-month period from April to June 2021 and the latest statement of all figures for previous periods. For more detailed commentary, and statistics on providers of legal aid, Central Funds and legal aid in the higher courts, please refer to the [annual publication](#). For technical detail, please refer to the [User guide](#) to legal aid statistics.

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2. Statistician's Comment

This publication shows that completed workload and the associated expenditure has increased year on year and has also increased more over the recent quarters, due to recovery from COVID-19, across both the criminal legal aid and civil legal aid schemes. Some areas have seen large increases and this is mainly due to comparisons against unusually low volumes of workload in the early stages of the pandemic and in some instances within the report comparisons are also given against pre-covid volumes, in order to provide a comparison against pre-covid levels of activity.

Criminal legal aid expenditure increased compared to the same quarter last year in schemes that support the court system, including the magistrates' and Crown Court. The incoming workload for representation at the courts has almost returned to levels seen in the period pre-covid. Complex trial cases ongoing at the Crown Court are not completing at the same rate as pre-covid due to social distancing measures, and reduced capacity in the courts is impacting upon closed claim expenditure.

Civil legal aid volumes and expenditure show a mixed picture compared to the same quarter last year. Overall, family law and mediation expenditure has returned to pre-pandemic levels. In April to June 2021, non-family law expenditure remains 15% lower than the same period of 2019. This is driven by the slow recovery of housing work following the impact of COVID. Overall civil legal aid workload still remains below pre-pandemic levels (by around 10%).

It was expected that criminal and civil legal aid volumes would return to, and even temporarily exceed, historic trend levels and more recent falls could be due to this return to normal levels or impact from further lockdowns.

3. Things you need to know

These symbols are used throughout this release to navigate to other documents of interest:



Data visualisation:
Click for tool allowing user-defined charts and tables.



User Guide:
Click for document giving definitions and explanations.



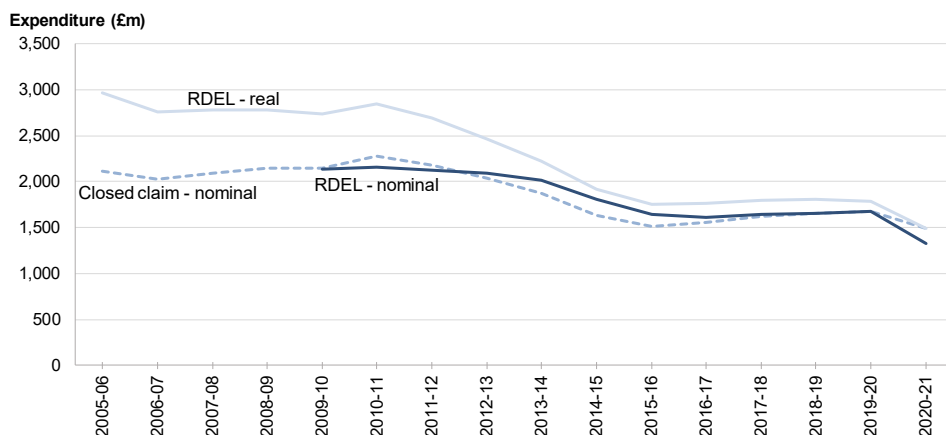
Tables:
Click for access to tables of figures.

To understand trends in legal aid as a whole, it is best to begin by looking at annual expenditure figures and then look at trends in both workload and expenditure for each category of legal aid. Summarising workload activity across the whole legal aid system meaningfully within a single number is difficult because of the diversity of services included and different stages in delivery. For example, legal aid work can be measured at the point when an order for legal aid is granted, or after all the legal aid work is completed and the provider has been paid. Expenditure on legal aid is measured differently for different purposes. The three most often-used measures, shown in Figure 1, are:

- **Closed claim expenditure is the measure used for expenditure figures throughout these legal aid statistics.** It represents the total value of payments made to legal aid providers in relation to pieces of work that are completed in the period. This basis is comparable to volumes of completed work to which it relates, and to the same fine level of detail. This does not include income received or expenditure in relation to debt write-offs.
- Resource Departmental Expenditure Limits - **RDEL nominal** is the main budgeting measure used by government to control current spending, both to set budgets for future years and report on how much has been spent. It represents the value of work carried out in the period better than the closed-case measure but cannot be broken down to such a fine level of detail. This measure does incorporate income and expenditure in relation to debt. 'Nominal' here means not adjusted for inflation. **RDEL real** is the RDEL measure adjusted for inflation to make the value of spending in previous years directly comparable with the specified year.

These measures show a large reduction in legal aid expenditure from around 2010-11, mostly due to changes to the scope of civil legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act from 2013-14, reductions in criminal legal aid workloads and reductions in the fees payable to legal aid providers.

Figure 1: Overall annual legal aid expenditure, by closed claim and RDEL nominal and real terms measures (£m), 2005-06 to 2020-21



4. Criminal legal aid



Tables 1.1 and 4.1

The volume of completed work and associated expenditure in the magistrates' court doubled.

When compared against the pre-covid period from April to June 2019 they also increased but to a much lesser extent (6% and 3% respectively).

Criminal legal aid can be categorised into Crime Lower and Crime Higher. Crime Lower includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts.

Figure 2: Crime overview, closed case volumes and expenditure for April to June 2021, and comparison with April to June 2020

	Category	Workload	Expenditure	
Crime Workload 250,199(22%↗) Expenditure £167.6m(17%↗)	Police Station Advice	137,413(<1%↘)	£28.1m(1%↗)	
	Magistrates' courts	70,558(110%↗)	£29m(101%↗)	
	Crime Lower 212,350(21%↗) £62.1m(33%↗)	Advice & assistance on appeals	213(26%↘)	£418k(4%↘)
	Prison Law	4,152(14%↗)	£4.6m(15%↗)	
	Civil work associated with crime	14(48%↘)	£4.7k(54%↘)	
	Solicitor fee scheme	19,566(36%↗)	£58.7m(10%↘)	
	Crown Court 37,849(32%↗) £105.5m(10%↗)	Advocate fee scheme	18,281(28%↗)	£45.9m(50%↗)
	High Cost crime cases	2(0%↔)	£873k(524%↗)	

Although Crown Court work comprises a relatively small portion of criminal legal aid in terms of volume, it accounts for around three-fifths of all criminal legal aid expenditure. Conversely, advice relating to the police station makes up the largest portion of workload, but a smaller proportion of expenditure.

Figure 3a: Workload in criminal legal aid, April to June 2011 to April to June 2021

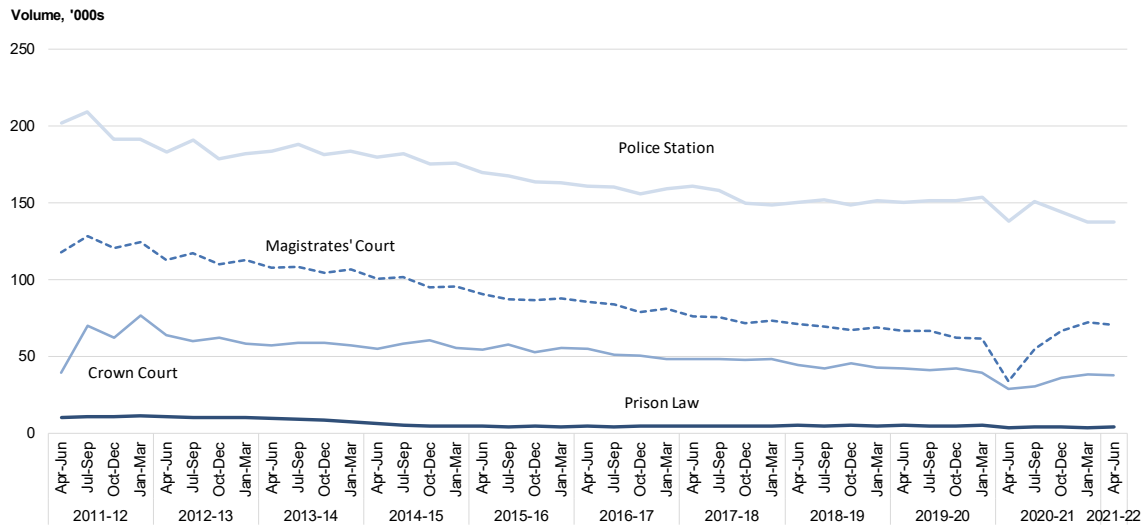
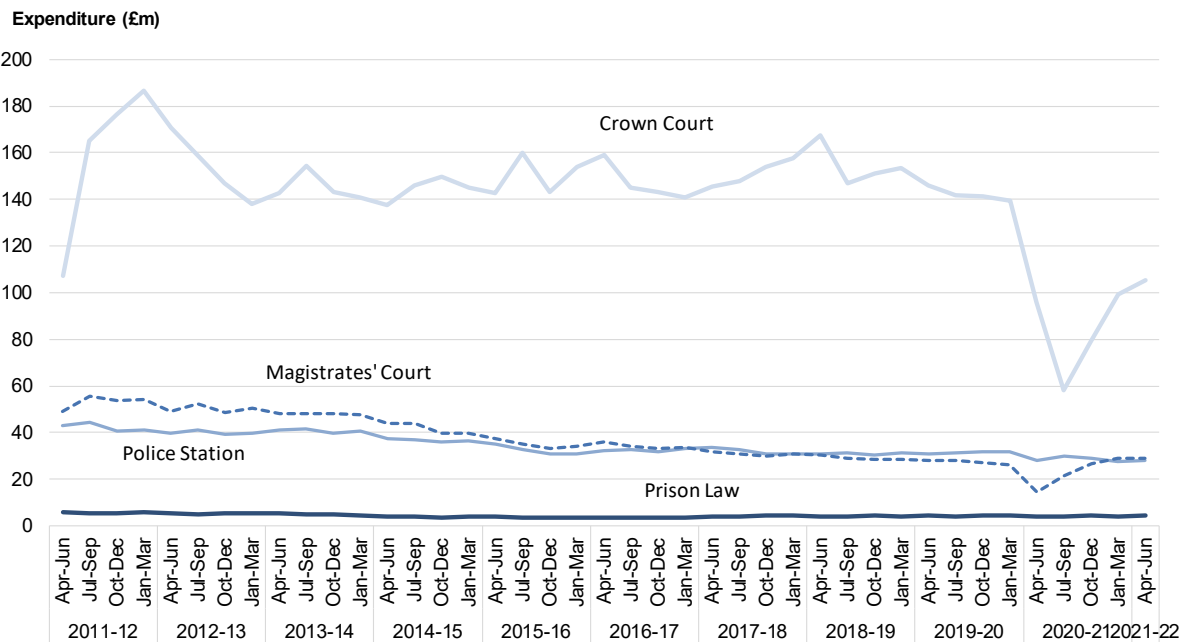


Figure 3b: Expenditure in criminal legal aid, April to June 2011 to April to June 2021



Note: Advice and assistance on appeals and civil work associated with crime are excluded from these figures.

Police station advice



Tables
2.1 and 2.2

This category made up almost two thirds of the Crime Lower workload between April and June 2021 but less than half of the expenditure. The workload in this period has decreased by less than 1% compared to the previous year, with expenditure also increasing by less than 1%. The decrease in

police station advice workload since 2013-14 is also seen in arrest statistics for England and Wales ¹, which has had a similar decline historically.

The majority of the police station advice workload (89% in April and June 2021) consists of suspects receiving legal help with a solicitor in attendance at the police station, with the rest mainly consisting of legal advice over the telephone.

Applications and grants for representation in the criminal courts



Tables
3.1 and 3.2

While figures should be interpreted with caution as they may be revised in subsequent quarters as cases move into the Crown court, the number of orders granted for legally-aided representation in the **magistrates' court** increased by 37% this quarter when compared to the same quarter of the previous year. This is attributed to the lockdown which happened in last year's quarter. In comparison with April to June 2019, the number of orders granted reduced by 19%. This continues the downward trend of the last 3 years, which has been largely driven by Summary Only cases.

The overall number of receipts in the magistrates' court² (including those not involving legal aid) was 20% up over the same period. The proportion of these applications that are granted remains stable at around 95%.

Orders granted for legally-aided representation in the Crown Court also increased to a lesser degree, by 17% this quarter compared to last year, compared to a 76% increase in overall Crown Court receipts³ although when compared to the figure from two years previously there has been a 3% fall due to the large reduction in the first quarter of the pandemic year. Within the legal aid figure, orders relating to either-way offences increased by 22%, while those relating to indictable offences increased by 6%. The proportion of Crown Court applications granted remains at almost 100%.

Magistrates' court completed work



Tables
2.1 and 2.2

Legally-aided representation in the magistrates' court comprised almost one-third of the workload and just under half of expenditure in Crime Lower between April and June 2021. The volume of completed work in the magistrates' court more than doubled this quarter when compared to the same period of the previous year. Expenditure roughly doubled as well (increased by £14.6m). This is attributed to the first lockdown and the large falls seen in the comparison quarter last year.

The workload and expenditure also increased from the pre-covid quarter in April to June 2019 but to a lesser extent (6% and 3% respectively). This increase is driven by the accelerated Criminal legal aid reforms since October 2020 which cover payment for work on sending cases to the Crown Court. This new category shown in the tables accompanying this bulletin had almost 10,000 claims costing around £2m completed this quarter.

¹ www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales

² www.gov.uk/government/collections/criminal-court-statistics, Table M1

³ www.gov.uk/government/collections/criminal-court-statistics, Table C1

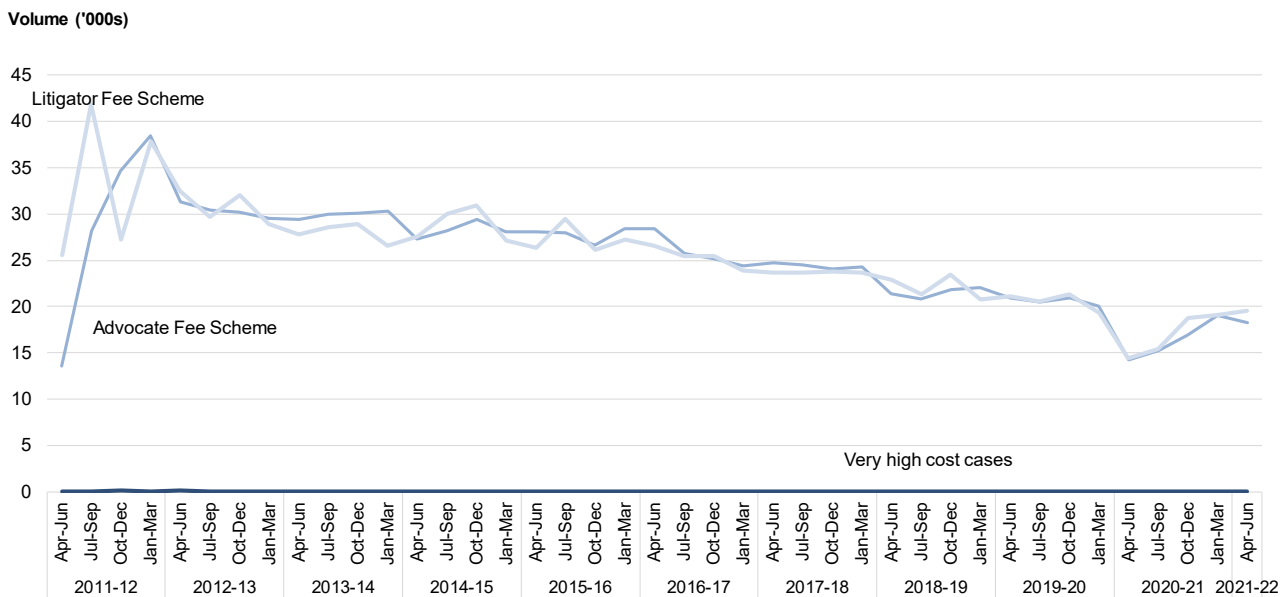


Crown Court completed work

Completed work volumes within the **litigator (solicitor) fee scheme** increased by 36% in April to June 2021 compared to the same period of the previous year, driven mainly by a 54% increase in trial claims. This recovery in workload is from extra resource within the HMCTS estate and completion of shorter less complex jury trials from the outstanding backlogs. When compared to the pre-covid quarter in 2019 the current workload is 7% below this level with a 34% reduction in trial claims.

In the **advocate fee scheme**, completed claims increased by 28% compared to the same period last year. Again, when compared to the pre-covid quarter in 2019 the current workload is 13% below this level.

Figure 4a: Workload in the Crown Court, April to June 2011 to April to June 2021

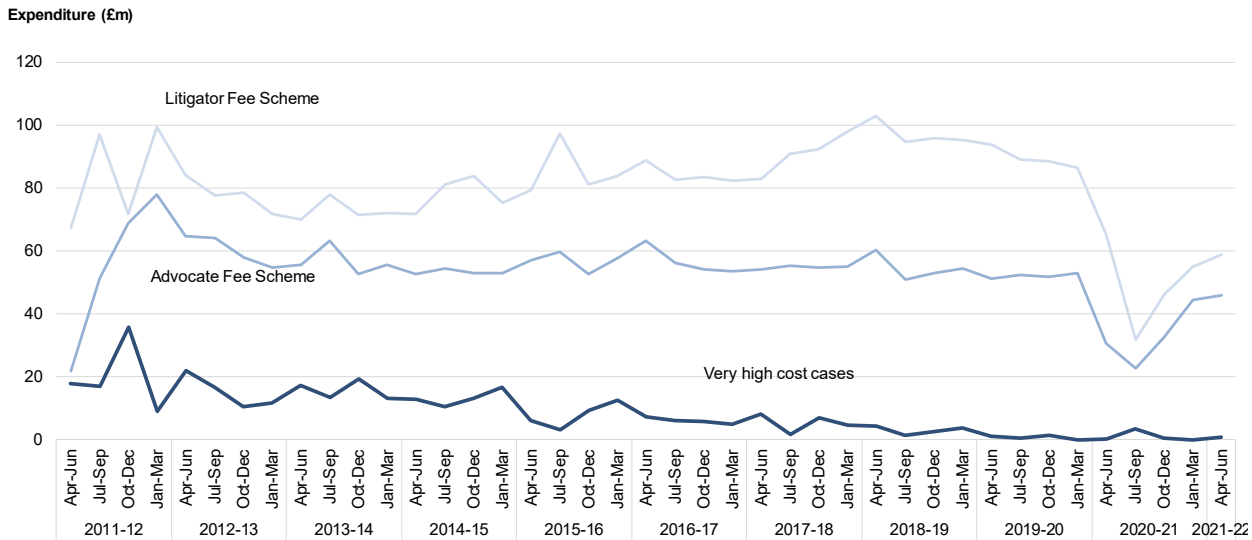


In the litigator fee scheme, expenditure decreased by 10% in April to June 2021 compared to the same period of the previous year (although a 37% fall against the pre-covid period). However, in the advocate fee scheme, the value of payments increased by 50% compared to the same period of the previous year. This increase though should be seen in the context of a 10% reduction against the pre-covid period from 2019. Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters as claims are assessed further on appeal and further payments added to the value of some completed claims.

The **Very High-Cost Case (VHCC)** scheme covers those Crown Court cases which, if the case were to proceed to trial, would likely last more than 60 days. These cases can span several years and, while they may involve small numbers of defendants, the associated expenditure is high in comparison.

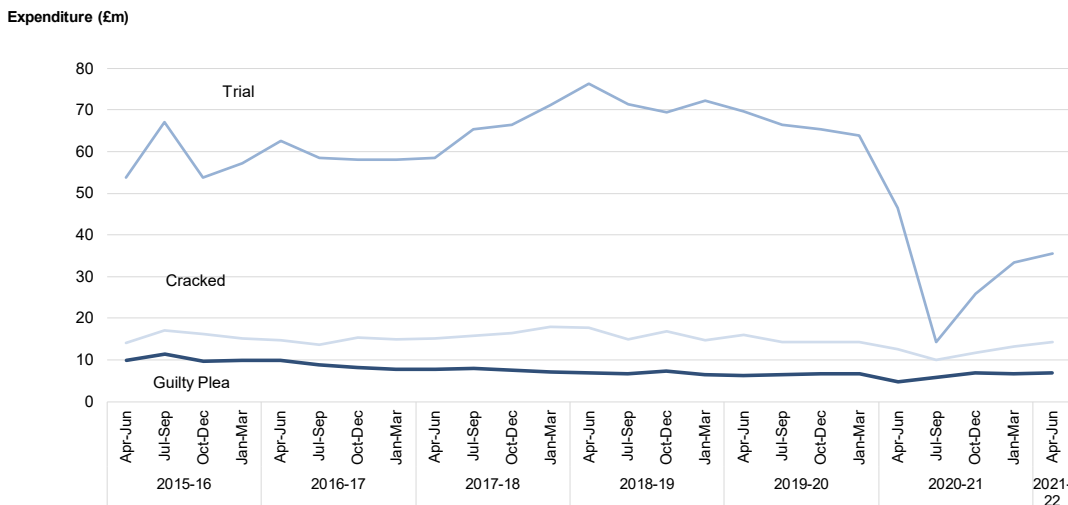
There were 2 defendants represented in the VHCC contracts that concluded in the April to June 2021 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed claim basis) was £873k. While workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme represents around 1% of the cost, although down from over 15% ten years ago.

Figure 4b: Expenditure in the Crown Court, April to June 2011 to April to June 2021



The large falls in completed expenditure are a consequence of the large fall in the number of jury trials completing in the Crown Court, as all expenditure across the case will be in the final main bill. Figure 4c below, looking at the litigator fee scheme in isolation but equally applicable to both schemes, shows the impact of falling trials on expenditure – these types of cases are more likely to be impacted as they need more courtroom space and distancing measures and are likely to include witnesses and members of the public in the jury pool. Trial completed expenditure has been more adversely affected than guilty pleas and cracked trials, where a defendant changes their plea before the trial, with litigator fee expenditure much lower. Previously it was more than £60m and it is still only just over half of this. A lack of available resources has led to fewer jury trials with a subsequent increase in trials awaiting completion of 45%⁴.

Figure 4c: Litigator Fee Scheme Crown Court expenditure by claim type, April to June 2017 to April to June 2021



⁴ www.gov.uk/government/collections/criminal-court-statistics, Table C1



Prison Law

Workload this quarter increased by 14% compared with the same period in the previous year, driven by advocacy assistance at parole board hearings which increased by 26% compared to last year and has increased by 10% since last quarter (see figure 5). Advocacy at parole board hearings currently makes up just over two-fifths of prison law workload, but a much larger proportion of costs (79%), so expenditure on prison law overall increased by 15% over this period.

Although the prison law workload increased compared to last year, it decreased by 16% when compared to April to June 2019. This is not reflected in the expenditure which increased by 6% over the 2-year period.

Since April to June 2020, the workload and expenditure for advocacy assistance at prison discipline hearings has remained low. Year-to-year comparisons show that workload reduced by 45% and expenditure reduced by 50% this quarter compared to last year. This continues the downward trend of this prison law category.

Prison law work still comprises a small portion of the volume (2%) and expenditure (3%) of total criminal legal aid work in April to June 2021; unchanged from previous years.

Figure 5a: Prison Law completed workload, April to June 2011 to April to June 2021

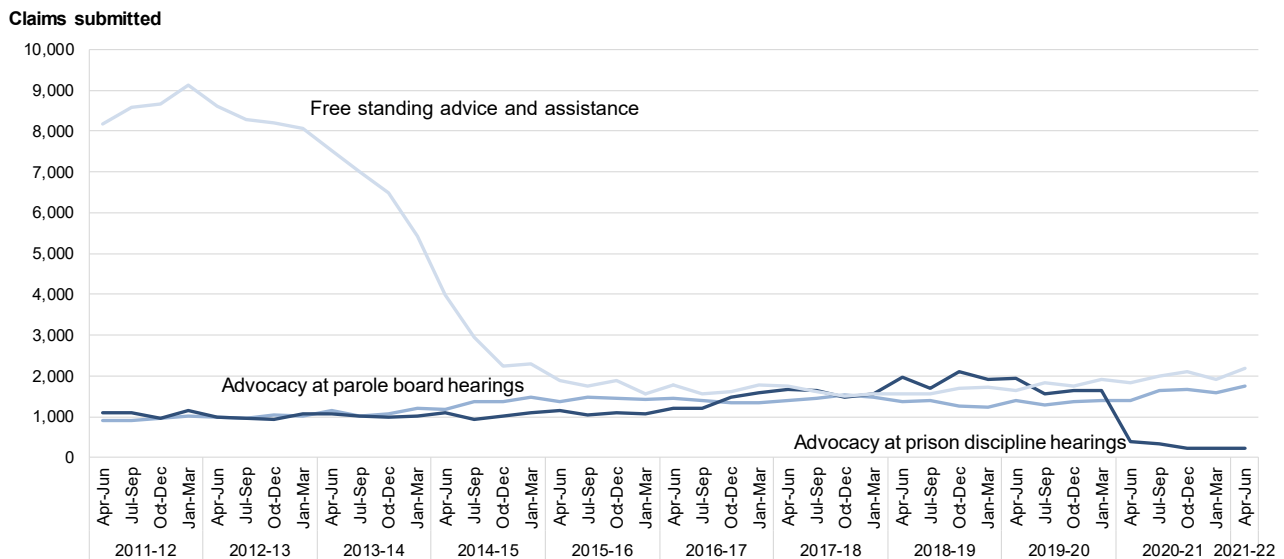
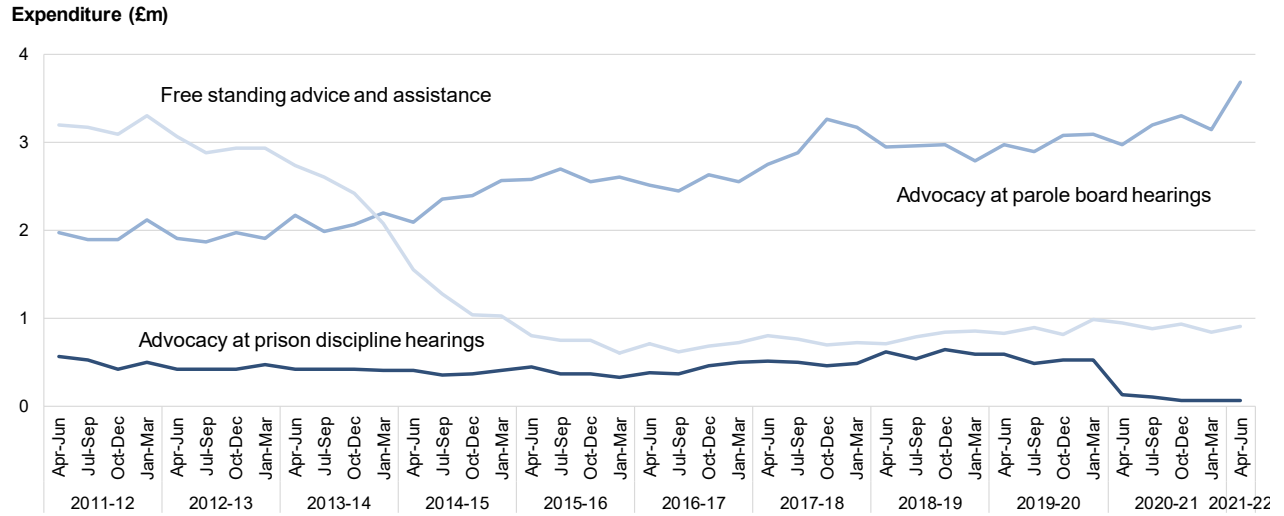


Figure 5b: Prison Law completed expenditure, April to June 2011 to April to June 2021



*New categories not shown: 'advocacy assistance at sentence reviews' and 'advocacy assistance at Parole Board reconsideration hearings'

5. Civil legal aid



Tables 1.2
and 8.1

Applications for civil representation supported by evidence of domestic violence or child abuse increased by 21%.

Overall, family law and mediation expenditure has returned to pre-pandemic levels. In April to June 2021, non-family law expenditure remains 15% lower than the same period of 2019. This is driven by the slow recovery of housing work following the impact of COVID. Overall civil legal aid workload still remains below pre-pandemic levels (10%).

Civil legal aid can be categorized by area of law into family and non-family. The category of family legal aid covers all work on both private and public family law and includes work associated with the Children Act, domestic abuse, financial provision and family mediation. Non-family legal aid encompasses all work related to immigration, mental health, housing and other non-family law.

Figure 6: Civil overview, closed case volumes and expenditure for April to June 2021, and comparison with April to June 2020

	Category	Workload	Expenditure
Civil Workload 60,847(15% ↗) Expenditure £187.6m(13% ↗)	Family 27,015(7% ↗) £152.2m(12% ↗)	Family Public	17,453(2% ↗) £124.1m(7% ↗)
		Family Private	9,562(20% ↗) £28.1m(42% ↗)
		Mediation and MIAMs*	5,637(50% ↗) £1.7m(53% ↗)
	Non-Family 28,195(18% ↗) £33.7m(17% ↗)	Immigration	9,795(26% ↗) £8.6m(9% ↗)
		Mental Health	9,005(7% ↗) £10.6m(16% ↗)
		Housing	6,130(15% ↗) £4.2m(13% ↘)
		Other Non-Family	3,265(38% ↗) £10.3m(47% ↗)

*Not included in the Family total

Although workload for family and non-family law cases are similar, Non-family comprises a relatively small proportion of civil legal aid expenditure. Public family legal aid makes up two thirds of family legal aid work and over 80% of expenditure.

Legal help and controlled legal representation

Tables
5.1 - 5.3, 7.1 - 7.2



In the last quarter, there was a 24% increase in legal help new matter starts than in the same period of 2020. The volume of completed claims increased by 21% and expenditure increased by 8% in April to June 2021 compared to the same period in 2020 (figure 7).

Overall, the recovery of legal help starts, the volumes of completed claims and expenditure has been slow following the impact of COVID-19. Although positive, legal help workload and expenditure has not returned to the levels seen pre pandemic. In the current quarter, new matter starts remain lower (16%) than the same period of 2019. The volume of completed claims have decreased by 11% and expenditure also decreased by 14% over the same period.

The implementation of the LASPO Act in April 2013 resulted in large reductions in legal help workload, with the overall trend falling to less than one-third of pre-LASPO levels

Figure 7a: Completed workload in legal help and controlled legal representation, April to June 2011 to April to June 2021

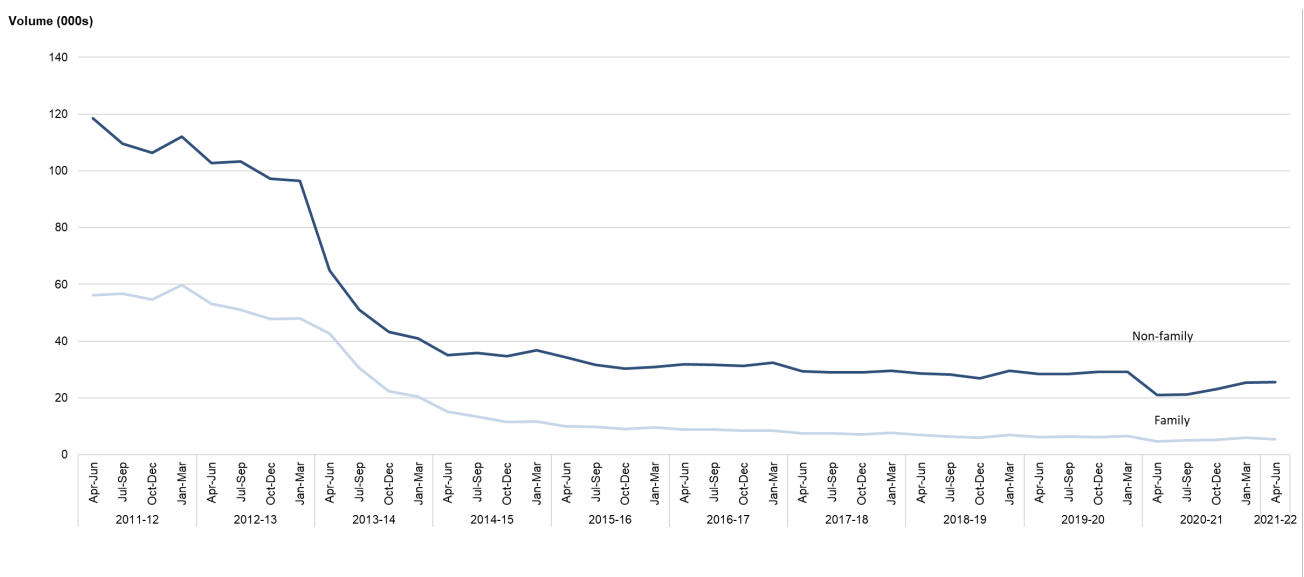
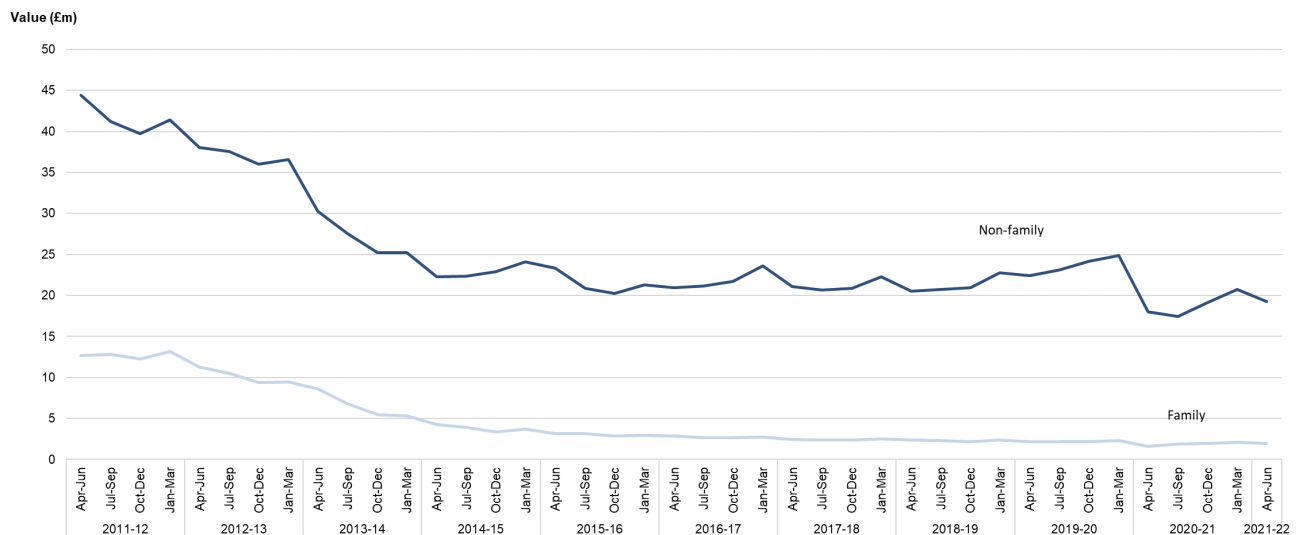


Figure 7b: Completed workload expenditure in legal help and controlled legal representation, April to June 2011 to April to June 2021



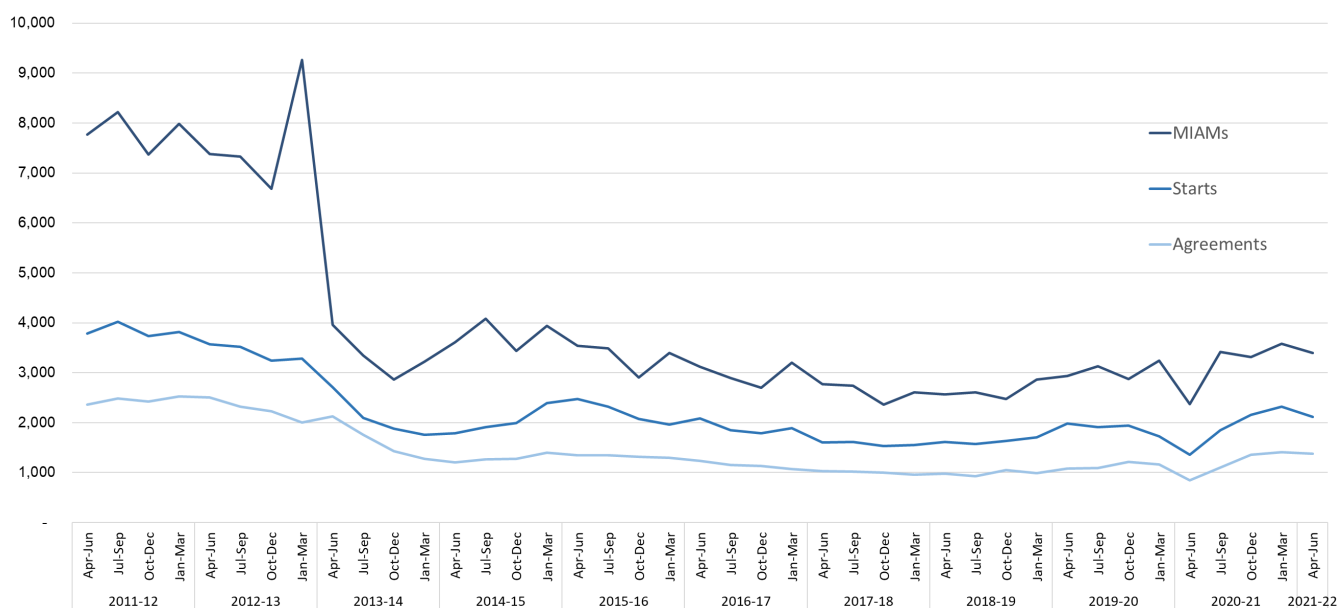
Family legal help

In April to June 2021 family legal help starts increased by 11% compared to the same quarter last year. Completed claims also increased by 19% and expenditure increased by 19%. However, compared to the same period of 2019 (pre-covid), family legal help starts are down by 13%, completed claims are down by 12% and expenditure has fallen by 10%. There was a steep decline immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 2 to 3 years.

Family mediation involves an independent and impartial professionally accredited mediator discussing problems with a divorcing or separating couple in an attempt to reach agreement without using the courts. A Mediation Information and Assessment Meeting (MIAMs) is an initial meeting between one or both parties and a mediator to see if family mediation could be used to resolve the issue. MIAMs increased by 43% in the last quarter compared to the previous year and currently stand at over a third of pre-LASPO levels. Family mediation starts increased by 55% and total outcomes increased by 60%, of which 62% were successful agreements, and are now sitting at around two thirds of pre-LASPO levels.

MIAMS, family mediation starts, and outcomes decreased significantly following the COVID-19 restrictions in March 2020. Since, volumes and expenditure have recovered fully and now exceed levels seen pre-covid. In the last quarter, MIAMS increased by 16% compared to April to June 2019. Family mediation starts increased by 7% and outcomes by 27% over the same period.

Figure 8: Family mediation assessments, starts and agreements, April to June 2011 to April to June 2021



Non-family legal help and controlled legal representation

Controlled legal representation relates to representation at tribunal, but unlike civil representation, the decision on whether to grant legal aid is delegated to providers.

Legal help and controlled legal representation make up over 95% of both immigration and mental health legal aid cases.

The LASPO Act 2013 made changes to the scope of legal aid for immigration law, but some areas remained in scope. Workload that remains in the immigration category consists largely of asylum-related work. Having fallen by 40% over the 5 years to 2013-14, new matter starts in immigration increased by 47% in April to June 2021 compared to the same quarter of the previous year. Completed claims in immigration increased by 26% in the last quarter compared to the previous year and expenditure increased by 9%.

Within mental health, most funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Mental health new matter starts increased by 8% compared to latest quarter to the previous year. Completed claims also increased by 8% and expenditure increased by 2% over the same period.

Over 80% of legal aid housing work volume is made up of legal help. The volume of legally-aided housing work halved between July to September 2012 and July to September 2013. The trend then fluctuated for around 18 months but since 2014 it has been falling.

Housing legal aid has been particularly affected by COVID-19 with starts and completed claims nearly halving again between January to March 2020 and April to June 2020. Recent months have displayed a gradual recovery following the impact of COVID-19. In April to June 2021 there was a 64% increase in housing work starts compared to the same quarter the previous year. There were also increases in completed claims (35%) and increases in expenditure (2%). However, housing legal aid starts, completed claims and expenditure in current quarter remain lower compared to the same period of 2019 (by 35%, 21% and 17% respectively).

Civil representation

Tables
6.1 - 6.10



The number of civil representation certificates granted in the last quarter increased by 8% compared to the same period of the previous year. The number of certificates completed increased by 3%, and the associated expenditure also increased by 13% over the same period.

Compared to the same period of 2019 (pre-covid) certificates granted in the last quarter remain slightly lower (3%) than pre-pandemic levels. The number of certificates completed has fallen by 14% and the associated expenditure has decreased by 2%.

Civil representation workloads fell following the implementation of the LASPO Act in April 2013 but by a smaller proportion than legal help and controlled legal representation.

Figure 9a: Completed workload in civil representation, April to June 2011 to April to June 2021

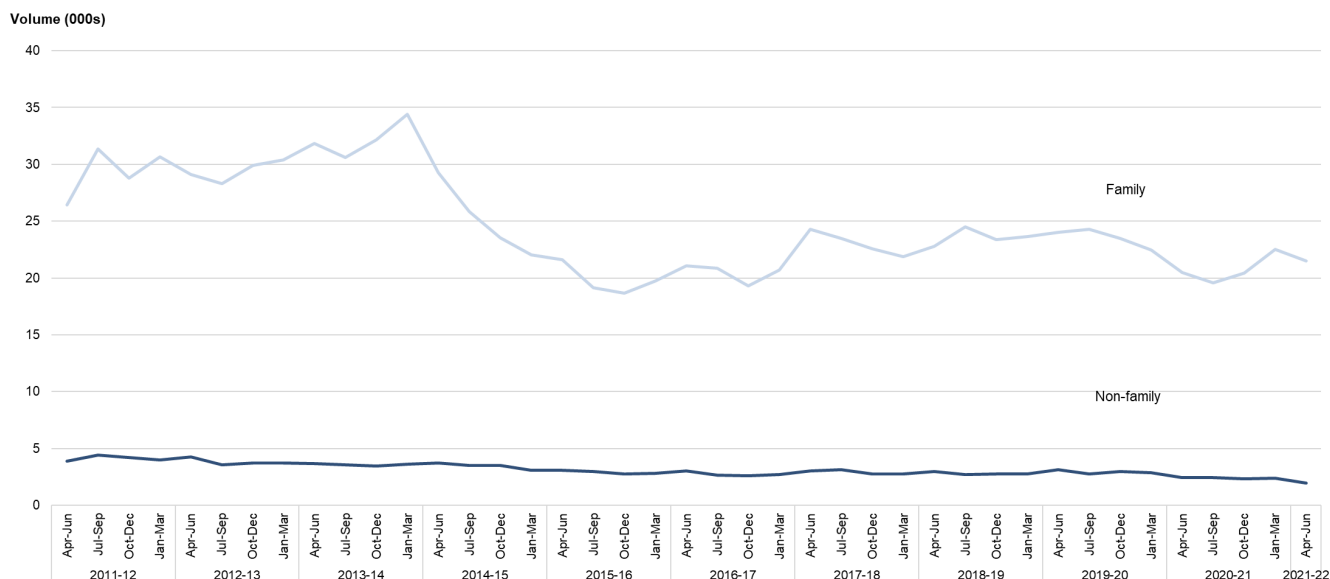
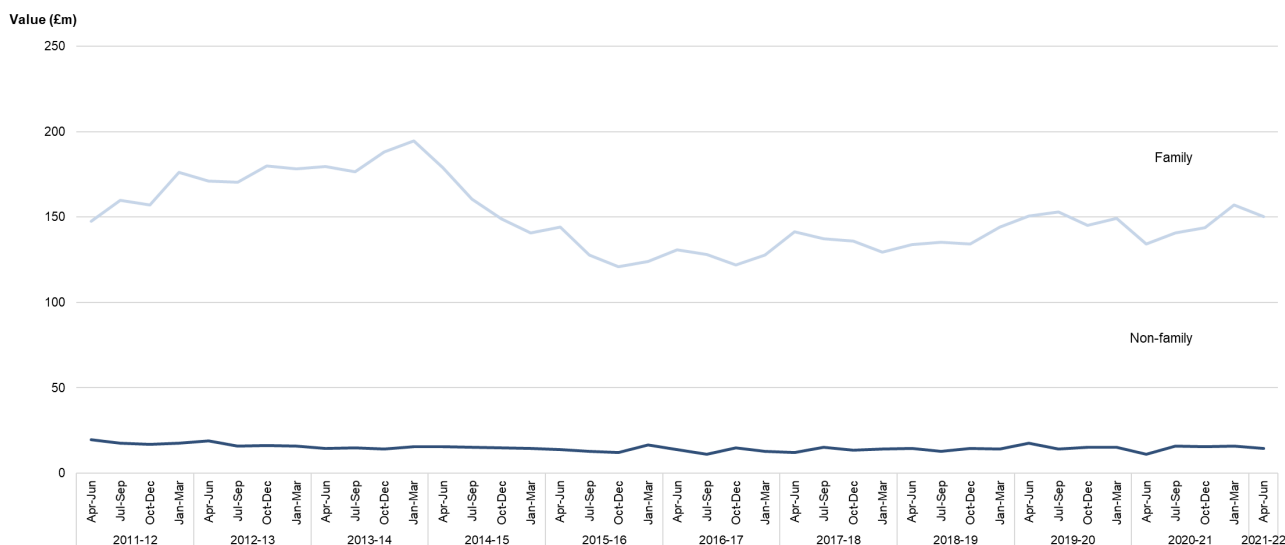


Figure 9b: Completed workload expenditure in civil representation, April to June 2011 to April to June 2021



Non-Family Civil Representation

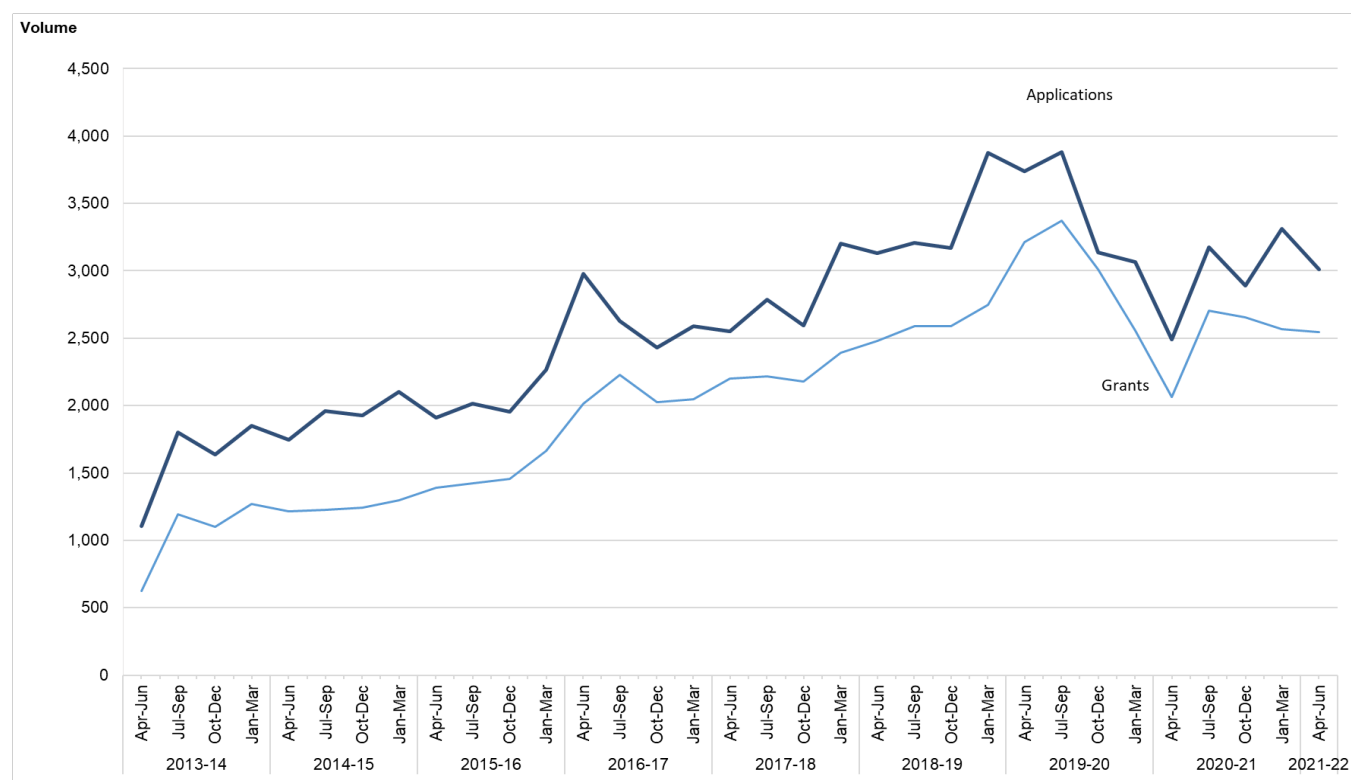
Non-family certificates completed make up 11% of the total civil representation workload and 9% of the expenditure. There are only a small number of immigration and mental health cases in civil representation as most work in these areas consists of controlled legal representation. The majority of certificates completed in this category are for housing work. There has been a gradual decline in housing certificates completed and expenditure since 2014. In the latest period completed certificates decreased by 39% compared to the same period of the previous year and by 54% compared to the same period of 2019.

Family civil representation

While civil representation for public family law remains available, the LASPO Act removed legal aid for most private family law including issues such as contact or divorce. However, legal aid remains available for such cases where there is a risk of domestic violence or child abuse. Certificates granted for family work increased by 6% in April to June 2021 compared to the previous year. Certificates completed increased by 5% and associated expenditure has increased by 12% compared to the same quarter the previous year. Compared to the same quarter of 2019, certificates completed has decreased by 11%. Although, certificates granted and closed case expenditure for family civil representation has returned to pre-pandemic levels. The volume and expenditure for closed case domestic violence civil representation increased following COVID-19 and now exceeds pre-covid levels (42% and 46% higher respectively – compared to April to June 2019).

In April to June 2021, applications for civil representation supported by evidence of domestic violence or child abuse increased by 21% compared to the same period of the previous year. The number of these granted increased by 23% over the same period. The proportion of applications granted remained steady at around 70% from the inception of this type of application until the end of 2015, before increasing to around 80%. The provisional figure for the latest quarter is 83%.

Figure 10: Applications received and total certificates granted via the domestic violence and child abuse gateway, April to June 2013 to April to June 2021



Judicial reviews

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 593 in the last quarter. The number granted in April to June 2021 decreased by 14% compared with the same quarter in 2020. Over half of judicial reviews were for public law. Judicial review data is available in the detailed csv accompanying this bulletin.

Exceptional Case Funding (ECF)



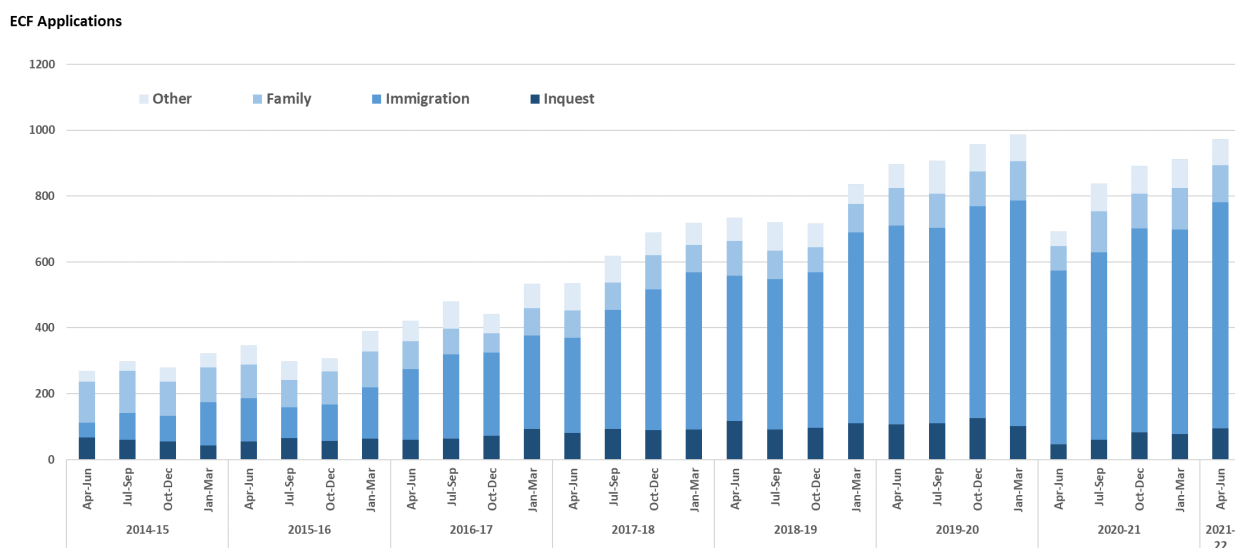
Tables
8.1 and 8.2

The Exceptional Case Funding (ECF) scheme was introduced as part of LASPO. An ECF application for civil legal services is made where a case falls outside the scope of civil legal aid but the client or conducting solicitor believes failure to provide funding would be a breach of the Human Rights Act 1998

There were 973 applications for ECF received from April to June 2021. This is a 40% increase from the same quarter last year and 8% higher than the same period of 2019 (pre-covid). 906 (93%) of these were new applications.

Of the 973 ECF applications received between April and June 2021, 96% (936) had been determined by the LAA as of 01 June 2021. 79% (744) of these were granted, 10% (93) were refused and 9% (82) rejected (see figure 11). This is the highest grant rate since the scheme was introduced in 2013.

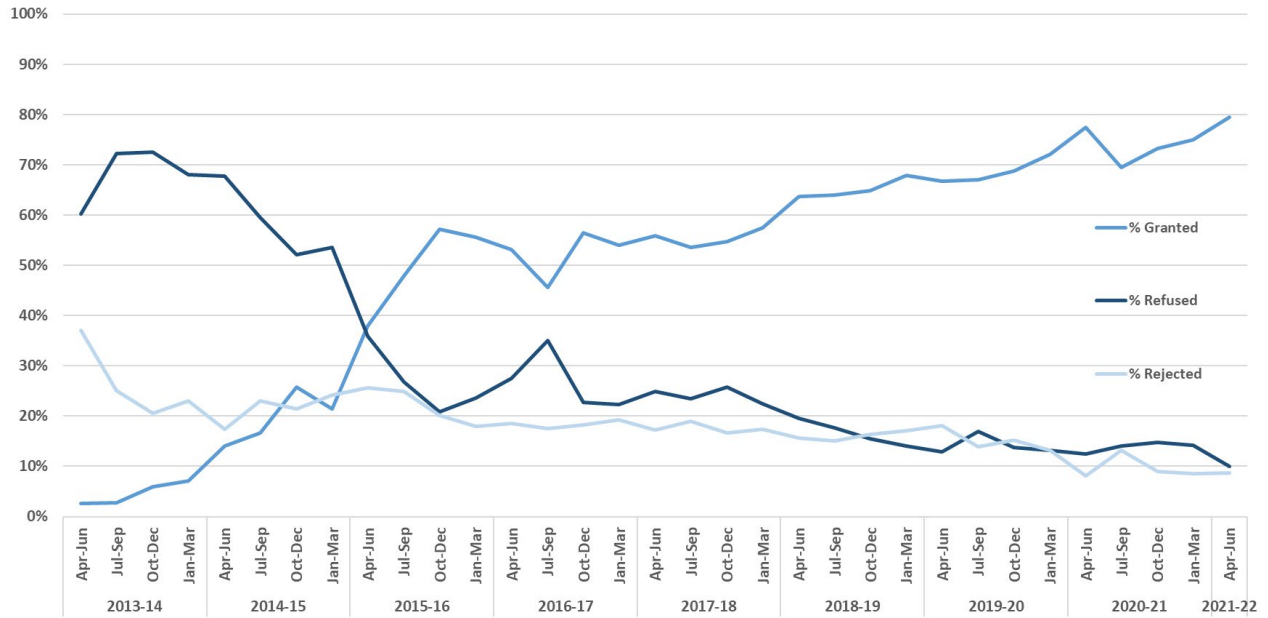
Figure 11: Volume of ECF applications received, April to June 2014 to April to June 2021



Among the ECF applications received between April and June 2021, immigration (71%), inquest (10%), and family (11%) remained the most requested categories of law. The increase in ECF applications over the last two years is driven by an increase in immigration applications.

Figure 12: Proportion of ECF determinations by outcome, April to June 2013 to April to June 2021

Proportion of determined ECF applications



6. Further information

This publication presents quarterly data trends. For figures published annually, including those on providers of legal aid, appealing legal aid decisions, Central Funds, butterfly charts and legal aid in the higher courts, please refer to our [annual publication](#).

Accompanying files



- **Tables:** A set of tables, which give further detail and full time-series for each scheme.
- **Main data** and **Civil detailed data:** Detailed files to enable independent analysis, provided in .csv (Comma-Separated Values) format.

Web tools



- **Data visualisation tool:** A web-based tool allowing the user to view and customize charts and tables based on the published statistics.

Help and Documentation



- **User Guide to legal aid statistics:** This provides comprehensive information about data sources and quality as well as key legislative changes.
- **Index of data in Legal aid statistics:** An index to the more detailed data published in the .ods files, lists of available data from Legal Aid systems and guidance on how to work with the more detailed data using pivot tables.
- **Quality Statement:** This provides detail on how legal aid statistics meet user needs

National Statistics status



National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. All official statistics should comply with all aspects of the Code of Practice for Official Statistics.

They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.

It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

Contact

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 020 3334 3536

Email: newsdesk@justice.gsi.gov.uk

Other enquiries about these statistics should be directed to the Data and Evidence as a Service (DES) division of the Ministry of Justice:

Carly Gray,

Ministry of Justice

Email: statistics@justice.gov.uk

Tel: +447784 275495

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