



Ministry  
of Justice



Legal Aid  
Agency



Published 26 March 2020

# Legal Aid Statistics quarterly, England and Wales

## October to December 2019

### 1. Main points

**Overall Crown Court expenditure decreased this quarter; down by 12% compared with the same period of the previous year.**



This is driven by falling solicitor fee scheme payments covering trial claims heard at the Crown Court.

**Police station advice workload saw a 2% increase this quarter with a corresponding 3% increase in expenditure.**



This compares against a particularly low October to December quarter in 2018 and is an overall flattening of the trend.

**Mediation Information and Assessment Meeting volumes were 15% higher than in the same quarter of 2018.**



Mediation outcomes also were 13% higher.

**Applications for civil representation supported by evidence of domestic violence or child abuse decreased by 3%.**



The total volume of certificates granted increased by 14% compared to the same period of 2018.

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



This is a 33% 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 2019 and the latest statement of all figures for previous periods. The most recent release should always be used for any previous period due to frequent revisions of data throughout the tables. Revisions to this data are expected, and are made as a result of updates to our central systems as claims progress.

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 and accompanying Quality Statement.

- 
- **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)
-

## 2. 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.



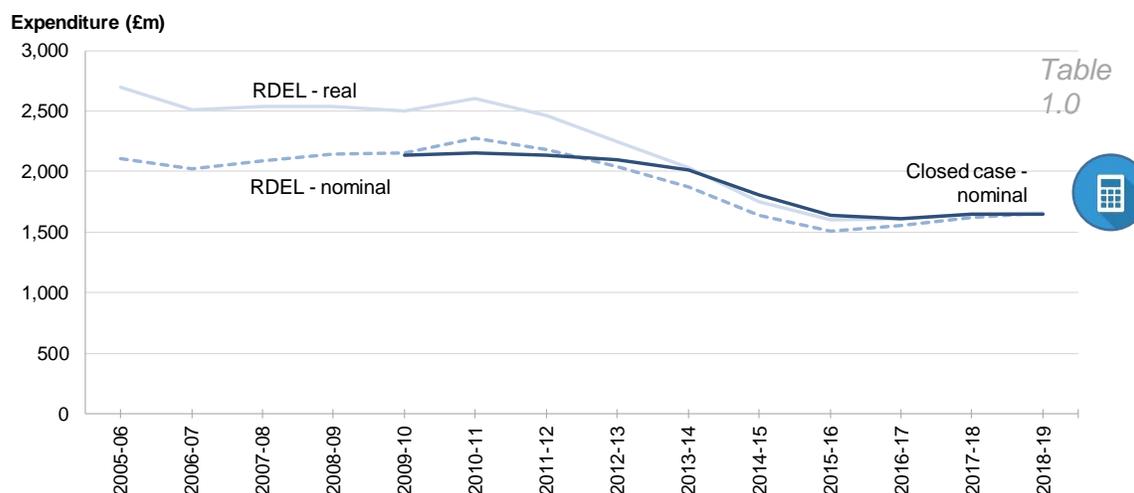
**Tables:**  
Click for access to tables of figures.

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 Figure 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 2018-19**



### 3. Criminal legal aid



Tables 1.1 and 4.1

**Overall Crown Court expenditure decreased this quarter; down by 12% in October to December 2019 compared with the same period of the previous year.**

This is driven by falling solicitor fee scheme payments covering trial claims heard at the Crown Court.

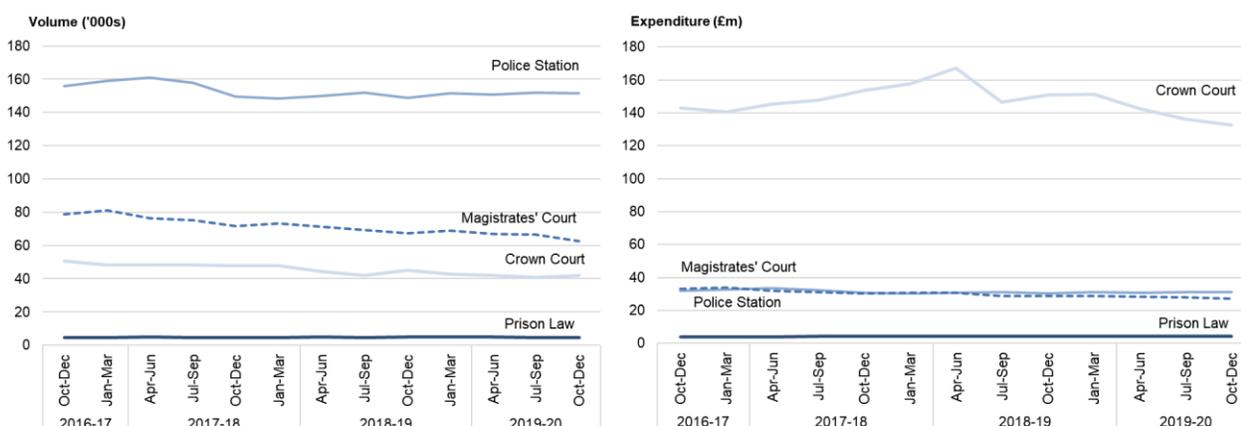
Criminal legal aid can be categorised into Crime Lower and Crime Higher. Crime Lower includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts.

**Figure 2: Crime overview, closed case volumes and expenditure for Oct - Dec 19, and comparison with Oct - Dec 18**

		Category	Workload	Expenditure
<b>Crime</b>  Workload 261,000 (2%↓)  Expenditure £196m (9%↓)	Crime Lower 219,000 (1%↓) £63m (1%↓)	Police station advice	151,000 (2%↑)	£31.2m (3%↑)
		Magistrates' courts	62,000 (7%↓)	£27.0m (6%↓)
		Advice & assistance on appeals	249 (17%↓)	£0.4m (5%↓)
		Prison Law	5,000 (5%↓)	£4.3m (3%↓)
		Civil work associated with crime	28 (49%↓)	<£0.01m (55%↓)
	Crown Court 42,000 (7%↓) £133m (12%↓)	Solicitor fee scheme	21,000 (10%↓)	£81.8m (14%↓)
		Advocate fee scheme	21,000 (4%↓)	£50.9m (4%↓)
		High Cost crime cases	1 (80%↓)	£0.04m (99%↓)

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 16 to Oct - Dec 19**



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



Tables  
2.1 and 2.2

## Police station advice

This category made up two thirds of the Crime Lower workload between October and December 2019 but around half of the expenditure. The workload in this period has increased by 2% compared to the previous year, with expenditure increasing by 3% (£1m).

This compares against a particularly low October to December quarter in 2018 and is an overall flattening of the trend. The decrease in police station advice workload since 2013-14 is also seen in arrest statistics for England and Wales <sup>1</sup>, which has had a similar decline historically.

The majority of the police station advice workload (86% between October and December 2019) 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.



Tables  
3.1 and 3.2

## Applications and grants for representation in the criminal courts

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 9% 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 compared to the same quarter of the previous year. The proportion of these applications that are granted remains stable at around 95%.

Orders granted for legally-aided representation in the **Crown Court** increased by 6% this quarter compared to last year, with a corresponding 10% increase in Crown Court receipts<sup>3</sup>. Within the legal aid figure, orders relating to either-way offences increased by 10%, while those relating to indictable offences increased by 4%. The proportion of Crown Court applications granted remains at almost 100%.



Tables  
2.1 and 2.2

## Magistrates' court completed work

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 2019. The volume of completed work in the magistrates' court decreased by 7% this quarter when compared to the same period of the previous year. Expenditure also decreased by 6% (£1.7m).

<sup>1</sup> [www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales](http://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), Table M1

<sup>3</sup> [www.gov.uk/government/collections/criminal-court-statistics](http://www.gov.uk/government/collections/criminal-court-statistics), Table C1

## 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 10% in October to December 2019 compared to the same period of the previous year and in the **advocate fee scheme**, completed claims decreased by 4% compared to the same period last year.

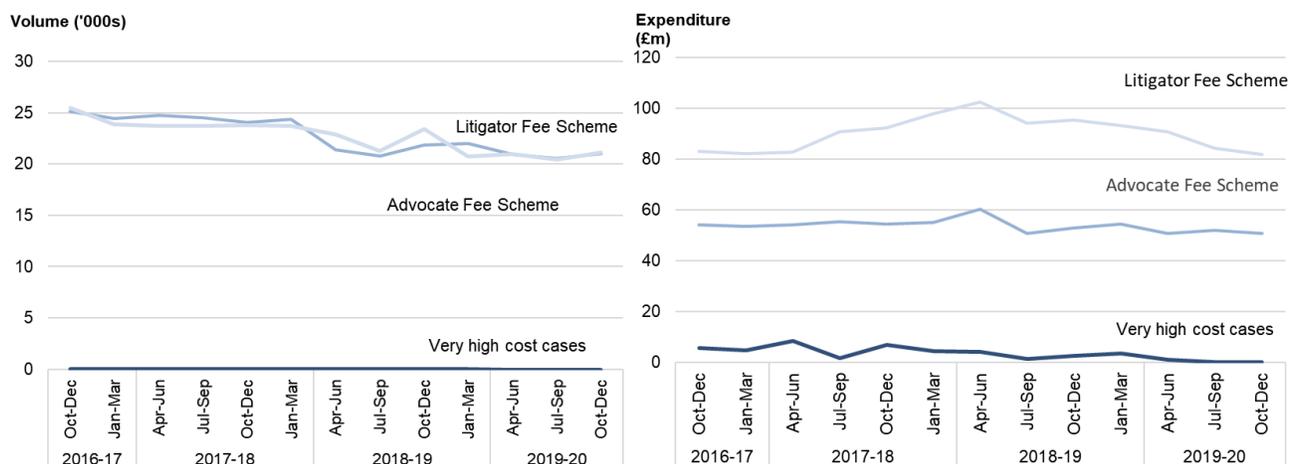
In the litigator fee scheme, expenditure decreased by 14% in October to December 2019 compared to the same period of the previous year. In the advocate fee scheme, the value of payments decreased by 4% compared to the same period of the previous year.

Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters 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 was 1 defendant represented in the VHCC contracts that concluded in the October to December 2019 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was less than £0.1m. While workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme represents less than 1% of the cost in the previous 12 months, although down from over 15% ten years ago.

**Figure 4: Workload and expenditure in the Crown Court, Oct - Dec 16 to Oct - Dec 19**





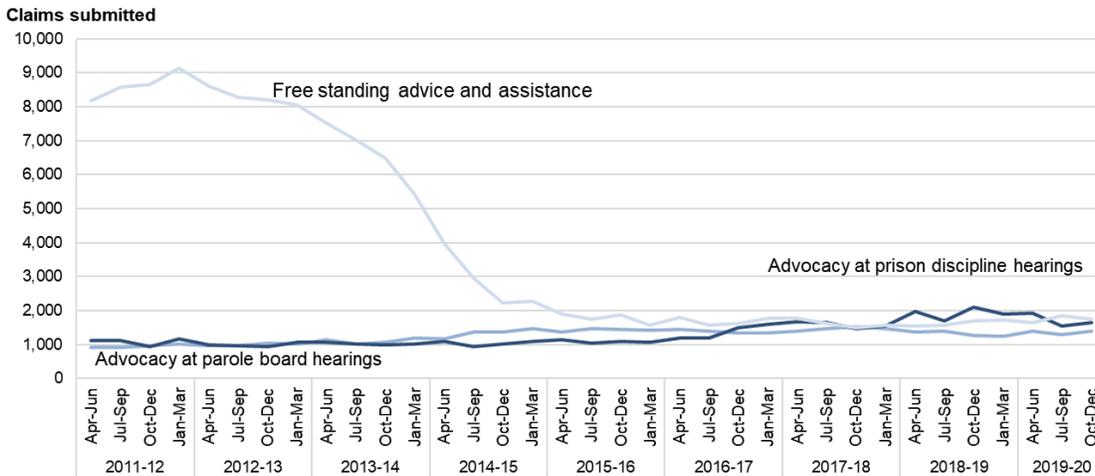
Workload this quarter decreased by 5% compared with the same period in the previous year, driven by advocacy at prison disciplinary hearings which decreased by 22% compared to last year and has decreased by 6% since last quarter (see figure 5). This category makes up over one-third of prison law workload, but a much smaller proportion of costs (12%).

Advocacy at parole board hearings made up almost 70% of prison law expenditure, although this category increased slightly by 1% this quarter while advice and assistance and discipline hearings decreased 8% and 18% respectively driving the overall reduction.

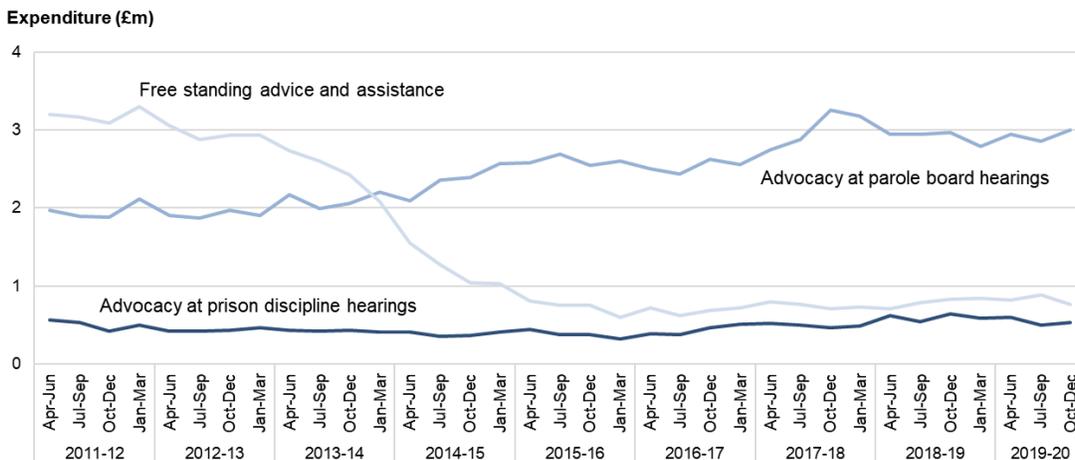
Two categories were introduced from April 2019: the first covering ‘advocacy assistance at sentence reviews’. There were no completed claims within the period. The second covers ‘advocacy assistance at Parole Board reconsideration hearings’ and had two claims in the latest period costing less than £5,000.

Prison law work still comprises a small portion of the volume (2%) and expenditure (2%) of total criminal aid work in October to December 2019; unchanged from previous years.

**Figure 5a: Prison Law completed workload, Apr - Jun 11 to Oct - Dec 19**



**Figure 5b: Prison Law claim expenditure, Apr - Jun 11 to Oct - Dec 19**



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

## 4. Civil legal aid



Table 1.2  
and 8.1

**956 applications for Exception Case Funding were received in October to December 2019.**

This is 33% up on the same period of 2018; 69% of determined applications were granted.

**Figure 6: Civil overview, closed case volumes and expenditure for Oct - Dec 19, and comparison with Oct - Dec 18**

		Category	Workload	Expenditure
<b>Civil</b> Workload 68,000 (5%↑)	Family 30,000 (1%↑) £148m (8%↑)	Family Public	20,000 (5%↓)	£123m (6%↑)
		Family Private	9,000 (19%↑)	£25m (22%↑)
		Mediation and MIAMS*	5,000 (12%↑)	£1m (13%↑)
Expenditure £187m (8%↑)	Non-Family 33,000 (8%↑) £38m (7%↑)	Immigration	12,000 (28%↑)	£11m (10%↑)
		Mental Health	9,000 (4%↑)	£11m (3%↑)
		Housing	8,000 (9%↓)	£6m (8%↓)
		Other Non-Family	3,000 (5%↑)	£9m (25%↑)

\*Not included in the Family total

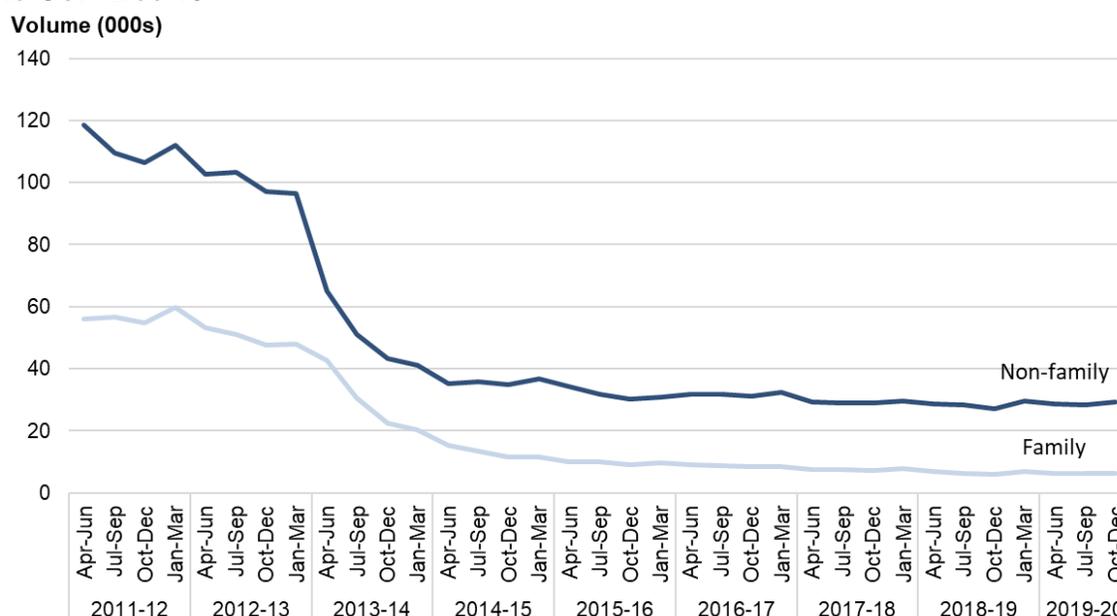
## Legal help and controlled legal representation

Tables  
5.1 – 5.3, 7.1 - 7.2

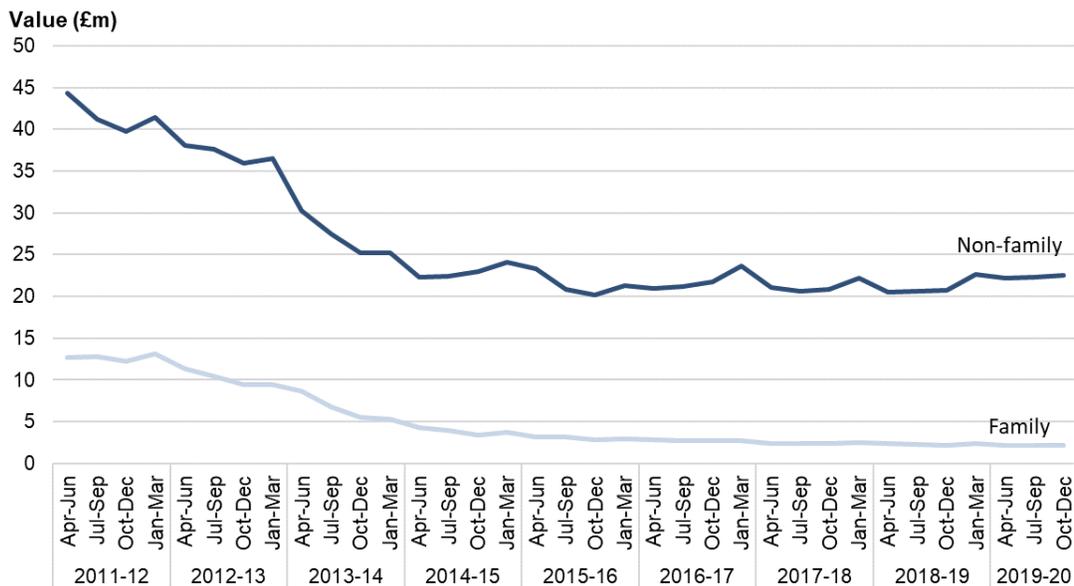


In the last quarter, there was a 6% decrease in legal help new matter starts compared to the same period of 2018. The volume of completed claims increased by 8% (Figure 7a) and expenditure increased by 7% (Figure 7b) in October to December 2019 compared to the same period in 2018. The implementation 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, Apr - Jun 11 to Oct - Dec 19**



**Figure 7b: Completed workload expenditure in legal help and controlled legal representation, Apr - Jun 11 to Oct - Dec 19**

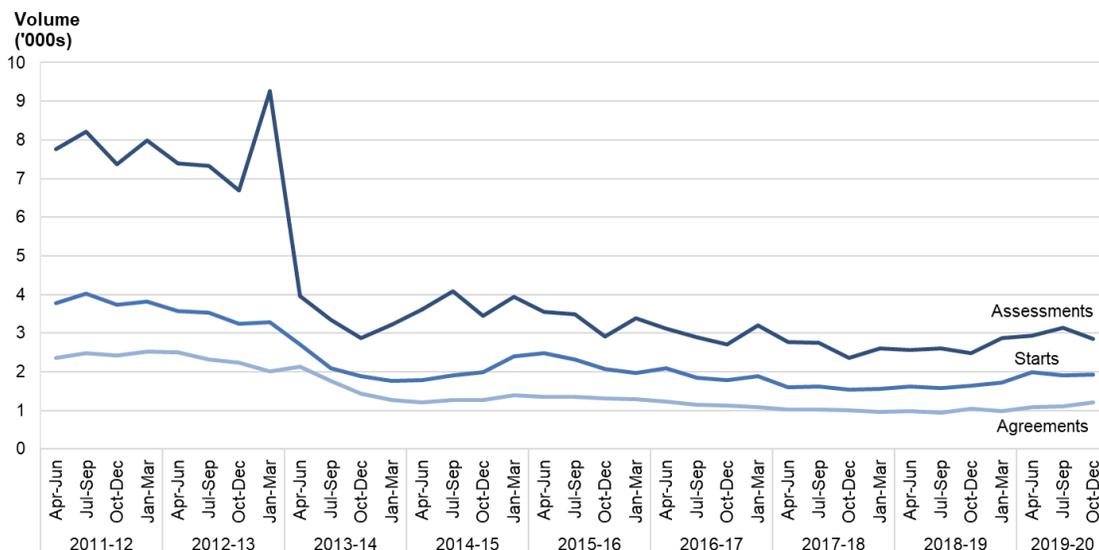


**Family legal help**

In October to December 2019 family legal help starts decreased by 4% compared to the same quarter last year. Completed claims also increased by 3% and expenditure decreased by 1%. There was a steep decline immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the next 2 to 3 years, and a gradual increase over the last 12 months

In family mediation, Mediation Information and Assessment Meetings (MIAMs) increased by 15% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO levels (Figure 8). Starts increased by 19% and outcomes increased by 13%, and are now sitting at around half of pre-LASPO levels.

**Figure 8: Family mediation assessments, starts and agreements, Apr - Jun 11 to Oct - Dec 19**



## Non-family legal help and controlled legal representation

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 decreased by 1% in October to December 2019 compared to the same quarter of the previous year. Completed claims in immigration increased by 30% in the last quarter compared to the previous year and expenditure increased by 16%.

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 2% when comparing the latest quarter to the previous year. Completed claims increased by 4% and expenditure increased by 2% over the same period.

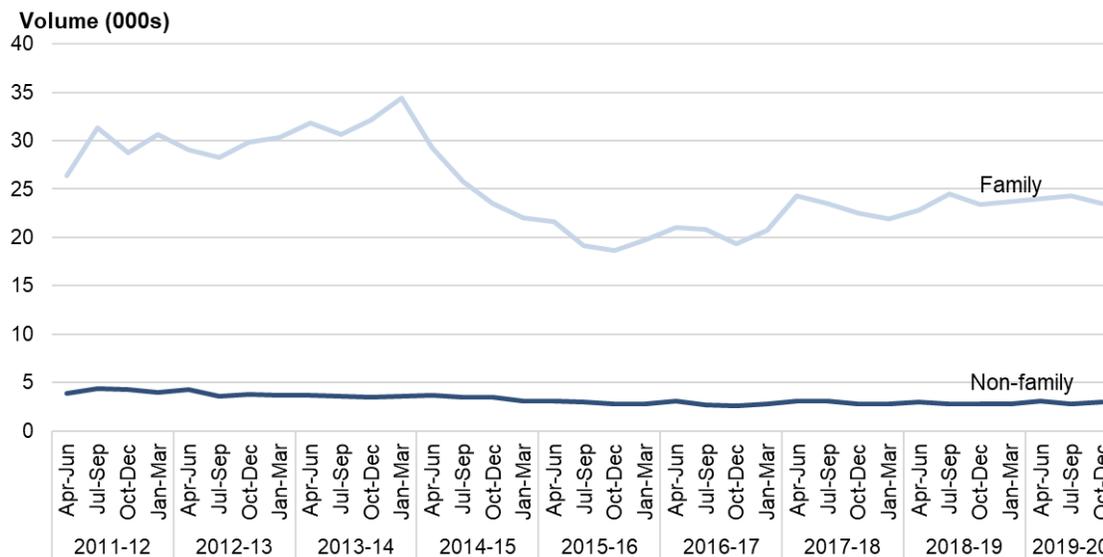
Almost 80% of housing work volume is made up of legal help. The volume of legally-aided housing work halved between July to September 2012 and July to September 2013. The trend then fluctuated for around 18 months but since 2014 it has been falling. In October to December 2019 there was a 22% decrease in housing work starts compared to the same quarter the previous year. There were also decreases in completed claims (13%) and decreases in expenditure (17%).

## Civil representation *Tables 6.1 – 6.10*

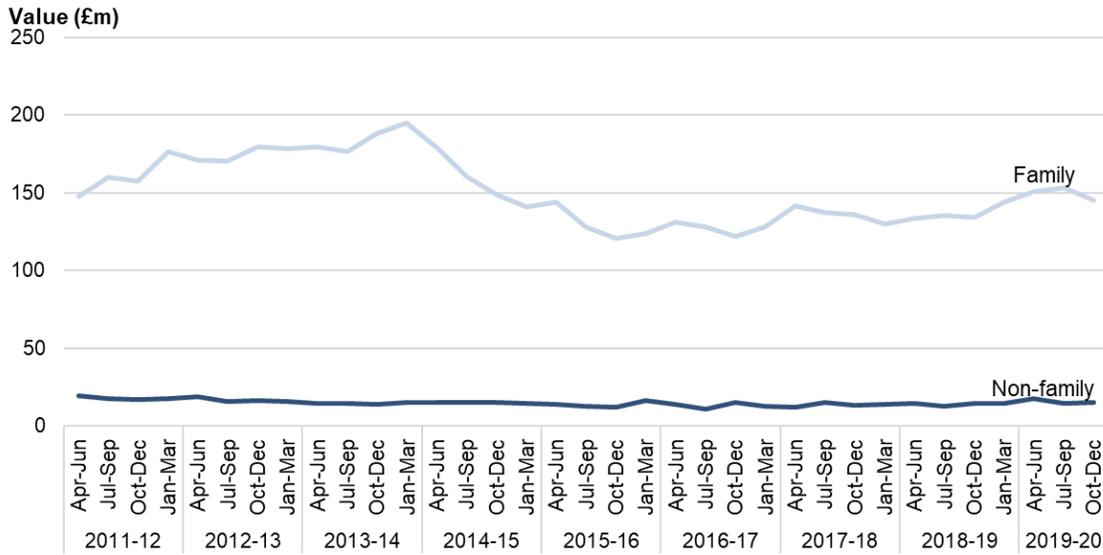


The number of civil representation certificates granted in the last quarter increased by 9% compared to the same period of the previous year. The number of certificates completed increased by 1% (Figure 9a), and the associated expenditure increased by 8% (Figure 9b) over the same period. Civil representation 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 9a: Completed workload in civil representation, Apr - Jun 11 to Oct - Dec 19**



**Figure 9b: Completed workload expenditure in civil representation, Apr - Jun 11 to Oct - Dec 19**

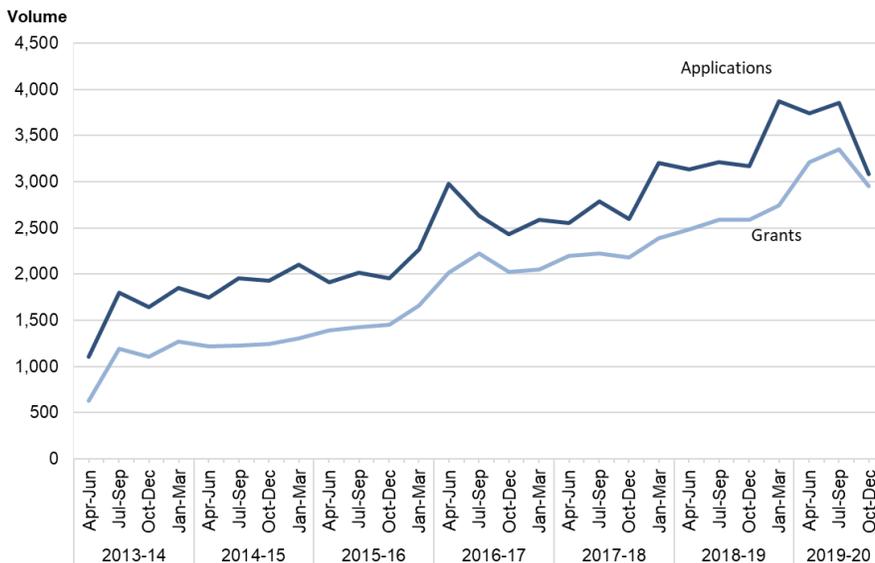


**Family civil representation**

Certificates granted for family work increased by 8% in October to December 2019 compared to the previous year. Certificates completed increased by 1% and associated expenditure increased by 8% compared to the same quarter the previous year.

In October to December 2019, applications for civil representation supported by evidence of domestic violence or child abuse decreased by 3% compared to the same period of the previous year. The total number of certificates granted increased by 14% over the same period (Figure 10). 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 82%.

**Figure 10: Applications received and total certificates granted <sup>(1)</sup> via the domestic violence and child abuse gateway, Apr - Jun 13 to Oct - Dec 19**



1. This chart contains total certificates granted in the period, relating to applications from any previous period

## Judicial reviews

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 774 in the last quarter. The number granted in October to December 2019 increased by less than 1% compared with the same quarter in 2018. Half of judicial reviews were for public law and a fifth were for immigration cases. The underlying data for judicial reviews can be found in the main csv file accompanying this release.

## Exceptional Case Funding (ECF)



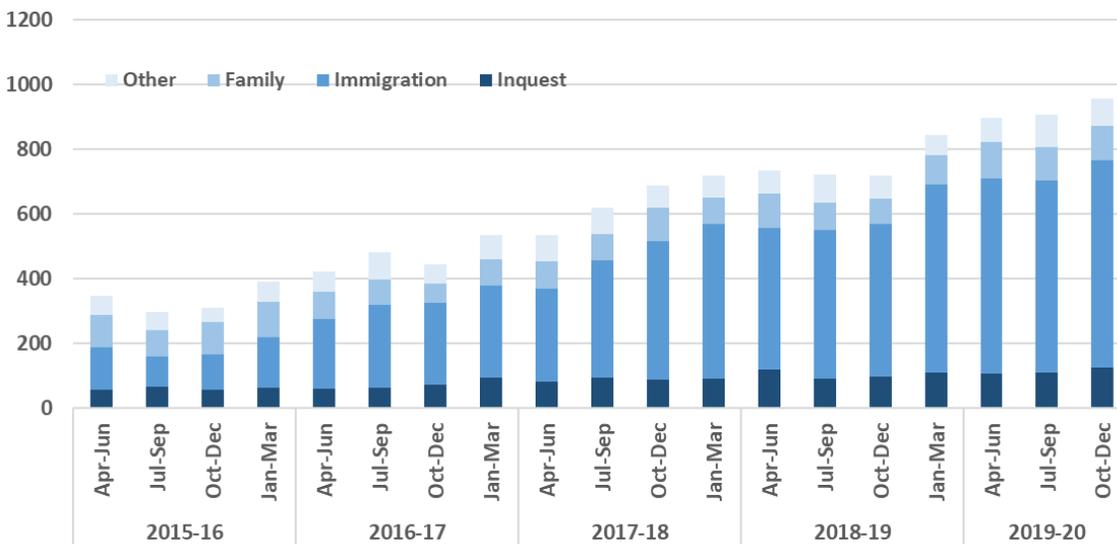
Tables  
8.1 and 8.2

There were 956 applications for ECF received from October to December 2019. This is a 33% increase from the same quarter last year. 865 (90%) of these were new applications.

Among the ECF applications received between October and December 2019, immigration (67%), 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. The immigration category has the highest grant rate (79%), followed by inquest (66%) and family (48%).

**Figure 11: Volume of ECF applications received, Apr - Jun 15 to Oct - Dec 19**

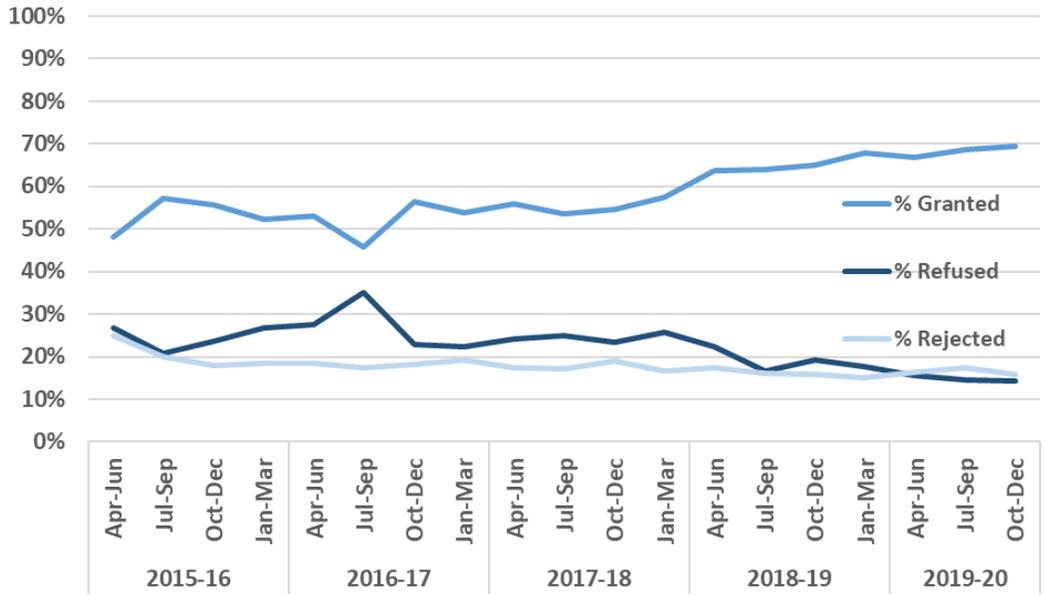
### ECF Applications



Of the 956 ECF applications received between October and December 2019, 99% (943) had been determined by the LAA as of 26 February 2020. 69% (652) of these were granted, 13% (126) were refused and 15% (145) rejected (Figure 12).

**Figure 12: Volume of ECF determinations by outcome, Apr - Jun 15 to Oct - Dec 19**

**Proportion of determined ECF applications**



## 5. 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’](#).

---

### Revisions

For a full list of revisions please see the [‘User Guide to legal aid statistics’](#)

### Accompanying files

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

-  • **Tables:** A set of tables, which give further detail and full time-series for each legal aid scheme.
-  • **Main Legal Aid data** and the **Detailed Civil data:** Files to enable independent analysis and further tabulation, provided in .csv (Comma-Separated values) format.
-  • **‘Data visualisation tool’** A web-based tool allowing the user to view and customize charts and tables based on the published statistics and utilizing the main legal aid data file.
-  • **Legal Aid Provider Data** and the **Diversity Data:** [Annually](#) released files to enable independent analysis and further tabulation, provided in .ods (OpenDocument Spreadsheet) format.

### Help and Documentation

-  • **‘User Guide to legal aid statistics’:** This provides comprehensive information about data sources as well as key legislative changes.
-  • **‘Quality Statement’:** This provides detail on how legal aid statistics meet user needs
-  • **Index of data in Legal aid statistics:** A guide to the data published in the .ods files, lists of available data from Legal Aid systems and guidance on how to work with the data.

### 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.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:

Matt Walker,  
Ministry of Justice  
Email: [statistics@justice.gov.uk](mailto:statistics@justice.gov.uk)  
Tel: +447540 271527

© Crown copyright. Produced by the Ministry of Justice

Alternative formats are available on request from [statistics.enquiries@justice.gov.uk](mailto:statistics.enquiries@justice.gov.uk)