



Ministry  
of Justice



Legal Aid  
Agency



Published 28 March 2019

## Legal Aid Statistics quarterly, England and Wales

October to December 2018

### Main points

**Overall Crown Court expenditure decreased this quarter; down by 7% compared with the same period of the previous year.**



This is driven by falling receipts in the magistrates' and Crown courts with criminal legal aid workload falling 3% over the same period.

**Prison Law workload saw a 12% increase this quarter, driven by a 42% increase in prison discipline hearings.**



Prison Law still comprises just 2% of total criminal legal aid volume and expenditure.

**Mediation Information and Assessment Meeting volumes were 4% higher than in the same quarter of 2017.**



Mediation outcomes also were 5% higher but this compares against a particularly low October to December quarter in 2017 and in context is an overall flattening of the trend.

**Applications for civil representation supported by evidence of domestic violence or child abuse increased by 18%.**



The volume of these granted increased by 16% compared to the same period of 2017.

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



This is a 4% increase from the same quarter last year.

This edition comprises the first release of official statistics for the three-month period from October to December 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.

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**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](mailto:statistics@legalaid.gsi.gov.uk)

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# 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 by 2% 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**

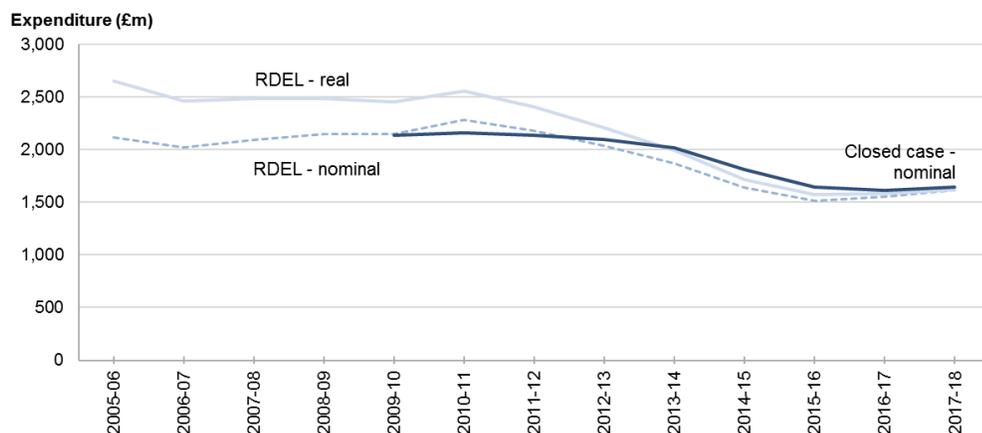


Table 1.0

## 2. Criminal legal aid



Tables  
1.1 and 4.1

**Overall Crown Court expenditure decreased this quarter; down by 7% in October to December 2018 compared with the same period of the previous year.**

This is driven by falling receipts in both the magistrates' courts and Crown Courts, with criminal legal aid workload falling 3% over the same period.

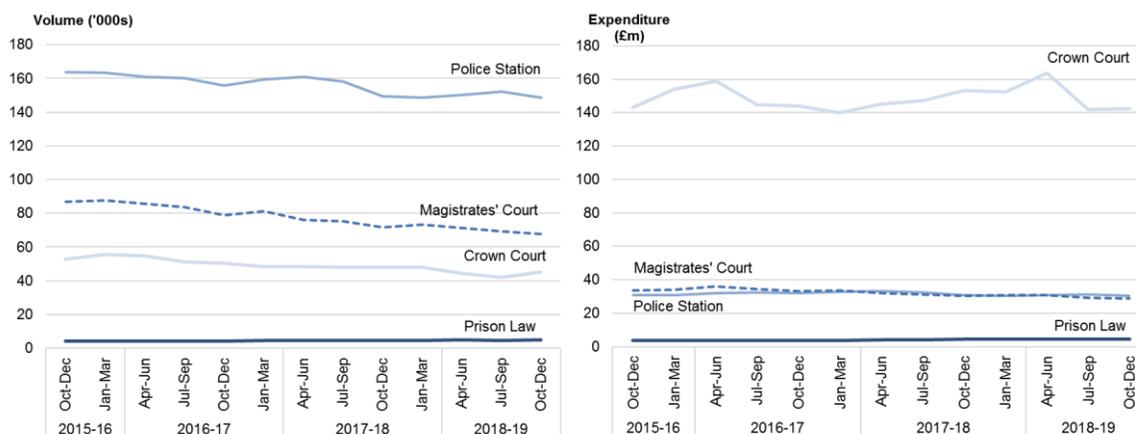
Criminal legal aid can be categorised into Crime Lower and Crime Higher. Crime Lower includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts.

**Figure 2: Crime overview, closed case volumes and expenditure for Oct - Dec 18, and comparison with Oct - Dec 17**

		Category	Workload	Expenditure
<b>Crime</b>  Workload 267,000 (3%↓)  Expenditure £206.2m (6%↓)	Crime Lower 222,000 (2%↓) £64.0m (3%↓)	Police station advice	149,000 (1%↓)	£30.3m (1%↓)
		Magistrates' courts*	68,000 (6%↓)	£28.8m (5%↓)
		Advice & assistance on appeals	306 (4%↑)	£0.4m (16%↓)
		Prison Law	5,000 (12%↑)	£4.4m (0%↔)
		Civil work associated with crime	57 (43%↑)	£0.02m (8%↑)
	Crown Court 45,000 (6%↓) £142.2m (7%↓)	Solicitor fee scheme	23,000 (2%↓)	£88.2m (4%↓)
		Advocate fee scheme	22,000 (9%↓)	£52.1m (4%↓)
		High Cost crime cases	3 (73%↓)	£1.9m (71%↓)

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, Oct - Dec 15 to Oct - Dec 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 October and December 2018 but less than half of the expenditure. The workload in this period has decreased by 1% compared to the previous year, with expenditure decreasing by 1% (£0.3m). This continues the general downward trend seen over the last three years. This trend can also be seen in the overall figures from the arrest statistics for England and Wales<sup>1</sup>, which have seen a similar decline.

The majority of the police station advice workload (86% in October and December 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' court<sup>2</sup> (including those not involving legal aid) was 1% 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 by 12% this quarter compared to last year, comparing to an 8% decrease in Crown Court receipts. Within the legal aid figure, orders relating to either-way offences decreased by 13%, while those relating to indictable offences decreased by 14%. 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 October and December 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 5% (£1.4m).

## 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 2% in October to December 2018 compared to the same period of the previous year, driven mainly by a 4% 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 9% compared to the same period last year.

In the litigator fee scheme, expenditure decreased by 4% in October to December 2018 compared to the same period of the previous year. In the advocate fee scheme, the value of payments decreased by 4% compared to the same period of the previous year. Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters

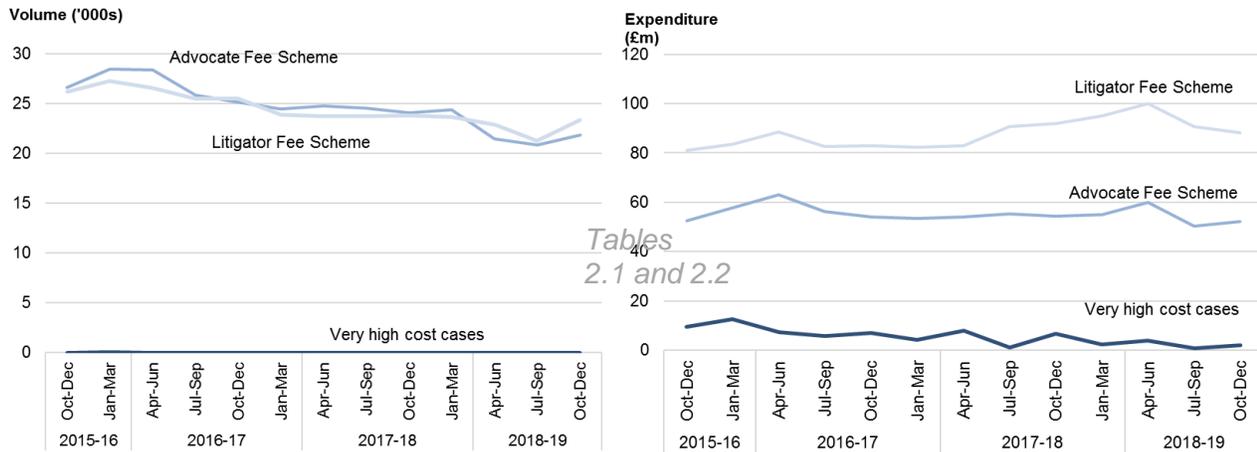
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<sup>1</sup> <https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

<sup>2</sup> [www.gov.uk/government/collections/criminal-court-statistics](http://www.gov.uk/government/collections/criminal-court-statistics)

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 3 defendants represented in the VHCC contracts that concluded in the October to December 2018 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £1.9m. 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 4: Workload and expenditure in the Crown Court, Oct - Dec 15 to Oct - Dec 18**



Tables  
2.1 and 2.2

**Prison Law**

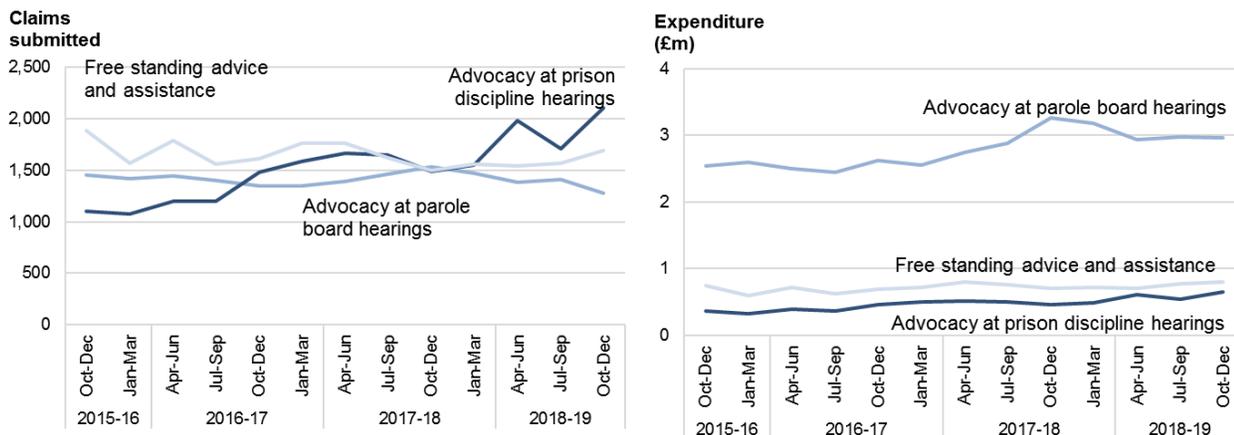


Tables  
2.1 and 2.2

Workload this quarter increased by 12% compared with the same period in the previous year, driven by advocacy at prison disciplinary hearings which increased by 42% compared to last year and has increased by 23% since last quarter (see figure 5). This category makes up over one-third of prison law workload, but a much smaller proportion of costs (15%).

Expenditure on prison law was unchanged over the same period. Advocacy at parole board hearings make up 67% of prison law expenditure, and expenditure in this area decreased by 9% this quarter. Prison law work still comprises a small portion of the volume (2%) and expenditure (2%) of total criminal legal aid work in October to December 2018; unchanged from previous years.

**Figure 5: Prison Law completed workload and expenditure, Oct - Dec 15 to Oct - Dec 18**



### 3. Civil legal aid



Table 1.2  
and 8.1

#### 719 applications for Exception Case Funding were received in October to December 2018.

This is 4% up on the same period of 2017; 65% of these applications were granted.

**Figure 6: Civil overview, closed case volumes and expenditure for Oct - Dec 18, and comparison with Oct - Dec 17**

		Category	Workload	Expenditure
<b>Civil</b>  Workload 64,000 (3%↓)  Expenditure £172m (1%↓)	Family 30,000 (1%↓) £137m (1%↓)	Family Public	22,000 (3%↑)	£117m (1%↑)
		Family Private	8,000 (11%↓)	£20m (15%↓)
		Mediation and MIAMS*	4,000 (4%↑)	£1m (3%↑)
	Non-Family 31,000 (6%↓) £34m (1%↓)	Immigration	10,000 (4%↓)	£10m (2%↓)
		Mental Health	9,000 (↔)	£11m (↔)
		Housing	9,000 (17%↓)	£7m (5%↓)
		Other Non-Family	3,000 (9%↑)	£7m (3%↑)

\* Not included in family total

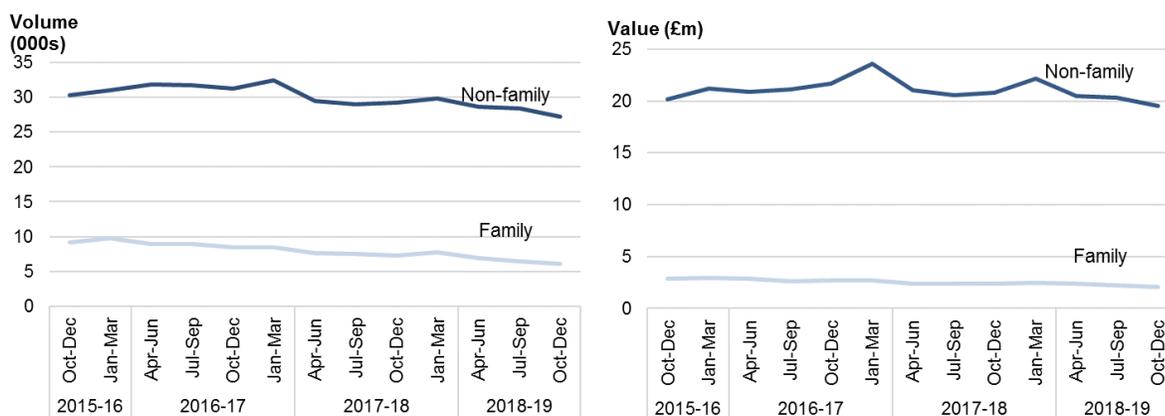
### Legal help and controlled legal representation



Tables  
5.1 – 5.3

In the last quarter, there was a 2% increase in legal help new matter starts compared to the same period of 2017. The volume of completed claims decreased by 9% and expenditure decreased by 7% in October to December 2018 compared to the same period in 2017 (figure 7). 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 7: Completed workload and expenditure in legal help and controlled legal representation, Oct - Dec 15 to Oct - Dec 18**



Tables 5.1 – 5.3  
and 7.1 – 7.2

## Family legal help

In October to December 2018 family legal help starts decreased by 7% compared to the same quarter last year. Completed claims also decreased by 16% and expenditure decreased by 13%. 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) increased by 4% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO levels. Starts increased by 6% although outcomes increased by 5%, 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 over 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 increased by 19% in October to December 2018 compared to the same quarter of the previous year. Completed claims in immigration decreased by 4% in the last quarter compared to the previous year and expenditure decreased by 4%.

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 decreased by 3% when comparing the latest quarter to the previous year. Completed claims saw no change and expenditure decreased by 3% 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 October to December 2018 there was a 2% decrease in housing work starts compared to the same quarter the previous year. There were also decreases in completed claims (20%) and decreases in expenditure (22%).

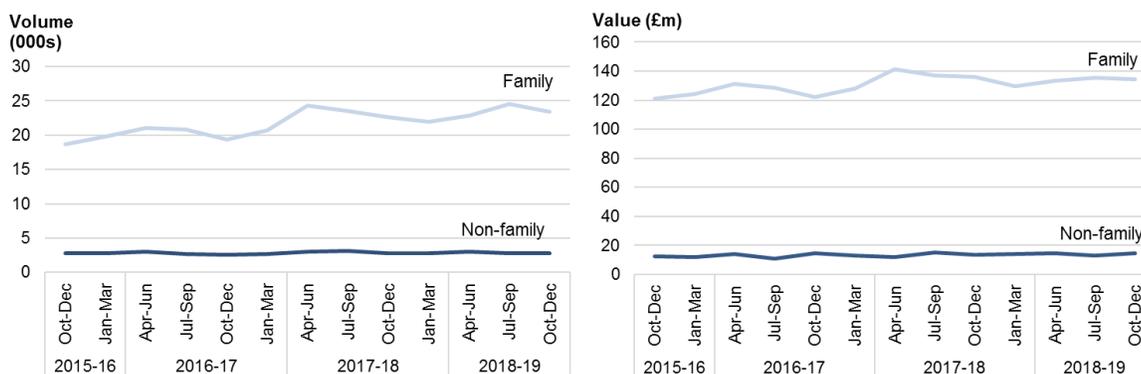
## Civil representation



Tables  
6.1 – 6.10

The number of civil representation certificates granted in the last quarter did not change compared to the same period of the previous year. The number of certificates completed increased by 3%, and the associated expenditure was also unchanged over 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, Oct - Dec 15 to Oct - Dec 18**



**Family civil representation**

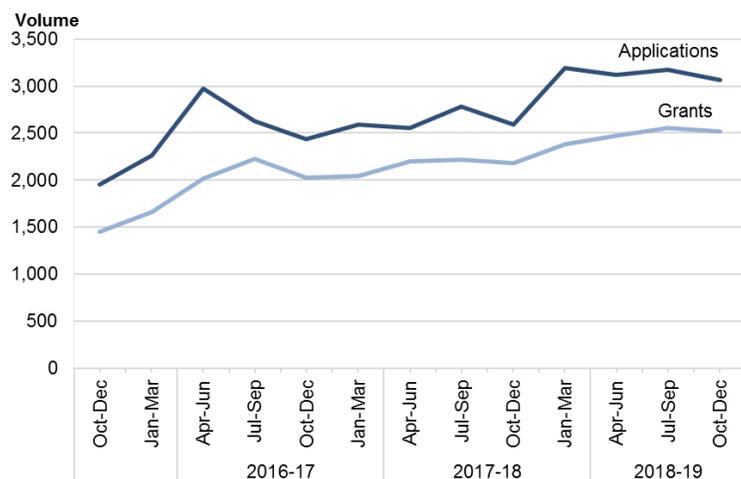


Tables  
6.1 – 6.10

Certificates granted for family work remained unchanged in October to December 2018 compared to the previous year. Certificates completed increased by 4% compared to the same quarter the previous year. The associated expenditure has decreased by 1% compared to the same quarter the previous year.

In October to December 2018, applications for civil representation supported by evidence of domestic violence or child abuse increased by 18% compared to the same period of the previous year. The number of these granted increased by 16% 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 77%.

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



**Judicial reviews**



Of all civil representation applications granted, around 3,000 a year relate to judicial review; 776 in the last quarter. The number granted in October to December 2018 decreased by 2% compared with the same quarter in 2017. Over a third of judicial reviews were for public law and a quarter were for immigration cases.

# Exceptional Case Funding (ECF)

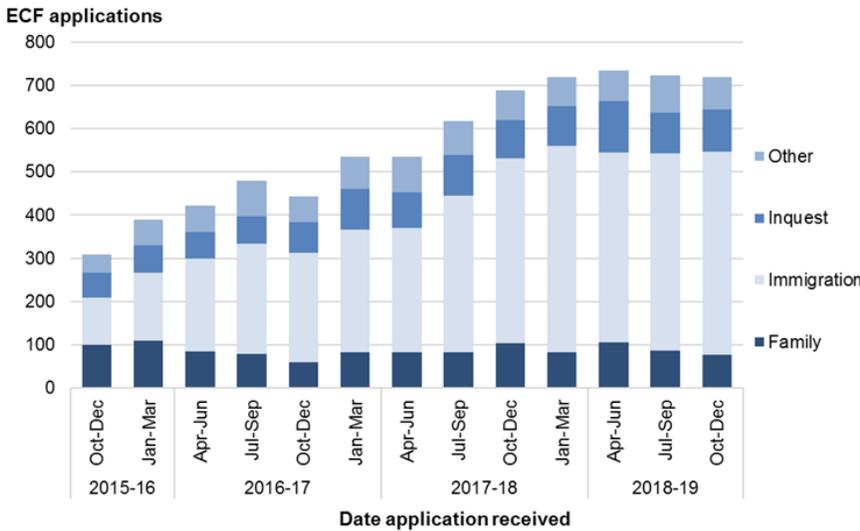


Tables  
8.1 and 8.2

There were 719 applications for ECF received from October to December 2018. This is a 4% increase from the same quarter last year. 640 (89%) of these were new applications.

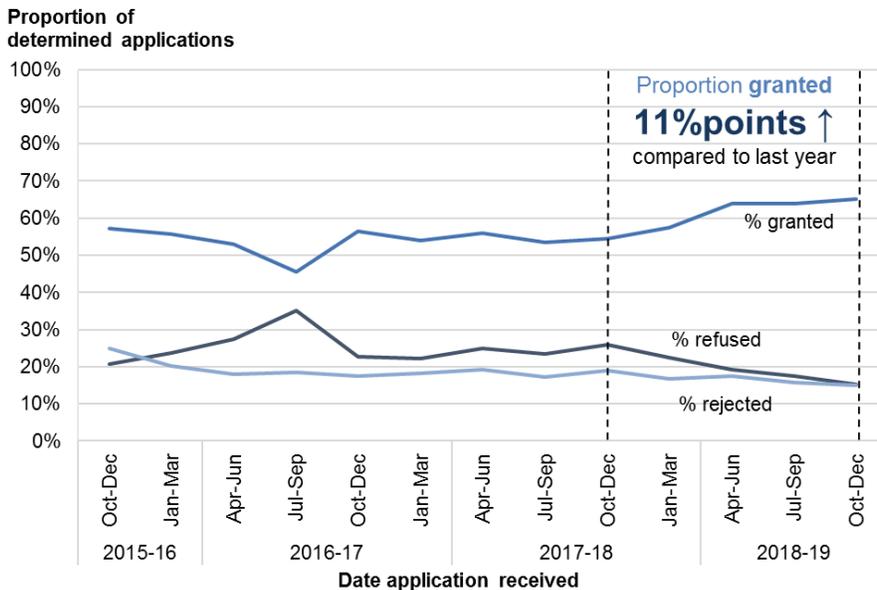
Of the 719 ECF applications received between October and December 2018, 97% (695) had been determined by the LAA as of 20 February 2019. 65% (453) of these were granted, 15% (106) were refused and 17% (115) rejected (see figure 11).

**Figure 10: Volume of ECF applications received, Oct - Dec 15 to Oct - Dec 18**



Among the ECF applications received between October and December 2018, immigration (65%), inquest (13%), 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 11: Volume of ECF determinations by outcome, Oct - Dec 15 to Oct - Dec 18**



## 4. Further information

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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’](#).

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### 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 customize 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 and was granted in 2016.

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.gov.uk](mailto:newsdesk@justice.gov.uk)

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the Ministry of Justice:

Liz Whiting,  
Ministry of Justice  
Email: [statistics@legalaid.gsi.gov.uk](mailto:statistics@legalaid.gsi.gov.uk)  
Tel: +447540263147

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