



Legal Aid
Agency



Ministry
of Justice

Statistics Release

Legal Aid Statistics

October 2012 – September 2013

Legal Aid Agency

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Published 27 February 2014

Introduction

This report presents the key statistics on activity in the criminal legal aid system for England and Wales.

It disseminates further figures not previously published or not published at this level of detail in the latest annual Legal Aid Statistics bulletin. The annual statistics report was published on the 25th June 2013 and can be found on the MOJ website at www.justice.gov.uk/publications/corporate-reports/legal-services-commission

The contents of this statistics release will be of interest to government policy makers in the development of policy and their subsequent monitoring and evaluation. Others will be interested in the way different categories of law are dealt with and their usage within the system.

Further information on the terminology used within the statistics release can be found in 'Annex A – Glossary of key terms'

Guidance on the symbols and conventions used in the statistics release is provided in 'Annex B - Explanatory notes' section.

If you have any feedback, questions or requests for further information about this statistical statistics release, please direct them to the appropriate contact given at the end of this report 'Annex C – Contact points for further information'.

Scope

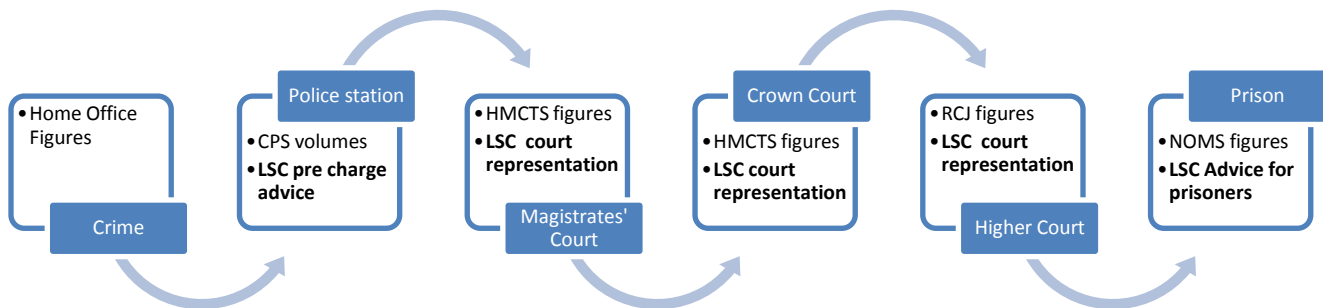
The LAA administers the legal aid system for England and Wales only. Scotland and Northern Ireland have their own legal aid systems, administered by the Scottish Legal Aid Board and Northern Ireland Legal Services Commission respectively.

Analysis

This analysis presents the information collected on the legal aid schemes administered by the LAA.

Crime – Criminal Defence Service

The availability of legal aid flows throughout the Criminal Justice System (CJS) with legal services touching on the system from start to finish.



Figures for the LAA reflect each of the areas above with information from pre-charge, the early court system and prison assistance covering Crime Lower and the more serious Crown Court, Higher Courts and high cost case information covered by Crime Higher.

Crime Lower

Pre Charge Suspects

Anyone in England and Wales, interviewed by the police or attending a police station can receive advice funded by legal aid either via the telephone or by a solicitor in attendance with the suspect.

The overall workload between October 2012 and September 2013 was 732,166. Suspects receiving legal help with a solicitor in attendance accounted for 83% of this workload and 98% of the total claimed/paid during this period.

The LAA has limited control over the volume of police station claims. Increases or reductions in the number of police officers will lead to changes in the number of arrests, charges and cautions.

Table 1: Crime Lower Workload – Pre-charge suspects (previously CDS1)

Type of service	Number of cases	Oct 2012 - Sep 2013	
		Total claimed/Paid ('£000)	Average cost per claim (£)
Attendance	610,721	153,725	252
Duty Solicitor standby	..	6	..
<i>Attendance and duty Solicitor standby</i>	<i>610,721</i>	<i>153,730</i>	<i>252</i>
Telephone advice only	21,235	806	38
CDS Direct telephone advice	94,489	1,631	17
<i>Total telephone advice</i>	<i>115,724</i>	<i>2,437</i>	<i>21</i>
Attendance on immigration issues	37	9	251
Warrants of further detention	385	76	199
Free standing advice and assistance (not in Police station)	5,299	941	178
<i>Other police station work</i>	<i>5,721</i>	<i>1,027</i>	<i>179</i>
Total amount claimed	732,166	157,194	215

Magistrates' court

The overall workload between October 2012 and September 2013 was 484,651; of which 73% were cases where a representation order was required, 3% were cases where no representation order was required or was refused, 16% were Court Duty Solicitor (sessions) and the remaining 8 % were Prison Law cases.

Table 2: Crime Lower Workload – Charged and represented defendants (previously CDS2)

Type of service	Oct 2012 - Sep 2013		
	Number of cases	Total claimed (£000)	Average cost per claim (£)
<i>Representation order required</i>			
Lower standard fees	281,910	92,187	327
Higher standard fees	53,383	46,749	876
Non-standard fees and exempt cases	17,478	31,843	1,822
Second claims for deferred sentencing	841	295	351
Total where a representation order is required	353,612	171,075	484
<i>Where no representation order is required or refused</i>			
Post charge police station advice and assistance	1,253	141	113
Refused means test form completion fee	1,451	43	30
Early cover	2,540	228	90
Preparation: Representation Order refused	3,466	193	56
Advocacy assistance	752	231	307
Appeals, reviews and other courts	4,023	4,938	1,227
Civil assistance on criminal matters	1,592	541	340
Firms claiming for File Review payments	0	0	0
Total where no representation order is required or refused	15,077	6,316	419
Court Duty Solicitor (sessions)	75,915	22,024	290
Prison law	40,047	21,050	526
Total amount claimed	484,651	220,464	455

Granting of Criminal Legal Aid

Other than the Interests of Justice test and the means test operating to exclude cases, all criminal cases are potentially within the scope of the criminal legal aid scheme.

Between October 2012 and September 2013 there were 400,389 applications for representation at the Magistrates court compared to 115,118 applications for representation at the Crown court.

Table 3: Crime Legal Aid grant rates - Oct 2012 - Sep 2013 (previously CDS3)

Applications for representation at the Magistrates court

Case type	Volume of applications	Volume granted	% Granted
Either way offences	198,099	189,434	96%
Summary only offences	191,045	175,715	92%
Committed for sentence	11,245	10,614	94%
Total	400,389	375,763	94%

Applications for representation at the Crown court

Case type	Volume of applications	Volume granted	% Granted
Either way offences	58,266	58,265	100%
Indictable offences	34,482	34,482	100%
Committed for sentence	17,694	17,055	96%
Appeals ¹	4,676	4,478	96%
Total	115,118	114,280	99%

¹ Appeal cases do not require income contribution but will be required to pay a fixed contribution at the end of their appeal if it is unsuccessful

² Other either way or indictable applicants may be required to pay a contribution from their capital/equity if they are found guilty even if they have not been assessed to pay a contribution from their income

Crime Higher

Between October 2012 and September 2013 there were 118,627 cases which received payment of £298,375 in fees and disbursement for litigators at the Crown court. For advocates there were 120,540 cases which received payment of £234,056 in fees and disbursement.

Table 4: Crime Higher Workload (previously CDS4)

Crown court schemes	Oct 2012 - Sep 2013		
	Value (£'000)	Volume of claims	Average claim cost (£)
Litigator graduated fee	298,375	118,627	2,515
Advocate graduated fee	234,056	120,540	1,942
Complex crime unit ¹	64,734

¹ No average cost of claims is reported as each contract has multiple staged payments

Barrister Payments

This release also expands data previously released in September 2013 and January 2014 covering barrister payments from the LAA.

This extended dataset includes cases identified as closed during the same period as payments were received, for each of the different areas of work. It gives a breakdown where applicable by the number cases the barrister worked on, the total number of witnesses, the total number of attendance days, the total number of pages of evidence and the number defendants in the cases. The figures provided also include the number of cases by the type of offence for all categories of work.

These figures exclude those records that were found to contain data quality issues and therefore some barristers have received payment for work in the Crown Court but do not have a breakdown of work completed.

The updated figures can be found here:

www.gov.uk/government/publications/legal-aid-statistics-barrister-fee-income-from-public-sources-201213

Annex A - Glossary of key terms

Terms used in the report and tables are explained below.

Act of assistance: Volumes of work dealt with are usually called an act of assistance and this is a measure of when a case starts (also see new matter starts). Although used as a proxy to show the number of people helped, they do not equate exactly as some clients may have received more than one act of assistance during the year and some acts of assistance may help more than one person.

Advocates' Graduated Fee Scheme (AGFS): The fee scheme which governs fees paid to advocates (barristers or solicitor advocates) who represent clients in criminal proceedings in the Crown Court, other than in cases which have been classified as very high cost (Criminal) cases. Payment is determined by proxy measures, the seniority of the advocate, offence type, pages of prosecution evidence, prosecution witnesses and days that the advocate spends at court at trial.

Court of Appeal and Supreme Court (Crime Higher): The appeal and higher courts deal with smaller volumes of caseload but are generally more complex with points of law and other unusual case work.

Cracked Trial: A case in which proceedings are stopped due to the defendant(s) pleading guilty or the prosecution offering no evidence after the accused is indicted but before the trial begins.

Criminal Defence Service (CDS): The CDS ensures access for individuals involved in criminal investigations or proceedings to such advice, assistance and representation as the interests of justice require.

Criminal Higher: Legal representation in the Crown Court and above.

Crown Court (Crime Higher): typically solicitor prepares case for trial and barrister or solicitor advocate provides representation.

Very High Cost Cases (Crime Higher): extensive evidence reviewed and case prepared by solicitor. Senior counsel (QC) often presents.

Court of Appeal and Supreme Court (Crime Higher): The appeal and higher courts deal with smaller volumes of caseload but are generally more complex with points of law and other unusual case work.

Criminal Lower: Work carried out by legal aid providers at police stations and in magistrates' courts in relation to people accused of or charged with criminal offences. Prison law is also included within this category.

Magistrates' Court (Crime Lower): solicitor preparation for appearance or trial. Representation within the magistrates' court, often by a solicitor advocate or junior barrister.

Police Station (Crime Lower): advice on rights and options pre-charge, in the station, in person by solicitor or outside the police station relating to pre-charge; or applications to extend detention.

Prison Law (Crime Lower): advice for prisoners relating to their treatment or discipline in prison (e.g. parole hearings) and their progression through the prison system.

Disbursements: Costs incurred by the provider that relate to expenses such as the cost of a travel, paying fees. For example, the payment of court fees, or paying other parties to undertake a service using experts' opinions.

Either way offence: An offence which can be tried either before the magistrates' court or the Crown Court. The appropriate venue is determined at a Mode of Trial hearing at the magistrates' court. If the magistrates determine that the matter is too serious or complex for summary trial, they can commit it to the Crown Court. If the magistrates determine that the case is suitable for summary trial, the defendant can elect for trial by jury.

Indictable offence: A criminal offence that can only be tried in the Crown Court.

Interests of justice test: The test is applied to criminal cases as part of the process to determine whether a client receives criminal legal aid. The provision of publicly funded representation is usually deemed to be in the interests of justice when the case is so serious that if the defendant is found guilty they are likely to face imprisonment, loss of livelihood or loss of reputation, where there are substantial questions of law to be argued, or the defendant is a minor, mentally handicapped, cannot speak English, or is otherwise incapable of following proceedings.

Litigators' Graduated Fee Scheme (LGFS): The fee scheme which governs fees paid to solicitors who represent clients in criminal proceedings in the Crown Court, other than in cases which have been classified as Very High Cost (Criminal) Cases. Payment is determined by proxy measures, the type of offence, pages of prosecution evidence, and number of days of trial.

Means test: The process by which an assessment of clients' financial eligibility for public funding is made.

Merits test: The aim of the merits test is to ensure that only cases with reasonable prospects of success receive legal aid. The test does this by seeking to replicate the decision making process that somebody who pays privately would make when deciding whether to bring, defend or continue to pursue proceedings.

Provider: A single or multiple office organisation or NfP delivering publicly funded legal advice.

Very High Cost Cases (VHCC): extensive evidence reviewed and case prepared by solicitor. Senior counsel (QC) often presents.

Annex B - Explanatory notes

The statistics in this statistics release relate to work by the LAA in England and Wales during

Data Sources in LAA and Data Quality

This section outlines the different data sources used to compile the statistics presented in the statistics release with discussion on data quality where relevant. The main sources of the statistics are compiled from administrative systems designed for the accurate management of the legal aid system.

There are many administrative systems used to create the statistics covering each of the main areas of legal aid:

Within Crime Higher figures are drawn from two systems, one for LGFS (Crown Court Legal Fund – CCLF) and another for AGFS (Crown Court Remuneration – CCR) they respectively provide the spend and work provided information for much of the Crime Higher data. High cost case information is drawn from the Crime High Cost Case (CHCC) administrative system.

For Crime Lower data is taken from the Contracted Work and Admin system and supported with information from the Means Assessment Admin Tool (MAAT) giving information on the granting of legal aid.

While the majority of information is held within source administrative systems some information is provided from other non-database sources.

Revisions

In accordance with Principle 2 of the Code of Practice for Office Statistics, the MoJ is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf

The three reasons specified for statistics needing to be revised are changes in sources of administrative systems or methodology changes, receipt of subsequent information, and errors in statistical systems and processes. Each of these points, and its specific relevance to the legal aid statistics publication, are addressed below:

Changes in source of administrative systems or methodology changes

The data within this publication comes from a variety of administrative systems. The document will present where there have been revisions to data accountable to switches in methodology or administrative systems with statistics affected within the publication appropriately footnoted.

Receipt of subsequent information

The nature of any administrative system is that data may be received late. For the purpose of this criminal justice statistics publication, the late data will be reviewed on a quarterly basis but, unless it is deemed to make significant changes to the statistics released, revisions will only be made as part of the final release containing the year's statistics. Should the review show that the late data has had a major impact on the statistics then revisions will be released as part of the subsequent publication.

Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found the publication on the website will be updated and an errata slip published documenting the revision.

Guidance on tables and supplementary information.

In addition to the supplementary excel tables, and in line with the MoJ commitment to provide information in a reusable format there are accompanying csv files published containing historical data for further manipulation by users. All these workbooks and CSV files can be accessed at:

www.justice.gov.uk/

Symbols and conventions

The following symbols have been used throughout the tables in this statistics release:

0 = Nil

.. = Not applicable

- = Not available

Annex C - Contact points for further information

Press enquiries on the contents of this statistics release should be directed to the Ministry of Justice press office:

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General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk

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