



Ministry
of Justice



Legal Aid
Agency



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Legal Aid Statistics quarterly, England and Wales

April to June 2018

Main points

Legal aid work in police stations and magistrates' courts continued to fall this quarter.



Both these areas saw continued reductions in both workload and expenditure. Meanwhile, prison law had increases in both workload and expenditure but represents only a small portion of criminal legal aid.

Expenditure in the Crown Court increased by 9% compared to the same quarter of the previous year.



The increase in expenditure was driven by both the solicitor and advocate fee schemes, partly offset by the Very High-Cost Case scheme. Workload in the Crown Court has fallen 9% compared to the same quarter of the previous year.

Mediation Information and Assessment Meetings were 7% lower than in the same quarter of 2017



Mediation starts between April and June 2018 have remained stable and are now running at just under half of pre-LASPO levels.

Applications for civil representation supported by evidence of domestic or child abuse increased by 20%



The number of these granted increased by 10% compared to the same period of 2017.

765 applications for Exceptional Case Funding received in the last quarter



This is the highest number of applications received in one quarter since the scheme began in April 2013 and a 43% 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 2018 and the latest statement of all figures for previous periods.

For more detailed commentary, and statistics on providers of legal aid, Central Funds, appealing legal aid decisions 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.

We have changed how our quarterly bulletins look, and would welcome any feedback using this quick [survey](#).

For other feedback related to the content of this publication, please let us know at statistics@legalaid.gsi.gov.uk

1. 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.



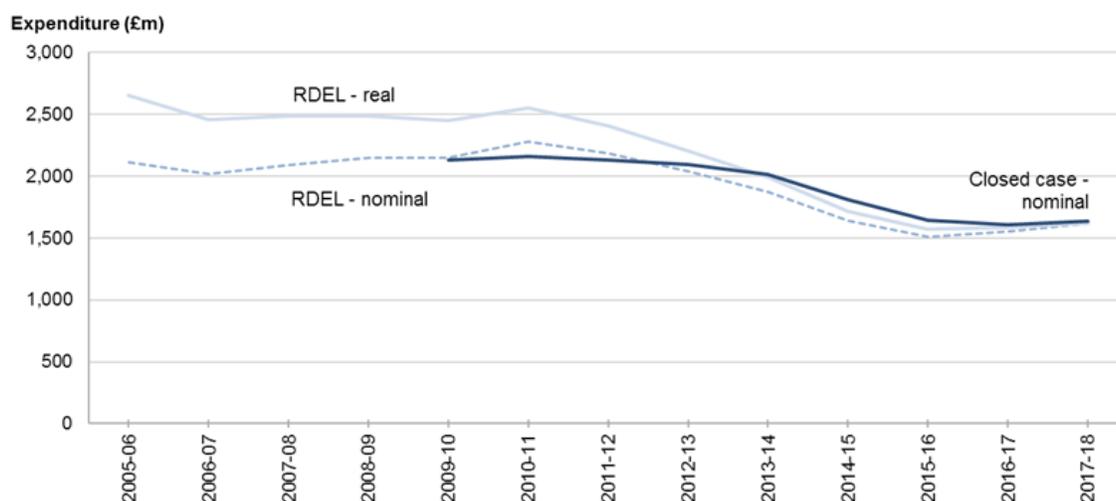
Tables:
Click for access to tables of figures.

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 activity across the legal aid system meaningfully within a single number is difficult because of the diversity of services included. Expenditure on legal aid is measured differently for different purposes. The three most often-used measures, shown in Fig. 1, are:

- **Closed-case 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.
- **RDEL (Resource Departmental Expenditure Limits) 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. Expenditure has, however, increased slightly over the last year.

Figure 1: Overall annual legal aid expenditure, by closed-case and RDEL nominal and real terms measures (£m), 2005-06 to 2017-18



 *Table 1.0*

2. Criminal legal aid



Tables
1.1 and 4.1

Expenditure in the Crown Court continued to rise; up by 9% in April to June 2018 compared with the same period of the previous year.

This is driven by increasing complexity of Crown Court cases, with a larger volume of evidence being an important driver of fee amounts. Conversely, workload in the Crown Court, in terms of the volume of claims for completed work, continued to fall over this period.

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.

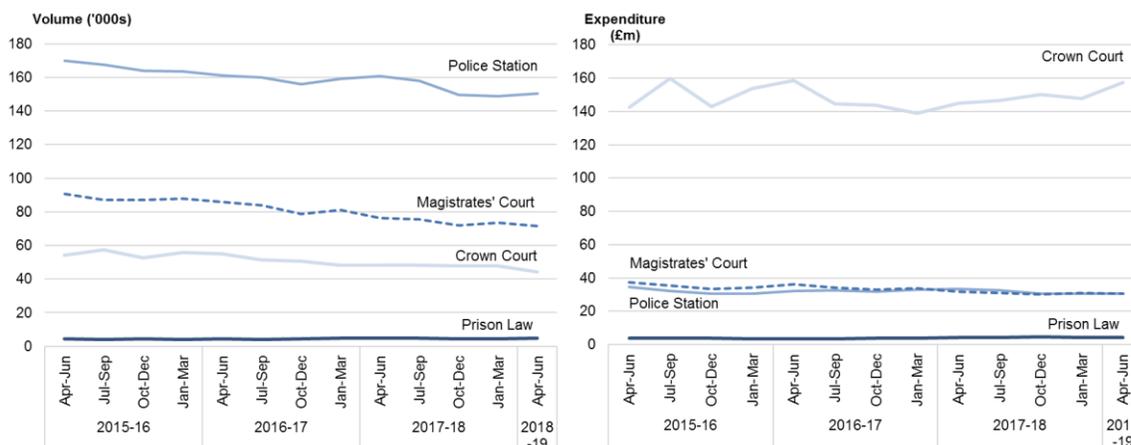
Figure 2: Crime overview, closed case volumes and expenditure for Apr - Jun 18, and comparison with Apr - Jun 17

		Category	Workload	Expenditure
Crime Workload 271,000 (7%↓)	Crime Lower 227,000 (6%↓) £66m (5%↓)	Police station advice	150,000 (7%↓)	£31m (8%↓)
		Magistrates' courts*	71,000 (6%↓)	£31m (4%↓)
		Advice & assistance on appeals	443 (23%↑)	£0.6m (27%↑)
		Prison Law	4,900 (2%↑)	£4m (4%↑)
		Civil work associated with crime	34 (38%↓)	£0.01m (28%↓)
Expenditure £224m (4%↑)	Crown Court 44,000 (9%↓) £158m (9%↑)	Solicitor fee scheme	23,000 (4%↓)	£96m (16%↑)
		Advocate fee scheme	21,000 (13%↓)	£59m (9%↑)
		High Cost crime cases	7 (36%↓)	£2.5m (69%↓)

*Includes court duty solicitor sessions and virtual courts.

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

Figure 3: Workload and expenditure in criminal legal aid, Apr - Jun 15 to Apr - Jun 18



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 two thirds of the Crime Lower workload between April and June 2018 but less than half of the expenditure. The workload in this period has decreased by 7% compared to the previous year, with expenditure decreasing by 8% (£2.6m). This continues the general downward trend seen over the last three years. This trend can also be seen in the overall figures from the Crime Survey for England and Wales¹, which saw an even steeper decline until last year.

The majority of the police station advice workload (87% in April and June 2018) 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** decreased by 8% this quarter when compared to the same quarter of the previous year. 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 2% down 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 decreased, to a greater degree; 17% this quarter compared to last year, comparing to a 13% decrease in total Crown Court receipts². Within the legal aid figure, orders relating to either-way offences decreased by 21%, while those relating to indictable offences decreased by 18%. 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 2018. The volume of completed work in the magistrates' court decreased by 6% this quarter when compared to the same period of the previous year. Expenditure also decreased, by 4% (£1.2m).

Crown Court completed work *Tables 4.1 – 4.4*

Volumes of cases completed in the Crown Court have declined over recent years, though more gradually than new orders due to the stock of cases awaiting trial.

Completed work volumes within the **litigator (solicitor) fee scheme** decreased by 4% in April to June 2018 compared to the same period of the previous year, driven mainly by a 14% decrease in cases in which the defendant pleads guilty at their earliest opportunity in the Crown Court. This may be due to procedural reforms in the court system, with more defendants pleading earlier at the magistrates' court.

In the **advocate fee scheme**, completed claims decreased by 13% compared to the same period last year. Following the introduction of reforms to the advocate fee scheme at the start of April, some practitioners were refusing to accept instructions for work throughout April and part of May.

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2018>

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

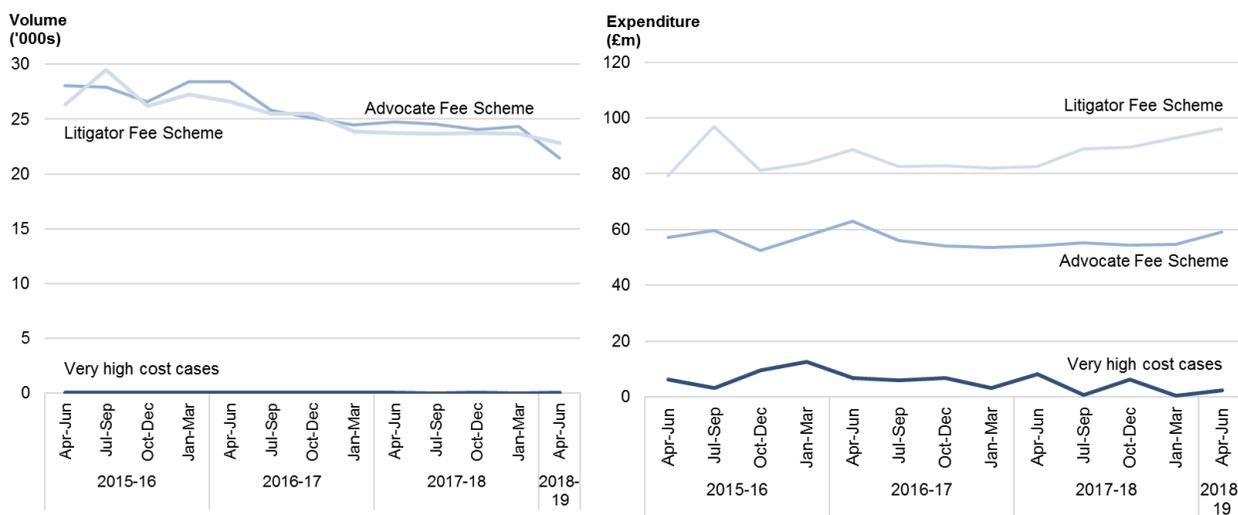
Consequently, the statistics for April to June 2018 show a marked decrease in the completed workload in the advocate scheme and a smaller decrease in the litigator scheme. The most affected work types are those where the type of case associated with the legal aid claim can be dealt with quickly in the overall system such as guilty pleas, work being sent up from the magistrates' court (appeals and those committed for sentence) and lastly those included within other (contempt of court for example).

In the litigator fee scheme, expenditure increased by 16% in April to June 2018 compared to the same period of the previous year. In the advocate fee scheme, the value of payments increased by 9% compared to the same period of the previous year. These increases in expenditure are driven by changes to the complexity of Crown Court cases with more cases relying on the use of digital evidence, such as mobile phone and computer hard drive analysis. The volume of evidence is an important driver of fee amounts. 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 7 defendants represented in the VHCC contracts that concluded in the April to June 2018 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £2.5m. While the workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme currently represents around 2% of the cost, down from over 15% ten years ago.

Figure 4: Completed workload and expenditure in the Crown Court, Apr - Jun 15 to Apr - Jun 18



Prison Law   *Tables 2.1 and 2.2*

Workload this quarter increased by 2% compared with the same period in the previous year, driven by an increase in advocacy at prison disciplinary hearings (increased by 20%). This category currently makes up over one-third of prison law workload, but a much smaller proportion of costs (15%). Expenditure on prison law increased by 4% over the same period, also driven by a 20% increase (339 claims) in prison discipline hearings.

Despite these increases, prison law work comprised 2% of the volume and 2% of expenditure of total criminal legal aid work in April to June 2018; unchanged from previous years.

3. Civil legal aid



Table 1.2
and 8.1

765 applications for Exception Case Funding were received in April to June 2018.

This is 43% up on the same period of 2017 and the highest number of applications received in a single quarter since the scheme began in April 2013.

Figure 5: Civil overview, closed case volumes and expenditure for Apr - Jun 18, and comparison with Apr - Jun 17

		Category	Workload	Expenditure
Civil Workload 66,000 (5%↓) Expenditure £173m (4%↓)	Family 30,000 (6%↓) £137m (6%↓)	Family Public	21,000 (7%↓)	£114m (7%↓)
		Family Private	9,000 (4%↓)	£22m (↔)
		Mediation and MIAMS*	4,000 (7%↓)	£1m (6%↓)
	Non-Family 32,000 (3%↓) £35m (4%↑)	Immigration	10,000 (2%↓)	£10m (4%↓)
		Mental Health	9,000 (1%↑)	£11m (8%↑)
		Housing	10,000 (8%↓)	£6m (9%↓)
		Other Non-Family	3,000 (1%↑)	£8m (29%↑)

* Not included in family total

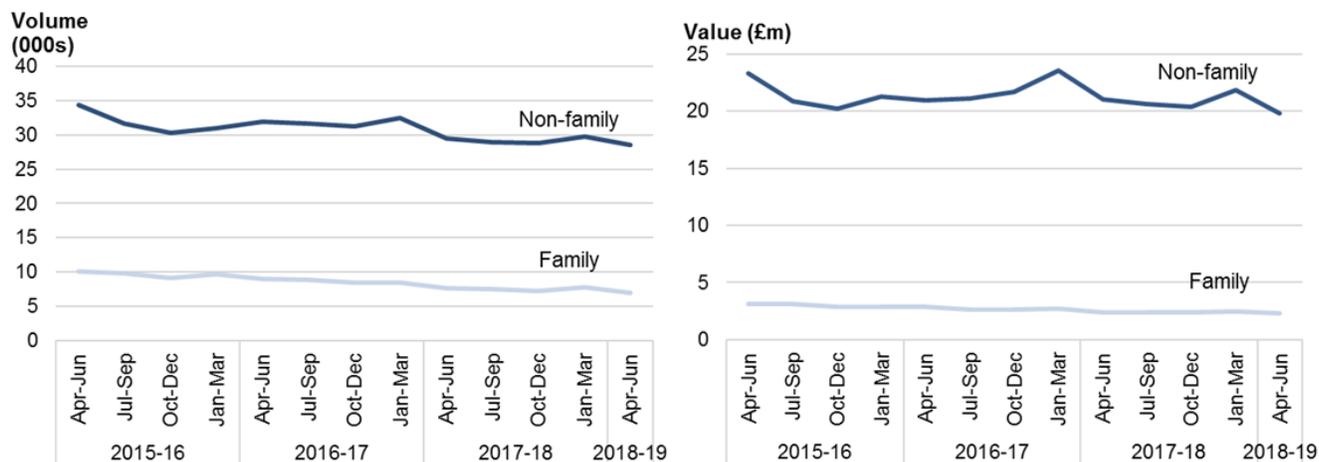
Legal help and controlled legal representation



Tables
5.1 – 5.3

In the last quarter, there was a 9% decrease in legal help new matter starts than in the same period of 2017. The volume of completed claims decreased by 4% and expenditure decreased by 6% in April to June 2018 compared to the same period in 2017 (figure 6). 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 6: Completed workload and expenditure in legal help and controlled legal representation, Apr - Jun 15 to Apr - Jun 18



Civil Legal Advice

The CLA service is usually delivered via a two-stage process. Typically, users contact the central operator service. This service diagnoses a client's case which, if it is potentially in scope and the client is financially eligible, is forwarded on to a specialist CLA provider. The specialist CLA adviser then assesses whether the matter should be started, or instead determined (for example because it is subsequently deemed out of scope, lacks merits or the client has failed to provide evidence).

The specialist advice service provides advice for debt, discrimination, education, family and housing matters. People seeking legally-aided advice in debt, discrimination or education must do so via the telephone gateway service initially (unless they meet certain specific exemptions).

Figure 7 below shows the number of specialist provider completed matters, alongside other legal help face-to-face completed matters. In the period from July 2017 to June 2018, 29% of completed matters in these categories of law were handled by the specialist advice service.

Figure 7: Specialist telephone advice and other face-to-face legal help completed matters, July 2017 to June 2018

	Specialist telephone providers	Other Legal Help	Total
Debt	334	43	377
Discrimination	1,366	-	1,366
Education	1,555	27	1,582
Family	2,638	26,896	29,534
Housing	12,996	20,368	33,364

Family legal help



Tables 5.1 – 5.3
and 7.1 – 7.2

In April to June 2018 family legal help starts decreased by 12% compared to the same quarter last year. Completed claims also decreased by 8% and expenditure decreased by 2%. 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.

In family mediation, Mediation Information and Assessment Meetings (MIAMs) decreased by 7% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO levels. Starts did not change although outcomes decreased by 7%, and are now sitting at around half of pre-LASPO levels.

Non-family legal help and controlled legal representation



Tables
5.1 – 5.3

Legal help and controlled legal representation make up around 95% of both immigration and mental health cases. Controlled legal representation relates to representation at tribunal and is often longer and more costly than legal help but, as with legal help, the decision on whether to grant legal aid is delegated to providers.

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 decreased by 18% in April to June 2018 compared to the same quarter of the previous year. Completed claims in immigration decreased by 2% in the last quarter compared to the previous year and expenditure decreased by 8%.

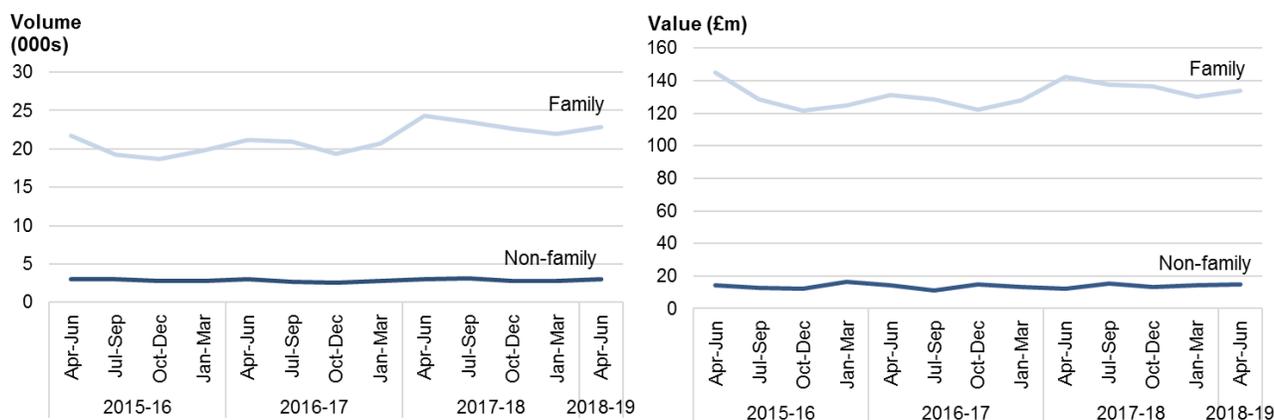
Within mental health, most funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Mental health new matter starts increased by 1% when comparing the latest quarter to the previous year. Completed claims saw no change and expenditure decreased by 4% over the same period.

Over 80% of 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. In April to June 2018 there was a 14% decrease in housing work starts compared to the same quarter the previous year. There were also decreases in completed claims (9%) and decreases in expenditure (11%).

Civil representation *Tables 6.1 – 6.10*

The number of civil representation certificates granted in the last quarter has decreased by 4% compared to the same period of the previous year. The number of certificates completed decreased by 5%, and the associated expenditure decreased by 3% in the same period. 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 8: Completed workload and expenditure in civil representation, Apr-Jun 15 to Apr-Jun 18

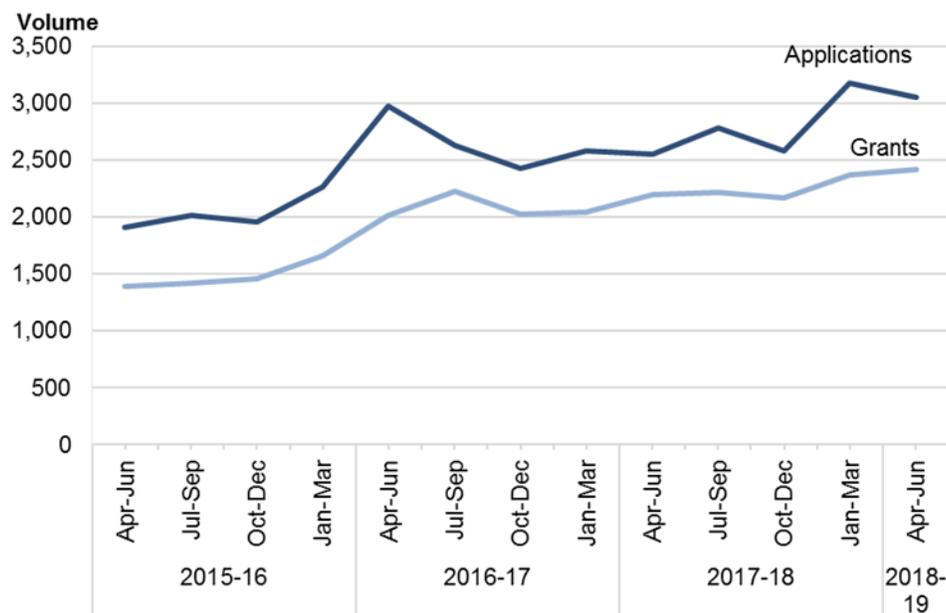


Family civil representation *Tables 6.1 – 6.10*

Certificates granted for family work decreased by 5% in April to June 2018 compared to the previous year. Certificates completed decreased by 6% compared to the same quarter the previous year. The associated expenditure has decreased by 6% compared to the same quarter the previous year. This decrease was largely due to public family law, which makes up 72% of family workload and 84% of family expenditure. Certificates completed in public family law have fallen slightly after the peak in April to June 2017.

In April to June 2018, applications for civil representation supported by evidence of domestic or child abuse increased by 20% compared to the same period of the previous year. The number of these granted increased by 10% 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 75% but this is likely to be revised in the next edition.

Figure 9: Applications received and certificates granted via the domestic violence and child abuse gateway, Apr - Jun 15 to Apr - Jun 18



Tables
6.1 – 6.7

Non-family civil representation

Non-family certificates completed make up 14% of the total civil representation workload and 10% 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 the certificates completed in this category are for **housing** work. There has been a gradual decline in housing certificates completed and expenditure in this category since 2014 and in the latest period completed certificates decreased by 3% compared to the same period of the previous year.



Judicial reviews

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 836 in the last quarter. The number granted in April to June 2018 increased by 19% compared with the same quarter in 2017. A third of judicial reviews were for immigration cases and another third were for public law.



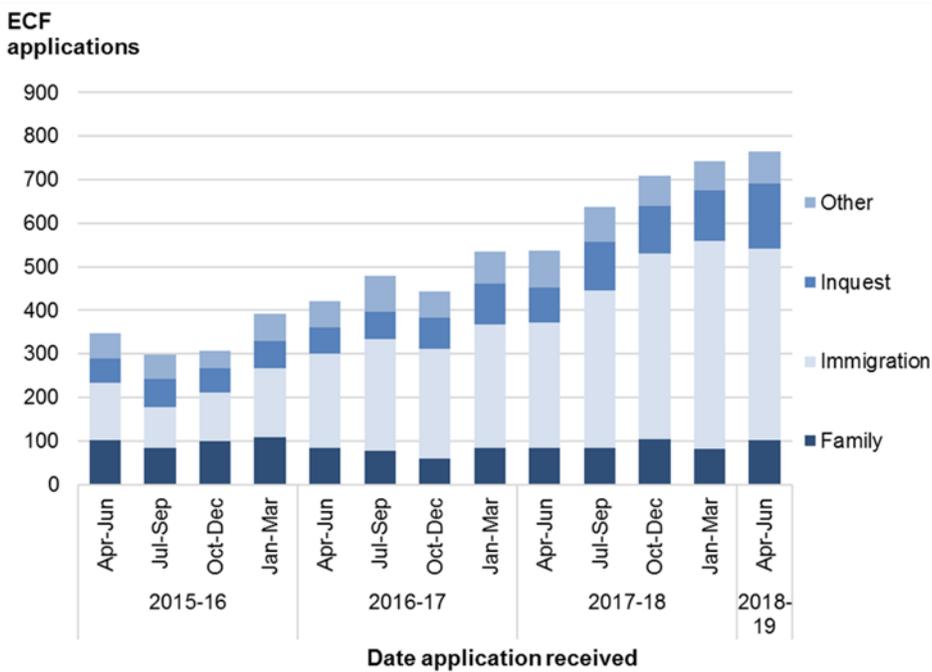
Tables
8.1 and 8.2

Exceptional Case Funding (ECF)

There were 765 applications for ECF received from April to June 2018. This is the highest number of applications received in a single quarter since the scheme began in April 2013 and a 43% increase from the same quarter last year. 666 (87%) of these were new applications.

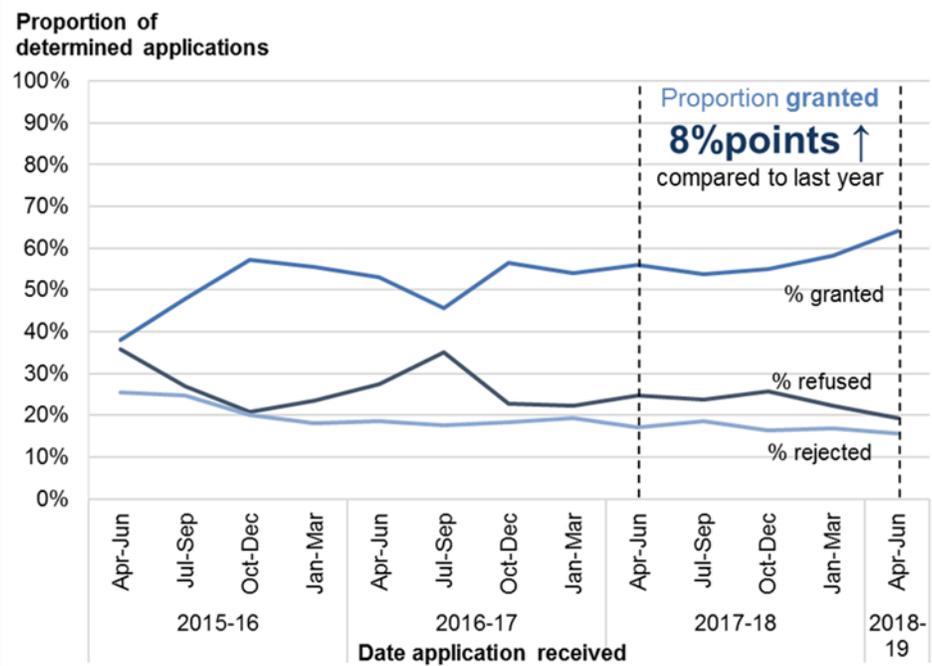
Of the 765 ECF applications received between April and June 2018, 94% (720) had been determined by the LAA as of 20 August 2018. 64% (462) of these were granted, which is the highest proportion and number granted in a single quarter since the scheme began. 19% (139) were refused and 16% (112) rejected (see figure 10).

Figure 10: Volume of ECF applications received, Apr - Jun 15 to Apr - Jun 18



Among the ECF applications received between April and June 2018, immigration (57%), inquest (20%), and family (13%) 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 11: Volume of ECF determinations by outcome, Apr - Jun 15 to Apr - Jun 18



4. 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 and legal aid in the higher courts, please refer to our [annual publication](#).

For our annual butterfly charts, please refer to the [infographic pdf](#) published alongside this release.

Accompanying files

As well as this bulletin, the following products are published as part of this release:



- **Tables:** A set of tables, which give further detail and full time-series for each area.
- **More detailed data and Civil detail data:** Detailed files to enable independent analysis, provided in .ods (OpenDocument Spreadsheet) format.



- [Data visualisation tool](#) A web-based tool allowing the user to view and customise charts and tables based on the published statistics.

- **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.



- [User Guide to legal aid statistics:](#) This provides comprehensive information about data sources and quality as well as key legislative changes.

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

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