



Ministry
of Justice



Legal Aid
Agency

Legal Aid Statistics in England and Wales

October to December 2014

**Ministry of Justice
Statistics bulletin**

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Introduction

Legal Aid Statistics in England and Wales is published every quarter, presenting the key statistics on activity in the legal aid system. This edition comprises the first release of official statistics for the three month period from October to December 2014 and also provides the latest statement of all figures for previous periods and longer term trends.

The statistical release consists of a set of documents:

- This main bulletin, which provides key figures, graphs, explanation and commentary
- A Guide to Legal Aid Statistics, which gives information on legal aid and recent changes, information on data quality and sources and a glossary of key terms used in this bulletin.
- A set of main tables, provided as spreadsheets, which give more detailed figures and full time-series for each area
- A more detailed set of underlying data, provided in the form of a CSV (comma separated variables) file to facilitate detailed analysis using pivot tables, and re-use of the data using a variety of software packages. Guidance on how to use this underlying data is also provided alongside it.

Activity in the legal aid system can be expressed in terms of workload and expenditure. See the section below on measuring activity in the legal aid system for more detail on how each is measured in these statistics.

We encourage feedback from users on the format and content of the Legal Aid Statistics, and we can be contacted via the contact details shown in Annex A at the end of this bulletin or follow this link to complete the user survey: <http://www.smartsurvey.co.uk/s/6U58M>

The next edition of Legal Aid Statistics will be published on Thursday 25 June 2015.

Measuring activity in the legal aid system

Workload

The legal aid system involves a diverse range of activities and services, from relatively quick, lower-cost events such as the provision of pre-charge advice in a police station to a complex, relatively high-cost court case. Therefore, the units in which workload can be measured differ across the system.

Additionally the basis on which volumes are measured varies between different types of legal aid due to the data available: crime lower volumes are based on claim volumes, which relate to the end of activity on a case, whereas for other legal aid areas volumes are based on case starts - the beginning of activity on a case. For some areas, such as legal help and civil representation, measures of workload at both the start and completion stages are presented in this publication.

While less important in the long term, such timing differences can affect the measurement of workload volumes within a given period because of the duration of legal aid cases.

It is therefore difficult to summarise workload for the system overall within a single number and users are advised to look at trends in workloads for each area of legal aid separately.

Expenditure

Annual editions of Legal Aid Statistics have been published alongside the Legal Aid Agency (LAA) Annual Report and Accounts, enabling them to report expenditure on an accruals accounting basis (meaning that they report the value of the work done in the period), aligned with the accounts for the full financial year. This is not possible with a quarterly publication.

Therefore this bulletin instead presents expenditure in terms of the total value of payments made to legal aid providers in relation to the cases that are completed in the period. This should not be confused with expenditure as shown in the Annual Report and Accounts. There are important differences between these two measures of value which mean that they are not directly comparable and the figures shown in this bulletin are not indicative of the expenditure that will be reported in the Agency's Annual Report and Accounts at the end of the financial year.

In addition to timing, another important difference is that the figures in this bulletin do not include income received in the period (for example, the Agency's income in 2013-14 was £210m out of total net expenditure of £1,709m).

Key Findings

Criminal legal aid

1. Following a very gradual decline in recent years, numbers of cases completed in the **crime higher** category in the last quarter were comparable to the same period the previous year (up 2%).
2. However, looking at the trend in newer work entering the system, the number of representation orders granted in the crown court in the last quarter was down 15% compared to the same period of 2013, driven mainly by falls in representation orders for either-way offences and committals for sentence.
3. But the gradual decline in **crime lower** workloads in recent years has continued, and the latest quarter saw a 7% fall compared to the same period in the previous year. Expenditure on crime lower has declined further, down 14% compared to the same period of the previous year.

Civil legal aid

4. The implementation of LASPO in April 2013 resulted in large reductions in **legal help** workload and expenditure. However, since this initial fall trends have begun to stabilise at around one-third of pre-LASPO levels. In the last quarter new matter starts were 1% lower than in the same period of 2013
5. Workloads in **civil representation** fell by a smaller proportion than legal help following the implementation of LASPO, and now appear to be stabilising at around two-thirds of pre-LASPO levels. However, the number of certificates granted in the last quarter was down 6% compared to the same period of the previous year.
6. The number of **mediation** assessments fell following LASPO, but over the last year there has been an increase. The number of assessments in the latest quarter is 20% up compared to the same period in 2013 but 16% lower than the previous quarter

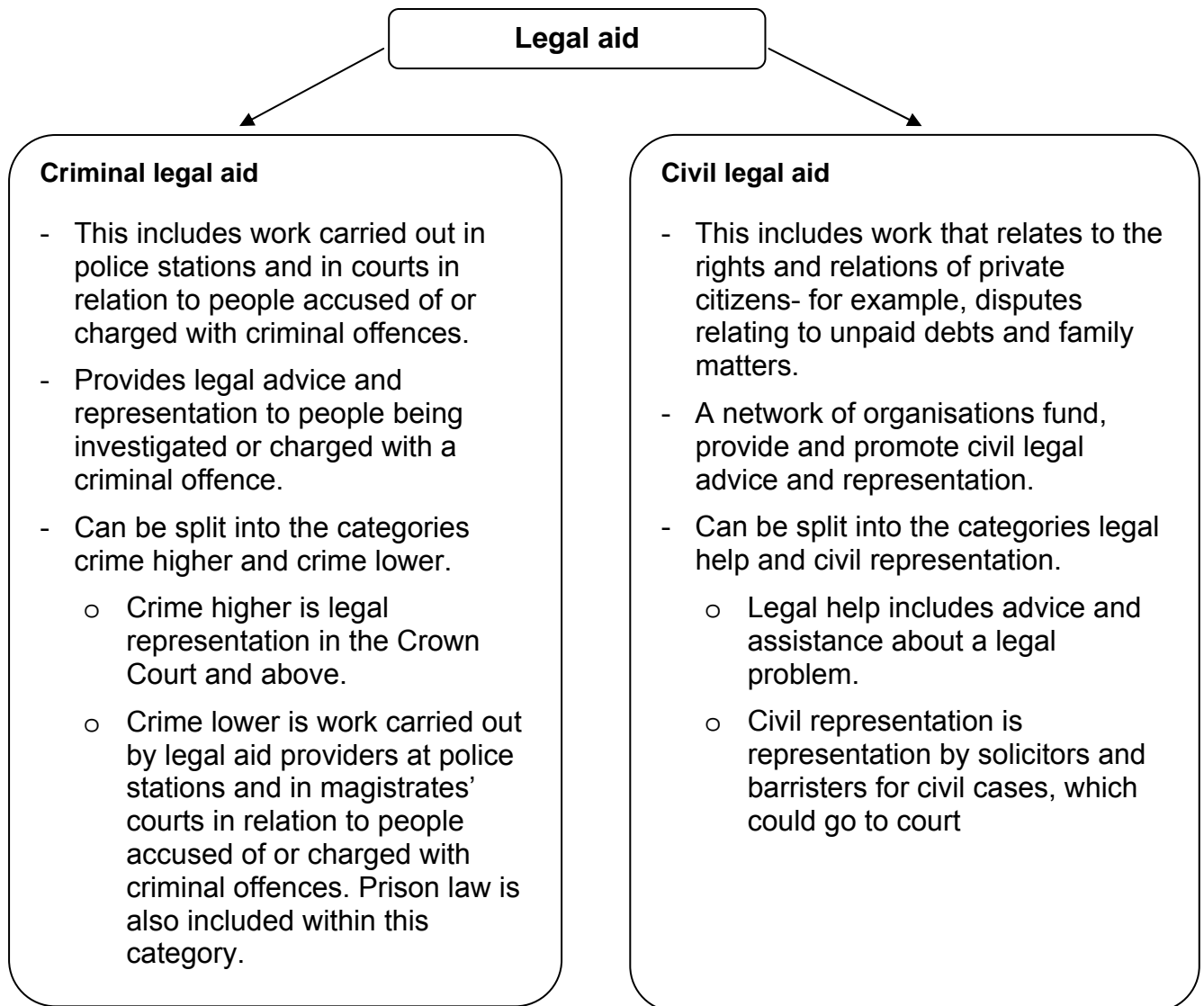
Exceptional Case Funding

7. A quarter of all applications received in October to December 2014 were granted. The number and proportion of ECF applications being granted has increased every quarter since the scheme's introduction in April 2013.

Analysis and commentary

Summary

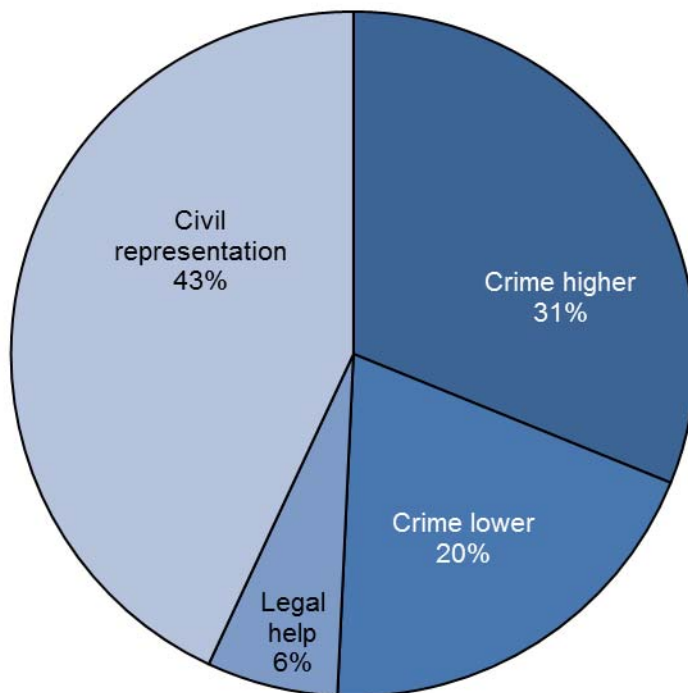
Legal aid workload can be broken down into two main justice areas, criminal and civil:



The value of cases completed between October and December 2014 was just over £410 million¹, this is an 11% reduction on the same period in 2013. The split in payments is fairly even between criminal legal aid (53%) and civil legal aid (47%). Civil representation is the largest single category, making up 43% of the value of payments made for cases completed in this period.

Figure 1 below shows the equivalent split for the year January to December 2014 which has a similar distribution to the latest quarter.

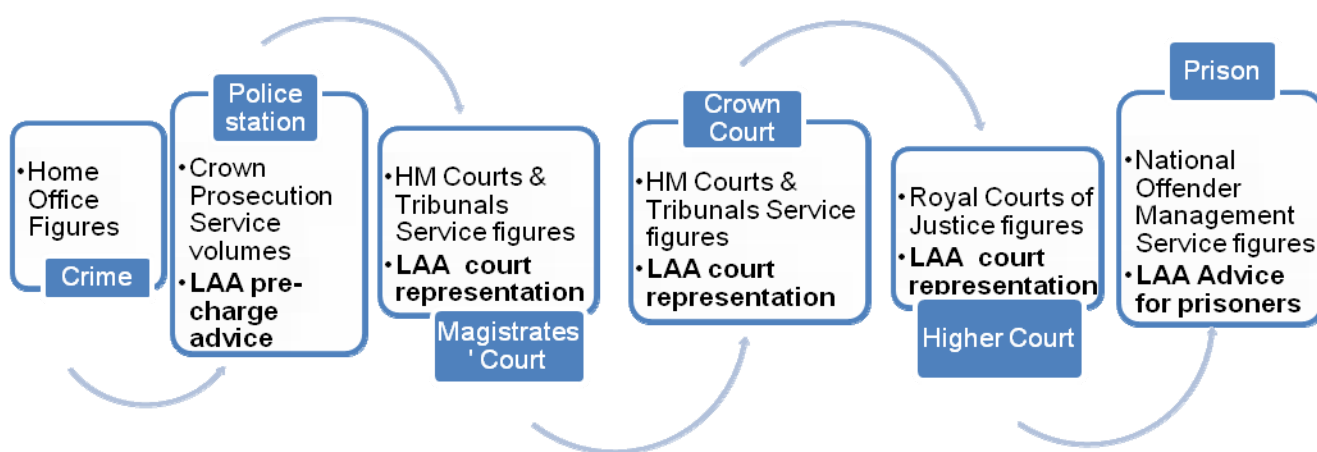
Figure 1: Value of payments made for cases completed in January to December 2014, by legal aid scheme



¹ Data on the value of completed cases are provisional and subject to change.

Criminal Legal Aid

The diagram below shows the availability of legal aid flows (in bold) throughout the Criminal Justice System with legal services touching on the system from start to finish.

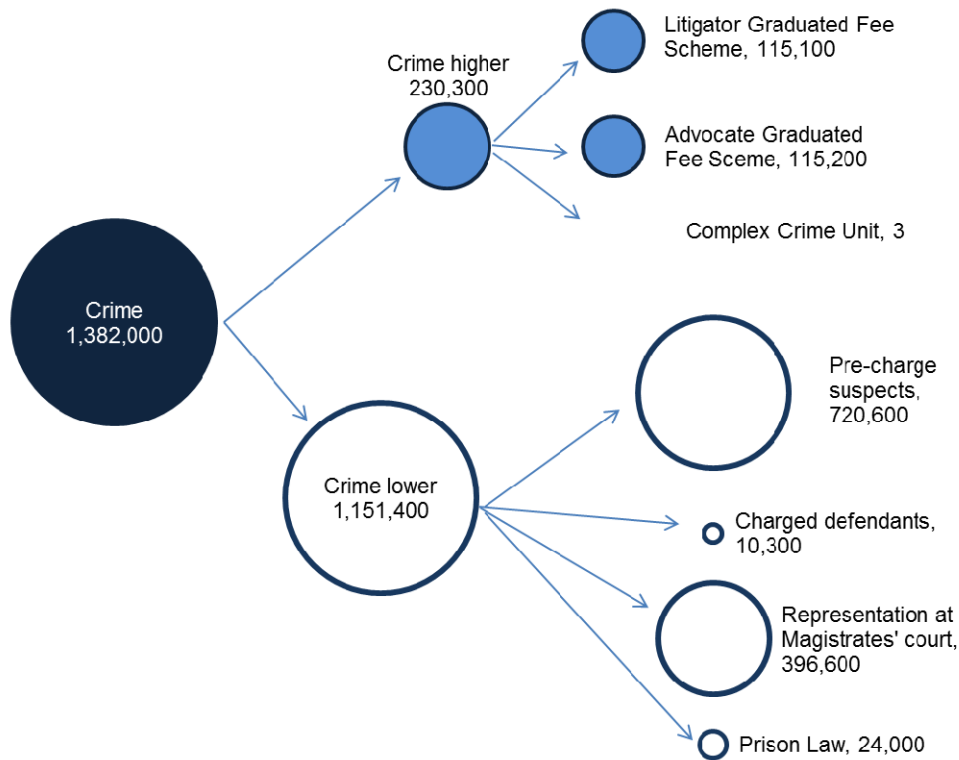


All criminal cases are potentially within the scope of the criminal legal aid scheme, subject to the Interests of Justice test and the means test operating to exclude some cases.

Figures given in this report reflect each of the areas above with information from the pre-charge stage, the early court system and prison assistance found in the crime lower section and the more serious Crown Court, Higher Courts and high cost case information provided in the crime higher section.

Workload in the wider Criminal Justice System has fallen in the last few years and as a consequence some areas of criminal legal aid have also seen a gradual fall. The largest reduction in workload within criminal legal aid between October and December 2014 and the same period in the previous year was in representation at magistrates' court, which has fallen by around 8,000 cases (17%).

Figure 2: Volumes within criminal legal aid area, January to December 2014

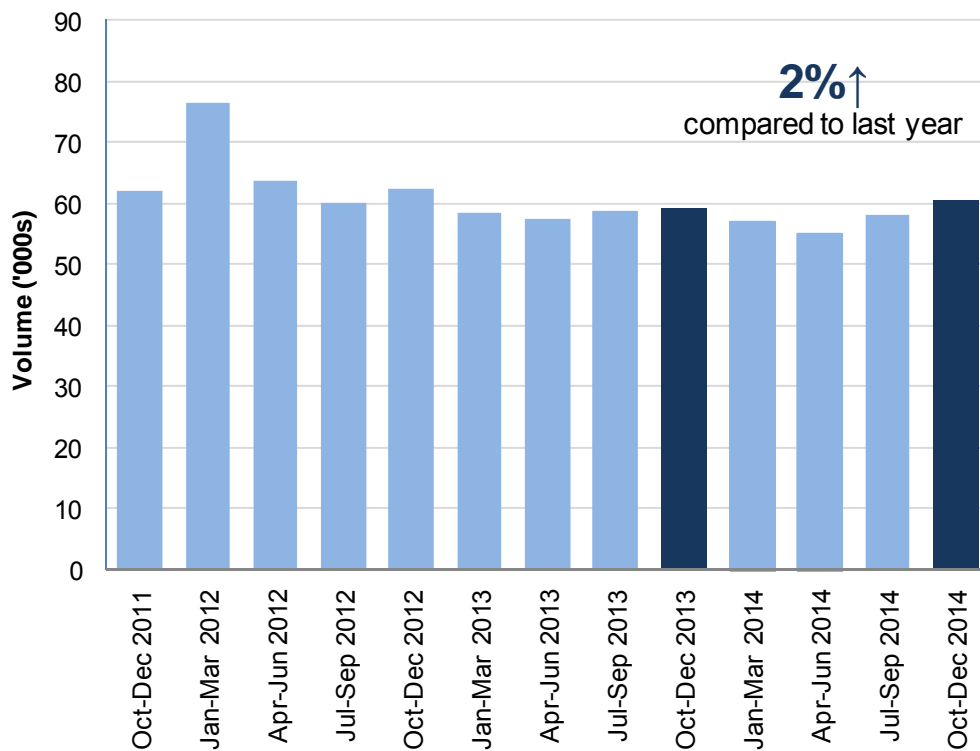


Note: figures have been rounded so may not sum to totals

Crime higher

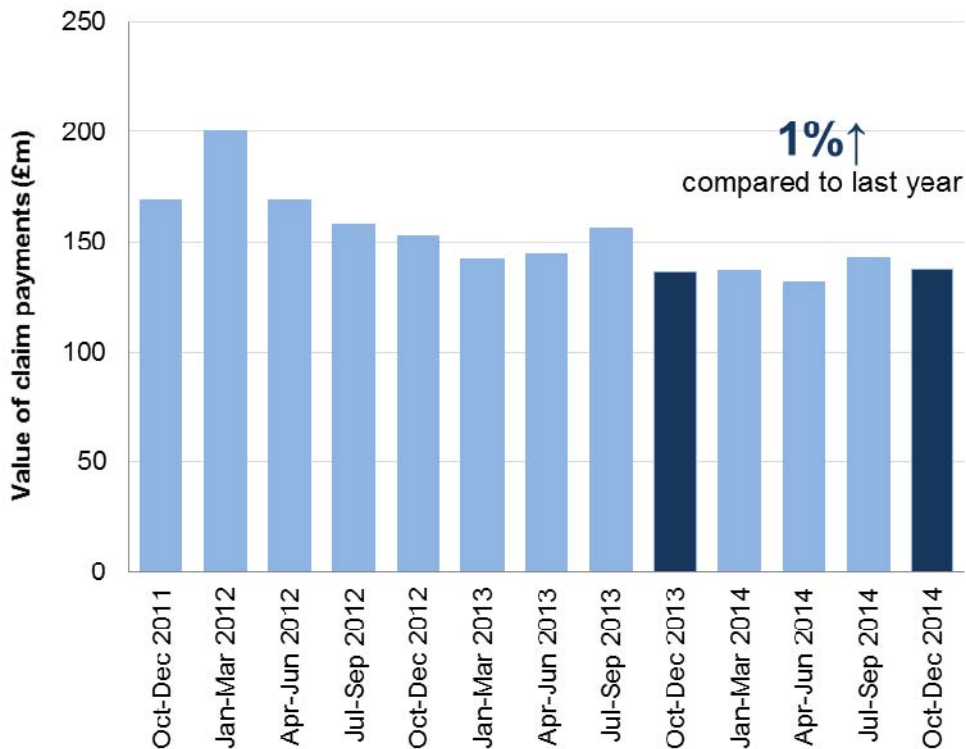
Following a very gradual decline in recent years, numbers of cases completed in the crime higher category in the last quarter were comparable to the same period the previous year (up 2%, see figure 3). The value of payments for completed cases in crime higher has followed a similar trend to that of the volumes (figure 4).

Figure 3: Number of cases completed within crime higher, Oct-Dec 2011 to Oct-Dec 2014



Note: High cost cases are case starts and both litigator and advocate case completions are included.

Figure 4: The value of completed crime higher cases, Oct-Dec 2011 to Oct-Dec 2014



Representations at Crown Court

The workload in the Crown Court can be broadly split into the following categories:

Either way offence: An offence which can be tried either before the magistrates' court or the Crown Court.

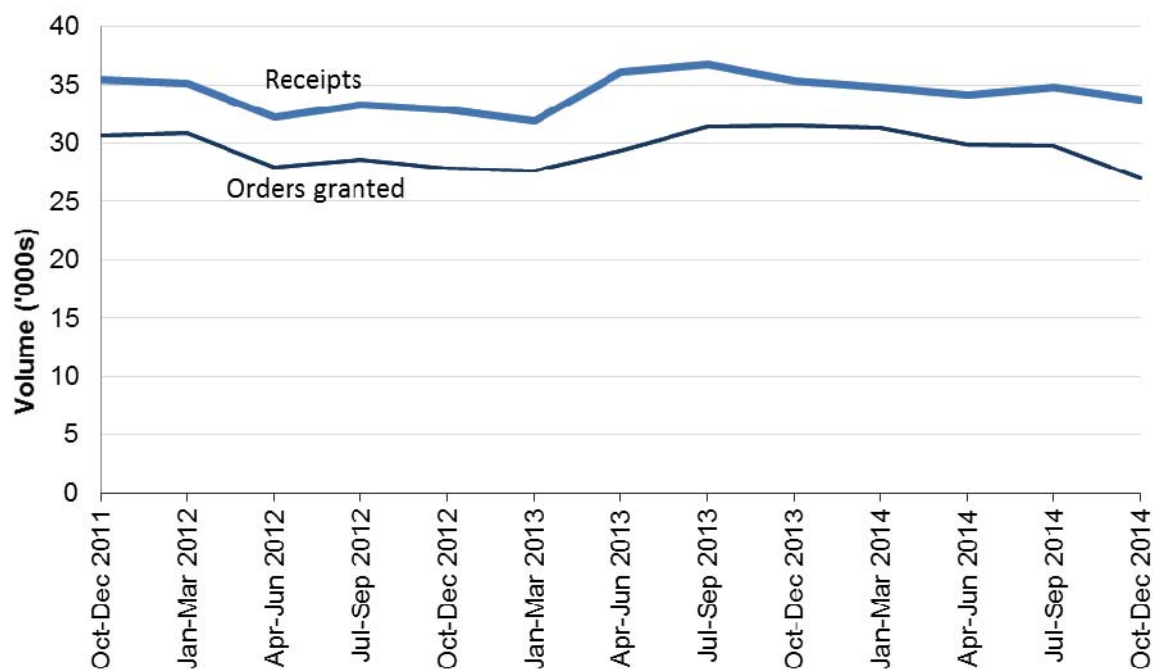
Indictable offence: A criminal offence that can only be tried in the Crown Court.

Committed for sentence: A case where a magistrate decides that the penalties available to them are inadequate and commits the case to the crown court for sentencing.

Appeals: The Crown Court deals with appeals from magistrates' court against conviction and sentence

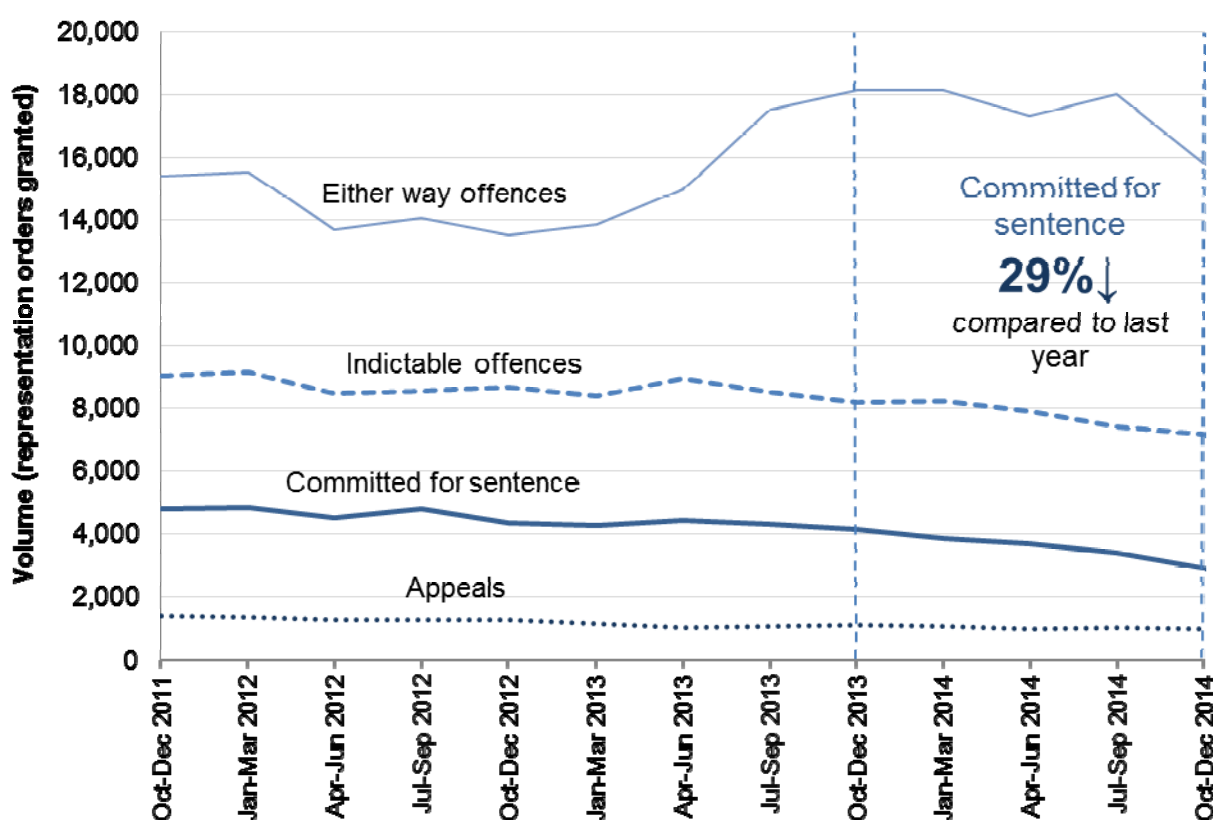
The number of representation orders granted between July and September 2014 has fallen by 15% compared to the same period in 2013. The number of representation orders granted in the Crown Court displays a broadly similar trend to Crown Court receipts over time² (see figure 5). This has mainly been driven by falls in representation orders for either-way offences and those committed for sentence (see figure 6).

Figure 5: Representation orders granted and receipts in the Crown Court, Oct-Dec 2011 to Oct-Dec 2014



² Criminal Court Statistics Quarterly Oct-Dec 2014, <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-october-to-december-2014>

Figure 6: Representation orders granted in the Crown Court, Oct-Dec 2011 to Oct-Dec 2014, by case category



Very High Cost Cases (VHCCs)

VHCCs are those cases in which, if the case were to proceed to trial, it would be likely to last more than 60 days. These cases can span a number of years and, while the volumes are small, the number of related contracts with providers and the amount spent are high in comparison. The LAA makes decisions in relation to authority to incur expenditure for expert reports and runs a High Cost Case contracting scheme seeking to limit expenditure on the small number of Crown Court cases that account for a large proportion of total expenditure on criminal legal aid.

Total expenditure on VHCCs between October and December 2014 was £10 million, a reduction of 26% compared to the previous year. Falling VHCC costs are due to changes in rates paid and also a reduction in the proportion of cases classified as a VHCC due to the threshold being increased from 40 to 60 days on 1 April 2013. VHCCs represent a very small amount of the workload but 7% of the overall cost of publicly funded cases in the Crown Court. For each VHCC opened there may be multiple defendants, each represented by a different provider with separate VHCC contracts.

The Higher Courts: Court of Appeal and Supreme Court

Legally aided cases within the Court of Appeal and the Supreme Court are counted within crime higher, but these figures are not currently available on a quarterly basis. The latest published figures are annual and can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014>

Crime lower

The gradual decline in crime lower workloads in recent years has continued in the context of falling overall crime rates, and the latest quarter saw a 7% fall compared to the same period in the previous year (see figure 7). Expenditure on crime lower has declined more than workloads, down 14% compared to the same period of the previous year (see figure 8).

Figure 7: Number of cases within crime lower, Oct-Dec 2011 to Oct-Dec 2014

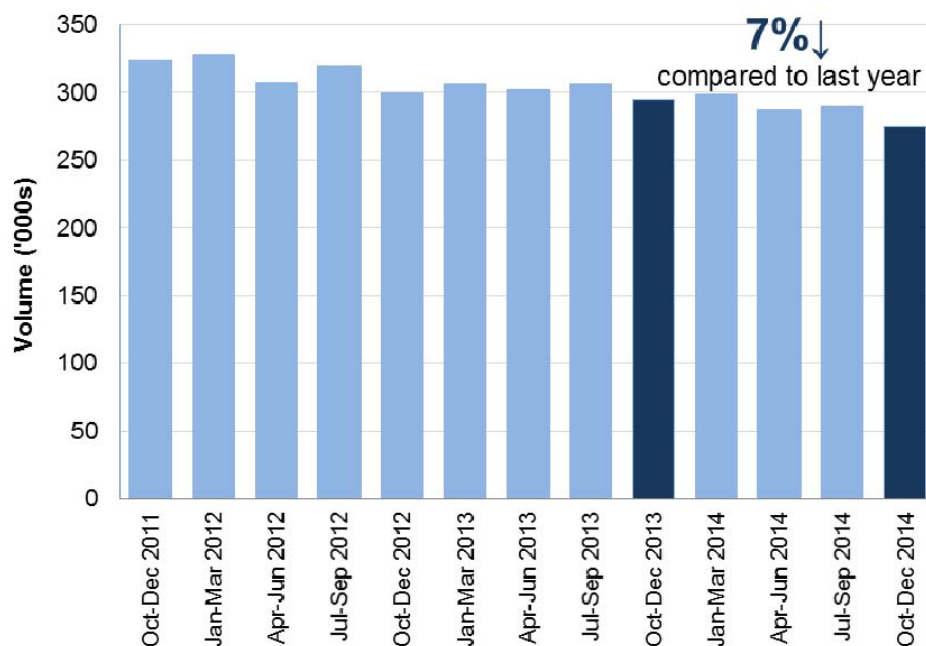
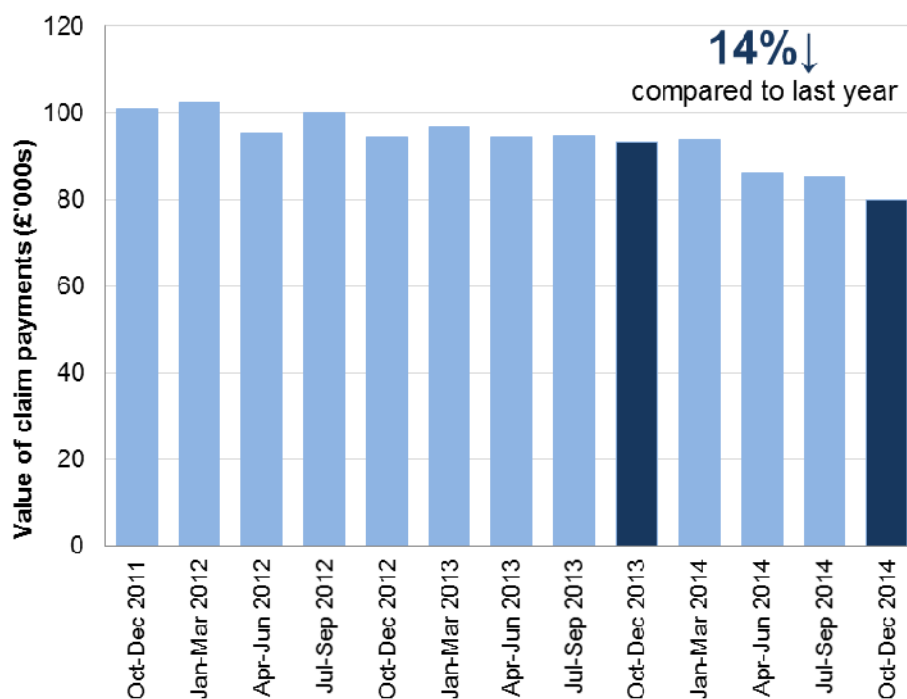


Figure 8: The value of completed crime lower cases, Oct-Dec 2011 to Oct-Dec 2014



Note: Data on the value of completed cases are provisional and subject to change

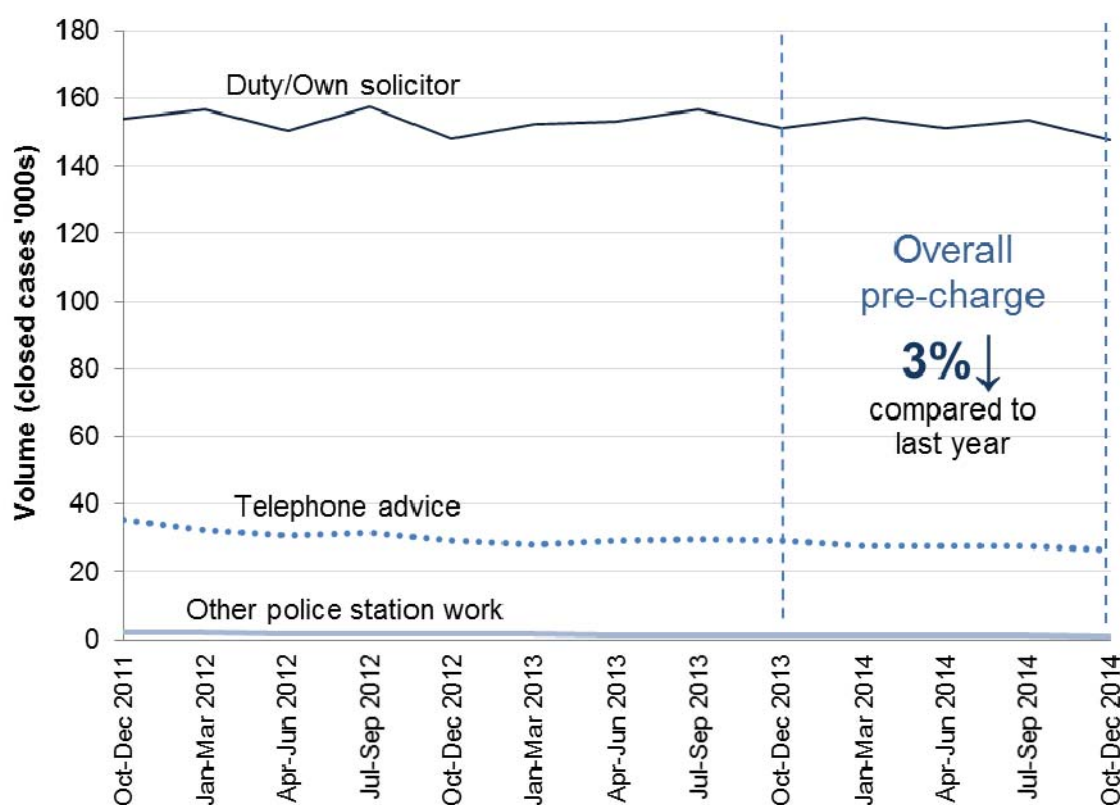
Pre-charge suspects

Pre-charge work made up over 60% of the crime lower workload between October and December 2014. Anyone in England and Wales who is interviewed by the police or attends a police station can receive advice funded by legal aid either on the telephone or by a solicitor in attendance with the suspect. The LAA has limited control over the volume of police station claims. Changes to police numbers and priorities will lead to changes in the number of arrests, charges and cautions.

The overall workload between October and December 2014 fell by 3% compared to the previous year. Over the last three years the trend has been gradually decreasing (see figure 9). The trend in police recorded crime figures has also been reducing, but the falls in recorded crime have been larger than for legal aid pre-charge work³.

The majority of the pre-charge workload (84% in October and December 2014) consists of suspects receiving legal help with a solicitor in attendance at the police station; this has remained stable over the last year.

Figure 9: Workload with pre-charge suspects, Oct-Dec 2011 to Oct-Dec 2014

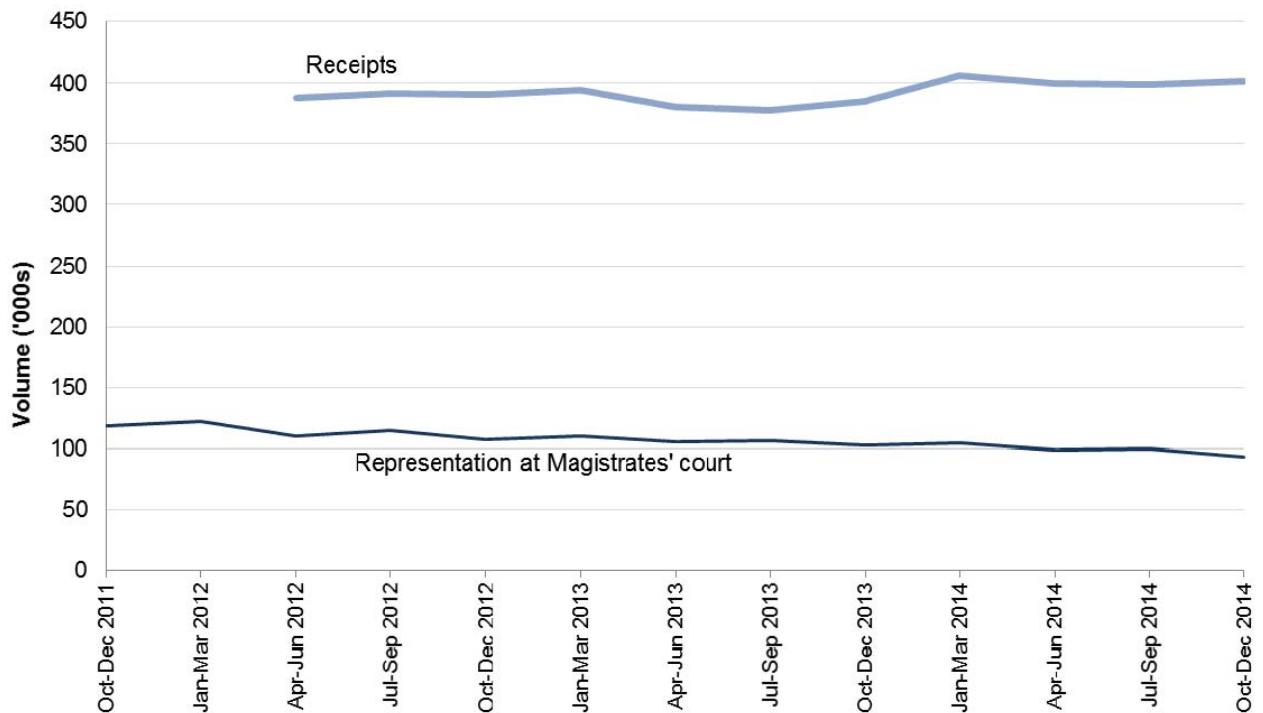


³<http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-september-2014/stb-crime-in-england-and-wales--year-ending-september-2014.html>

Magistrates' court

Overall workload in magistrates' court fell by 9% in October to December 2014 compared to the same period in 2013. This is driven by the fall in those cases where a representation order for legal aid is required, since these cases account for more than 80% of the magistrates' court workload. Representation orders fell by 10% this quarter when compared to the previous year. Figure 10 shows the number of receipts in the magistrates' court and the number of representation orders granted in the period.

Figure 10: Magistrates' court trends - representation and receipts, Oct-Dec 2011 to Oct-Dec 2014



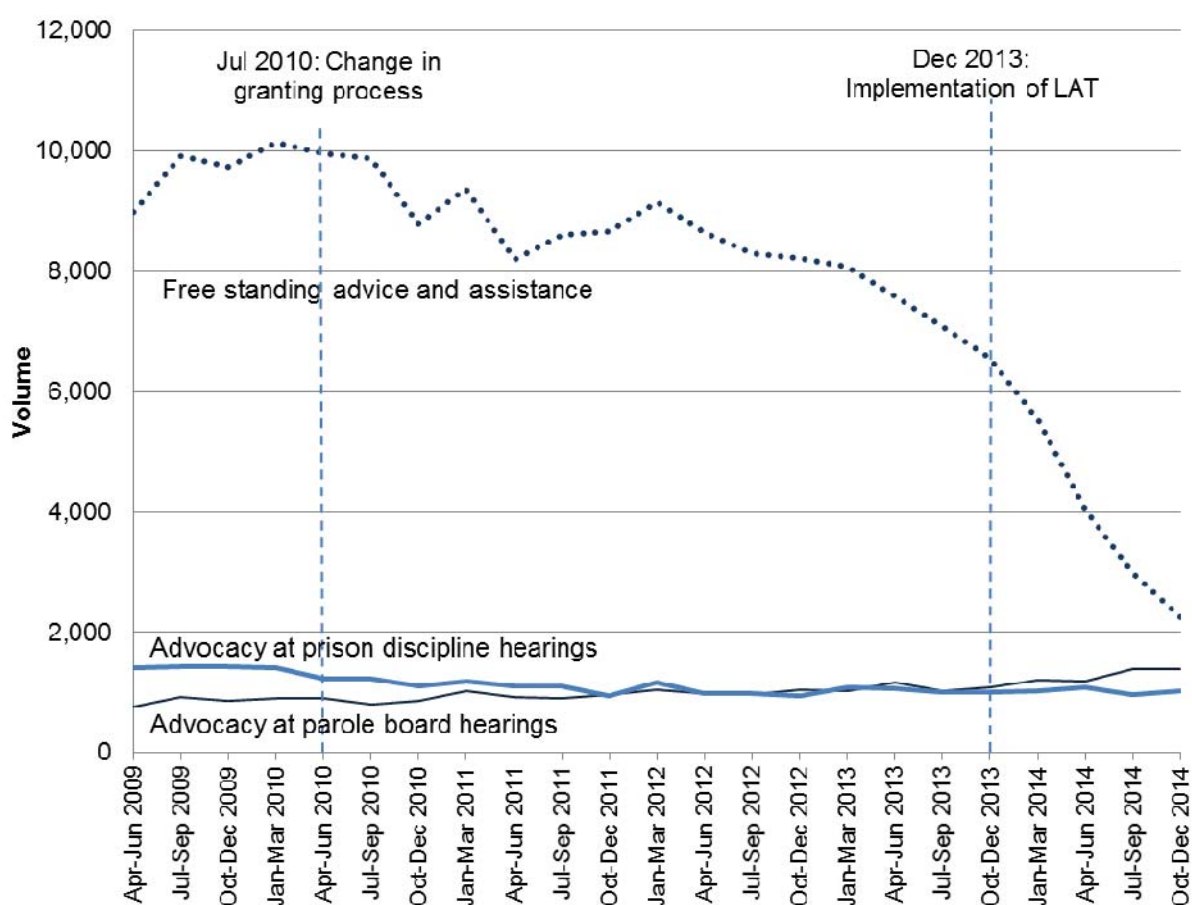
Note: Published quarterly receipts data is only available from April 2012

Prison Law

Since the change in July 2010 whereby legal aid providers had to apply to the LAA for prior approval before starting work on treatment cases, Prison law workload has generally been decreasing (see figure 11). However, from December 2013, under the Legal Aid Transformation (LAT) programme, there were changes to the scope of legal aid available for prison law⁴.

These changes appear to have led to larger falls over the last year, with a 39% fall in October to December 2014 compared to the same period the previous year. This fall has been driven by a reduction of over 4,000 free standing advice and assistance cases (a fall of 66%) in October and December 2014 compared to the same period last year.

Figure 11: Volume of workload with prison law, Apr-Jun 2009 to Oct-Dec 2014



⁴ <http://www.justice.gov.uk/offenders/parole-board>

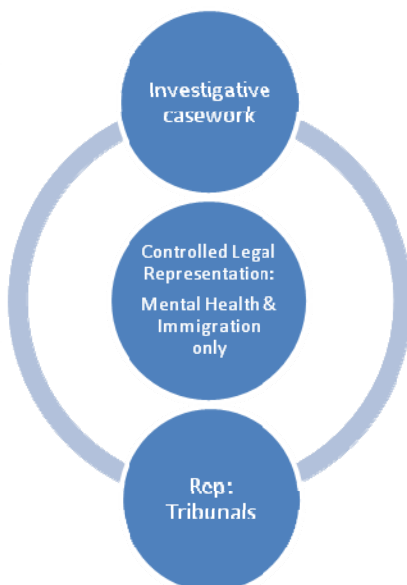
Civil legal aid

Many events and issues in people’s lives which are not associated with crime, but which concern the rights and relations of private citizens, can also require legal assistance. These can be issues such as discrimination, dealt with through the telephone advice service, or a long drawn out divorce with attempted mediation and further court appearances.



Legal Help includes advice and assistance about a legal problem, but does not usually include representation or advocacy in proceedings.

In this report the number of matters started is used to measure changes to workload in Legal Help.



Civil Representation is representation by solicitors and barristers for civil cases which could go to court.

In this report the number of certificates granted is used to measure changes in Civil Representation workload.

Controlled Legal Representation is representation at the Mental Health or Immigration Tribunal.

Civil legal aid can be broadly categorised into legal help and civil representation. The nature of each category is explained in the diagram above. The first point of contact for a client of civil legal aid is usually legal help, which covers help via telephone, face-to-face with a made solicitor or at not for profit centres.

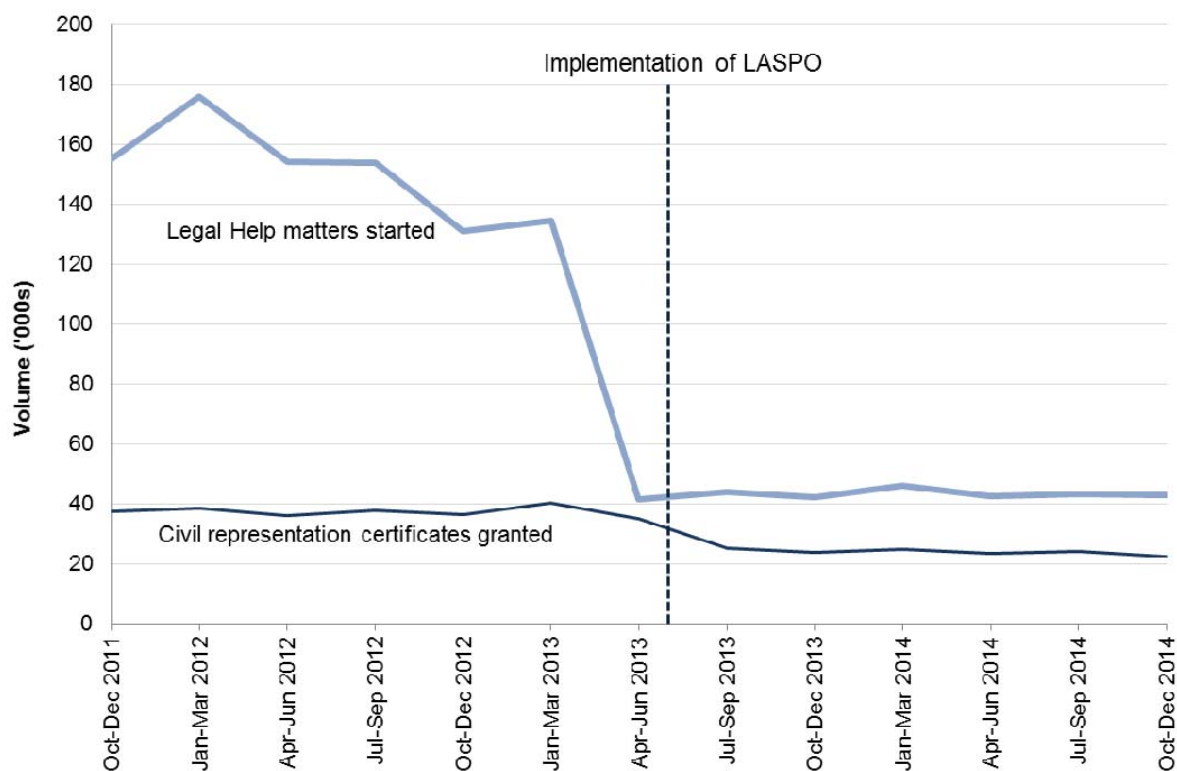
Many of these matters will then extend into civil representation with full investigations undertaken or in-court representation given. However, under some circumstances a client may enter straight into civil representation. Legal Aid for civil representation at the Mental Health Tribunal or the Immigration & Asylum Tribunal is funded through Controlled Legal Representation.

Legal Aid for representation in other categories, or in higher courts for Immigration and Asylum or Mental Health, is funded through full Licensed Civil Representation. Public funding is also available for Family Mediation, which is an alternative to settling family disputes through Court proceedings.

The implementation of LASPO in April 2013 resulted in large reductions in **legal help** workload and expenditure. However, since this initial fall trends have begun to stabilise at around one-third of pre-LASPO levels. In the last quarter new matter starts were 1% lower than in the same period of 2013

Workloads in **civil representation** fell by a smaller proportion than legal help following the implementation of LASPO, and now appear to be stabilising at around two-thirds of pre-LASPO levels. However, the number of certificates granted in the last quarter was down 6% compared to the same period of the previous year.

Figure 12: Trends in overall legal help/controlled legal representation and civil representation, Oct-Dec 2011 to Oct-Dec 2014

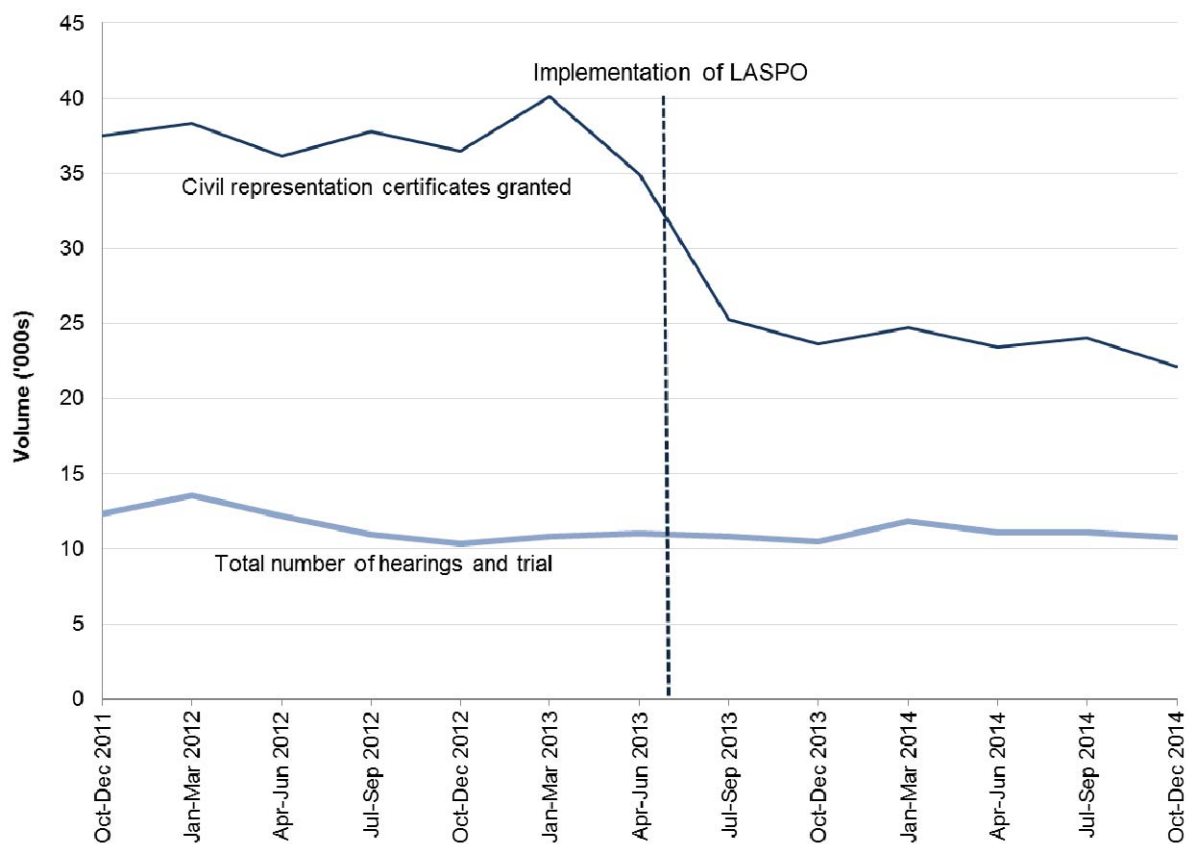


Civil representation and overall court volumes

Figure 13 shows the number of certificates granted for civil representation and the number of hearings and trials from court data, with figures from the latest Oct-Dec release of Civil Justice Statistics quarterly (table 1.6). The trends were broadly similar until the implementation of LASPO, when there were large reductions in civil representation workload.

However, in the last few quarters, as civil representation workload has stabilised, there are signs that the trends are becoming similar again. More certificates are granted than the final number of hearings and trials as not all claims will reach court.

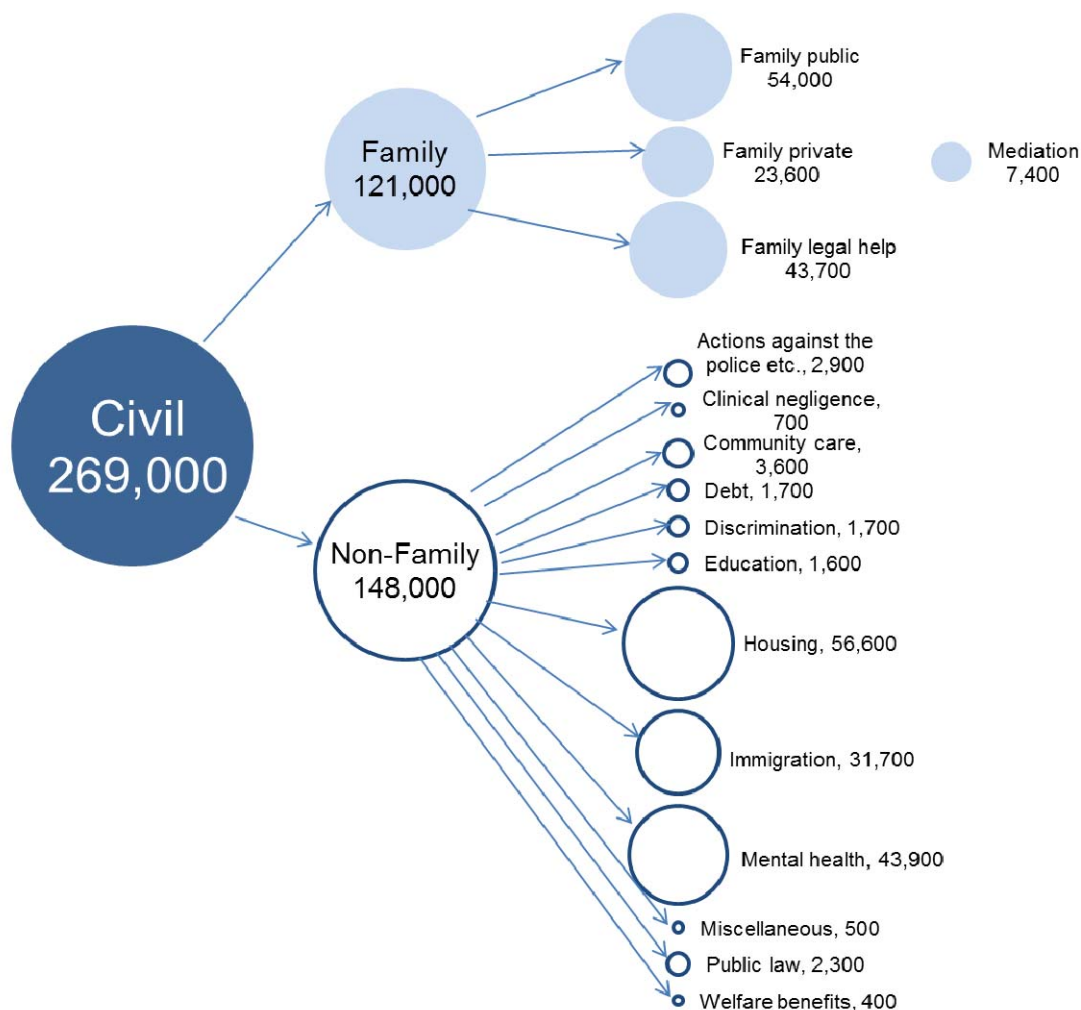
Figure 13: Trends in civil representation and overall court workload - legal aid certificates granted and total number of hearings and trials, Oct-Dec 2011 to Oct-Dec 2014



Civil legal aid by category of law

A range of categories of law are covered within the scope of civil legal aid. Legal aid may be available for benefit appeals, debt (if your home is at risk), special educational needs, housing, discrimination issues, help and advice if you are a victim of domestic violence or issues involving a child being taken into care. A full list of the type of work contained within each category is given under 'civil' in the glossary in the Guide to Legal aid Statistics. Figure 14 shows the different areas of civil legal aid and the workload for the latest 12-month period in each category.

Figure 14: Civil legal aid volumes by category of law, January to December 2014



Notes: Figures are a combination of legal help / controlled legal representation matters started and civil representation certificates granted, and have been rounded so may not sum to totals. The figure for family mediation is not included within the Family (private) total. Figures exclude housing possession court duty scheme and telephone operator service.

Family

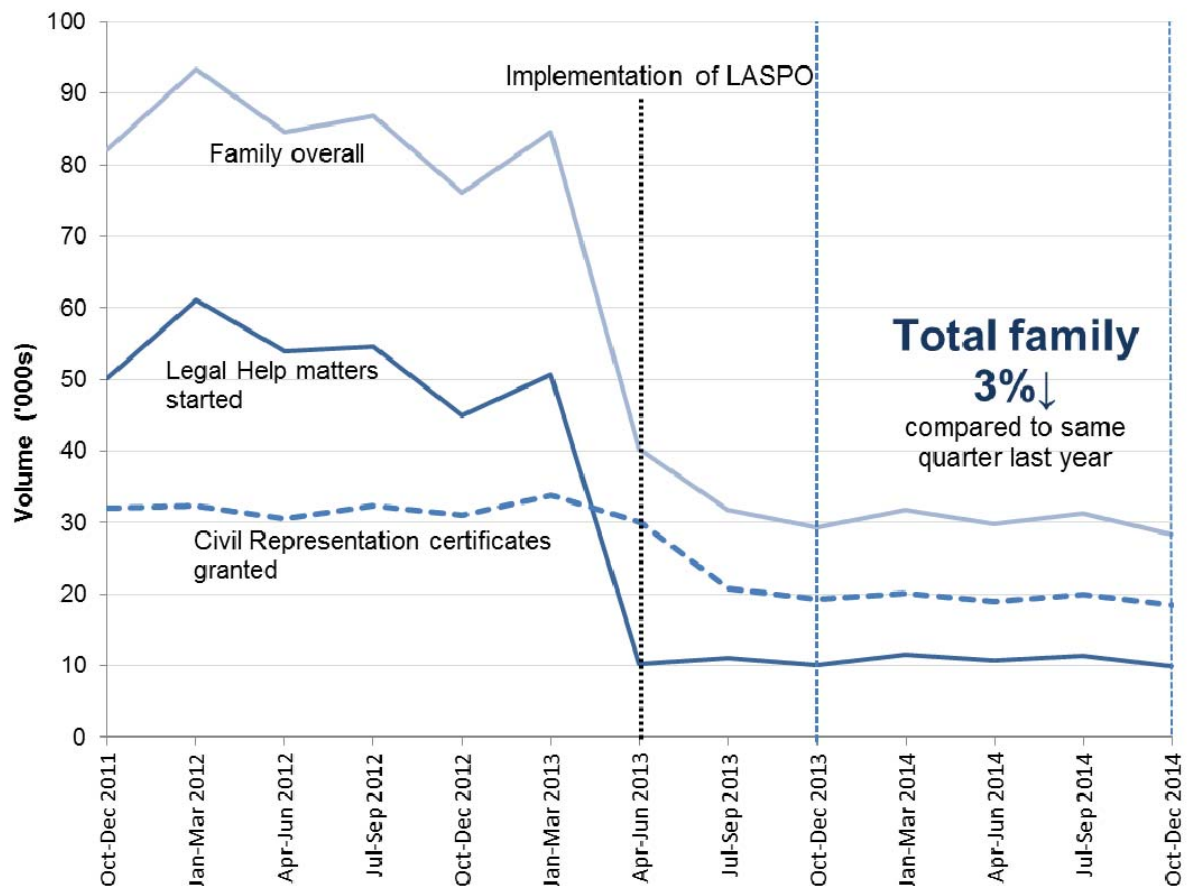
The category of family legal aid covers work on both private and public family law and includes work associated with the Special Children Act, Private Law Children Act, domestic abuse, financial provision and family mediation.

When submitting information regarding new matter starts at Legal Help, providers report only that their matter starts relate to family, meaning that there is no breakdown below this level.

In legal help there was a large decrease in family cases following the implementation of the LASPO Act. This is because many areas of legal aid were removed from scope in the LASPO Act. However, this seems to be stabilising now, with new matter starts in October to December 2014 level with the same quarter of 2013. For civil representation there was a more gradual decrease following the implementation of LASPO, but these figures also appear to be stabilising now (figure 15).

Despite large reductions in workload for other areas of family legal aid, civil representation workload in domestic violence and family public law, areas that were not affected by scope changes in the LASPO Act, has remained stable (see table 6.2). Legal help matters completed also show that family public law has remained stable (see table 5.2). Family public cases may include things like care proceedings or emergency protection orders and are primarily driven by the issuing of proceedings by individual Local Authorities. These are non-means and merits tested, and the LAA has no control over the volume of these cases.

Figure 15: Family workload: Legal Help and Civil Representation, Apr-Jun 2011 to Oct-Dec 2014



Note: overall workload has been calculated by adding legal help matters started and civil representation certificated granted.

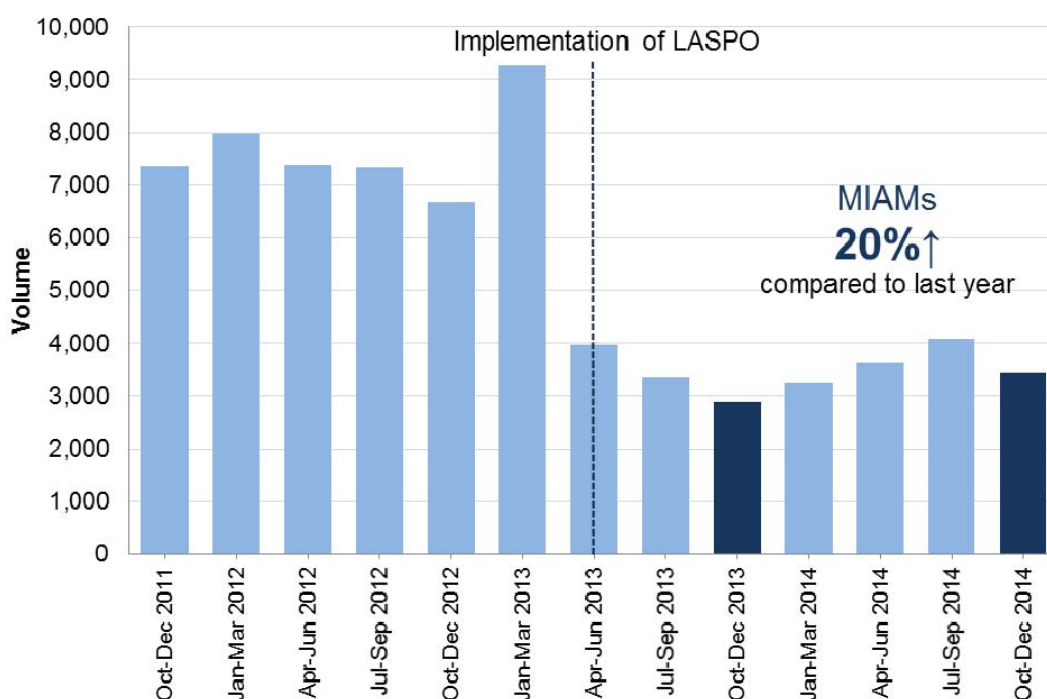
Family Mediation

Family mediation is when an independent and impartial professionally accredited mediator discusses problems with a divorcing or separating couple. This process is cheaper and quicker than using the courts and it also allows for a more flexible approach.

Changes in legislation during April 2014 mean that most divorcing couples must now attend a mediation assessment before a matter can go to court. If an agreement cannot be reached through mediation alone, then some arrangements can be decided by a court order. A mediation assessment, sometimes also known as a MIAM (Mediation Information and Assessment Meeting), is an initial meeting between one or both parties and a mediator. The aim of the meeting is to see if mediation could be used to resolve the issue, rather than going straight to court.

The number of mediation assessments fell sharply after the introduction of LASPO in April 2013, but over the last year there has been an increase. The number of assessments in the latest quarter (3,440) was 20% up compared to the same period in 2013, but after 3 successive quarters of growth the figure was 16% lower than the previous quarter (see figure 16).

Figure 16: Family mediation assessments, Oct-Dec 2011 to Oct-Dec 2014.

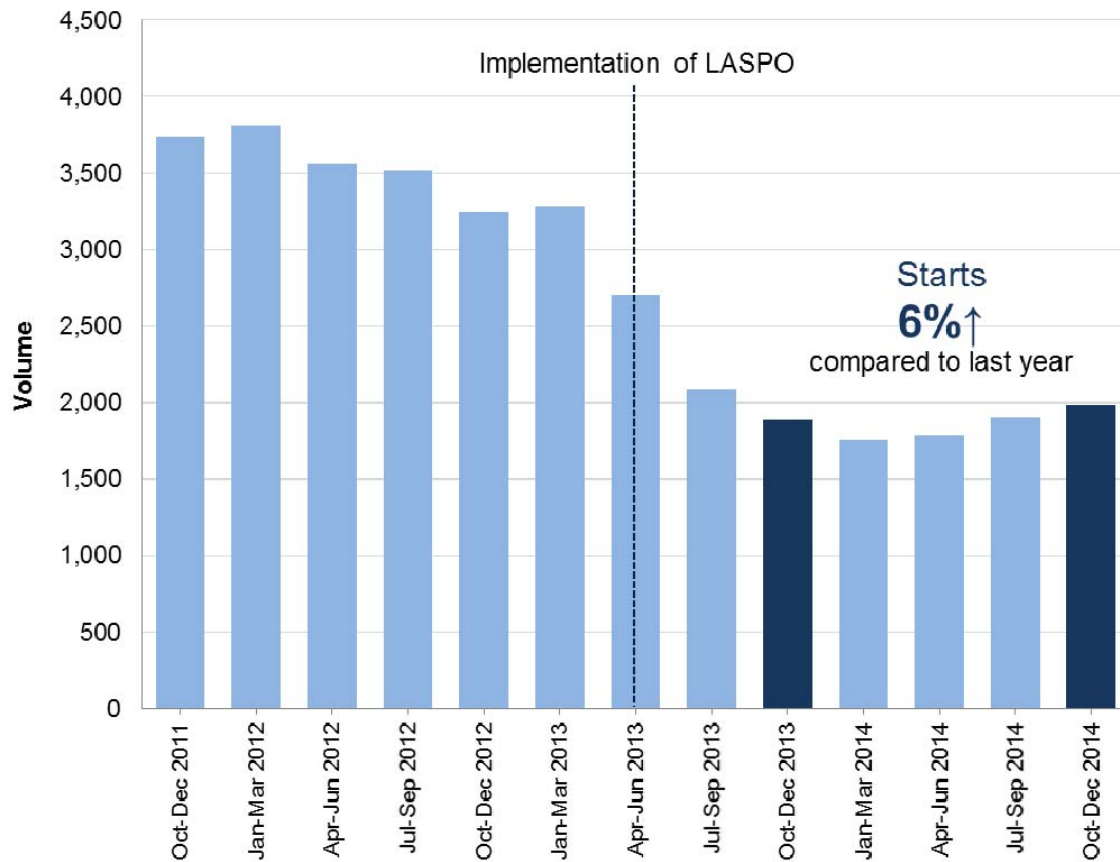


Parties can attend mediation assessment meetings alone, separately or together. The majority of couples attended assessment meetings separately.

It is not possible from the data held by the Legal Aid Agency to track a family's mediation progress through the various stages. Although the number of mediations reaching each stage within a time period can be reported, it cannot be determined from a given set of assessments what proportion of them led to starts, or what proportion of starts led to agreements.

Nevertheless, it can be seen that the number of mediation starts, like assessments, fell following after LASPO, but the trend is slowly beginning to increase again (see figure 17).

Figure 17: Family mediation starts, Oct-Dec 2011 to Oct-Dec 2014.



Family mediation can take place to resolve issues to do with children, property and finance or all issues following divorce or separation. The all issues category describes mediations which focus on both children and property and finance, but the three categories are discrete.

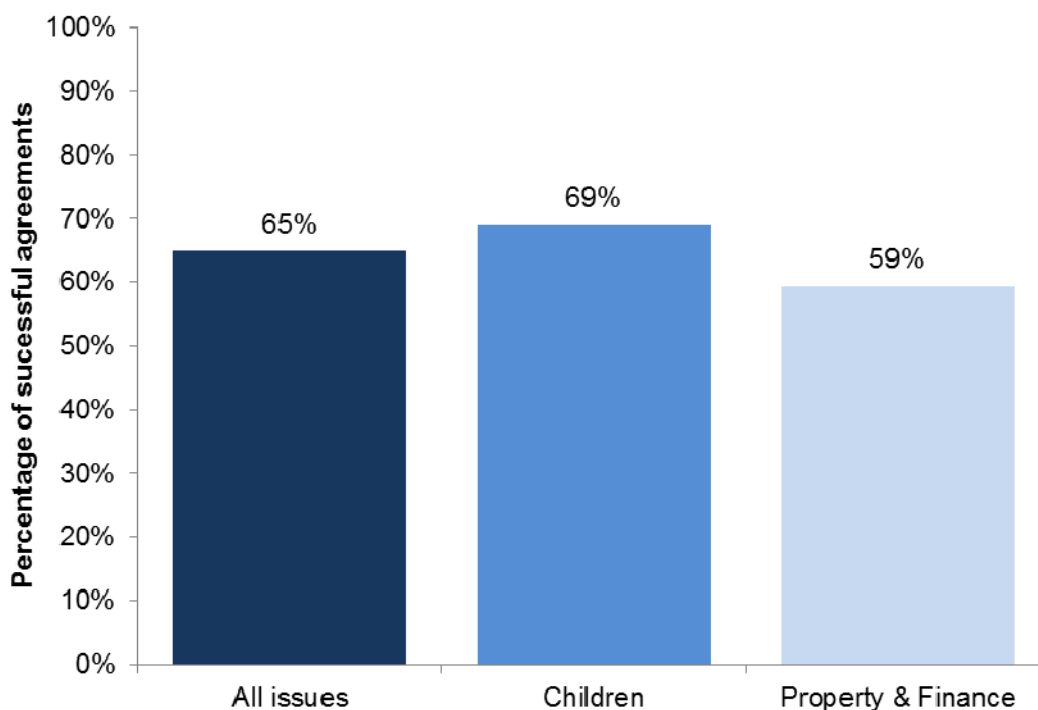
The volume of mediation starts focussing on resolving issues with children is consistently greater than the volume of mediation starts in the all issues and property and finance categories (figure 18). Additionally, the proportion of mediation starts focussing on children has been steadily increasing over the last three years. In October to December 2011 these cases made up 51% of all mediation starts, but in October to December 2014 they made up 62%.

Figure 18: Family mediation starts by mediation type, Oct-Dec 2011 to Oct-Dec 2014

	All Issues	Children	Property & Finance	Total
Oct-Dec 2011	1,183	1,895	657	3,735
Jan-Mar 2012	1,127	1,935	754	3,816
Apr-Jun 2012	990	1,907	669	3,566
Jul-Sep 2012	979	1,875	665	3,519
Oct-Dec 2012	865	1,786	591	3,242
Jan-Mar 2013	851	1,731	700	3,282
Apr-Jun 2013	688	1,503	516	2,707
Jul-Sep 2013	508	1,263	321	2,092
Oct-Dec 2013	498	1,088	297	1,883
Jan-Mar 2014	449	1,024	279	1,752
Apr-Jun 2014	452	1,070	263	1,785
Jul-Sep 2014	440	1,205	257	1,902
Oct-Dec 2014	442	1,241	307	1,990

Mediations can either break down or result in an agreement. Agreements can be full or partial, depending on which category they refer to; only all issues mediations can reach partial agreement, wherein an agreement has been reached on either children or property and finance, but not both. As such, successful agreements include both partial agreements and full agreements. The trend over the last three years suggests that mediations involving children may have a higher proportion of success compared with the other types of mediation (Figure 19).

Figure 19: Total family mediation, percentage of successful agreements, by mediation type, Jan to Dec 2014.



Non-family

Following the implementation of LASPO the non-family area of civil legal help has reduced and some areas of law have fallen out of scope.

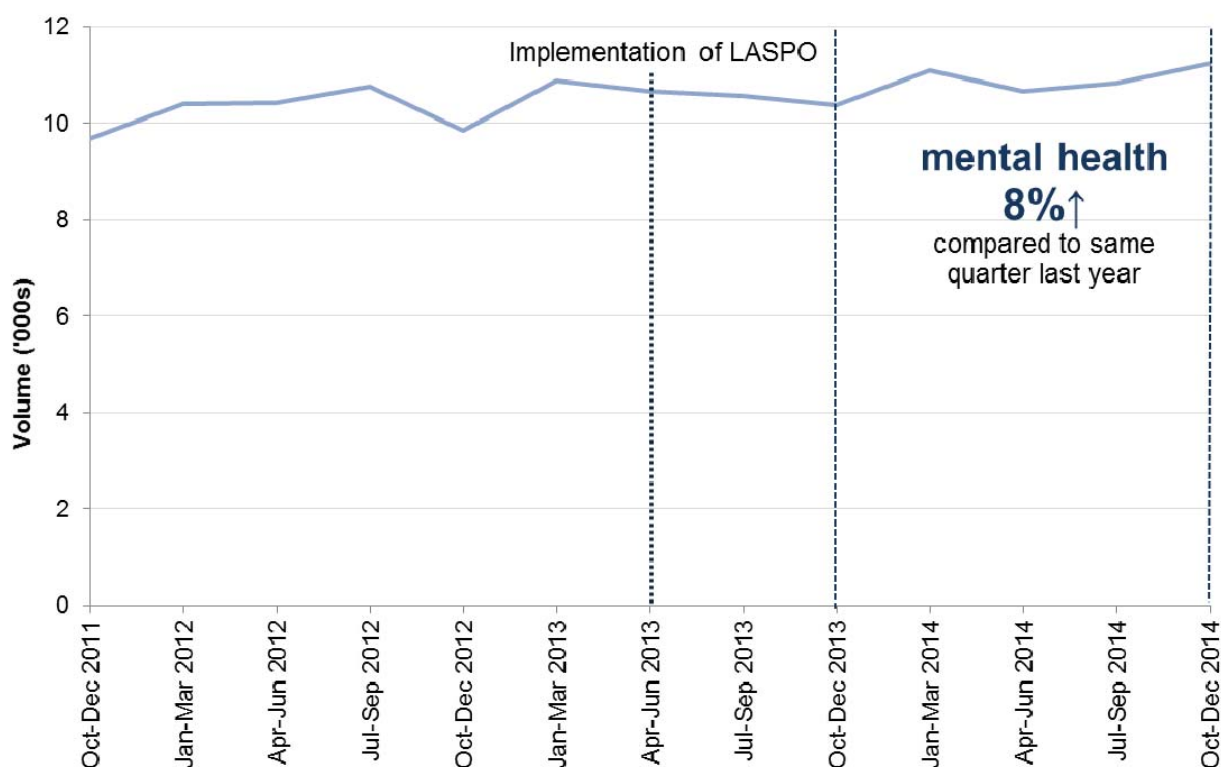
Mental Health

Within mental health the majority of funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Although a distinct level of funding, Controlled Legal Representation, which relates to representation at the Mental Health Tribunal, is here reported alongside Legal Help.

There is a statutory duty to provide advice and representation in these cases, and they are funded without reference to a client's means. The number of providers carrying out this work is small compared with some other categories. Providers have to travel to discreet NHS and private hospital locations to advise high priority detained clients. More information on mental health tribunals is available on the gov.uk website <https://www.gov.uk/mental-health-tribunal/overview>

Over the last three years there has been a gradual increase in the volume of those legally aided at a mental health tribunal, and workload in October to December 2014 was up by 8% compared to the same period of the previous year (see figure 20).

Figure 20: Workload in mental health, Oct-Dec 2011 to Oct-Dec 2014



Note: workload has been calculated by adding legal help / controlled legal representation matters started and civil representation certificated granted.

Immigration

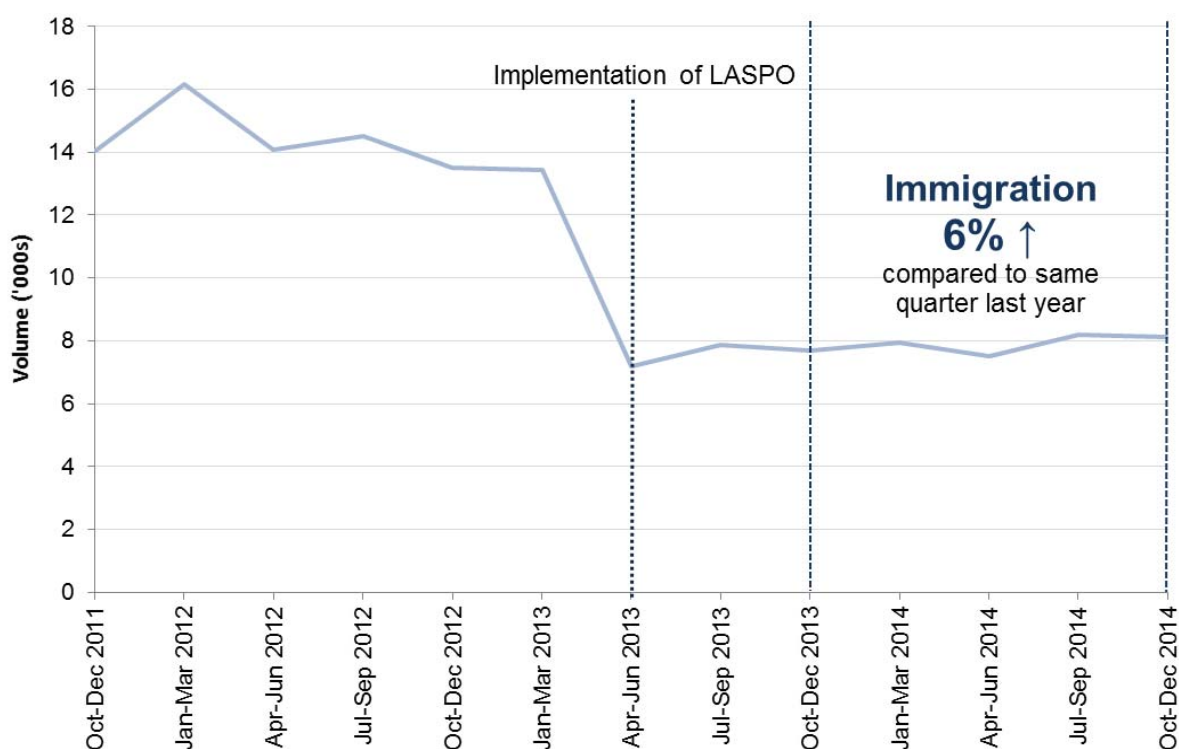
The LASPO Act, which came into effect on 1 April 2013 made changes to the scope of legal aid in the immigration category, but some areas remained in scope. These include asylum, immigration-detention, victims of trafficking or domestic violence and judicial review. Although a distinct level of funding, controlled legal representation, which relates to representation at the Immigration and Asylum Tribunal at the First-tier-Tribunal (FTT) and Upper-tier-Tribunal (UTT), is reported alongside Legal Help.

The volume of legally aided immigration cases halved between April to June 2012 and April to June 2013.

This fall was caused entirely by the removal from scope under the LASPO Act of nationality and visit visas work. Although this category cannot be separately identified within data on civil representation, legal help and controlled legal representation data show that new matter starts for this type of work fell from more than 5,000 to just a few cases in each quarter following the introduction of the LASPO Act.

The workload that remains in the Immigration category consists largely of asylum-related work. In the last quarter there was an increase of 6% when compared to the same quarter of the previous year (see figure 21).

Figure 21: Workload in immigration, Oct-Dec 2011 to Oct-Dec 2014



Note: workload has been calculated by adding legal help / controlled legal representation matters started and civil representation certificated granted.

Other non-family

Figure 22 shows the workload in other non-family. The largest area in this group is housing.

Figure 22: Non-family workload: Legal Help and Civil Representation, Oct-Dec 2013 to Oct-Dec 2014

	Oct-Dec 2013	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014
Other Non-family	18,294	19,991	18,116	16,867	17,051
Actions against the police etc.	640	752	737	711	714
Clinical negligence	166	186	188	129	149
Community care	950	925	829	885	959
Consumer	2	0	0	0	1
Debt	554	536	407	351	392
Discrimination	430	469	409	312	473
Education	243	266	477	414	409
Employment	0	3	2	5	5
Housing	14,490	15,962	14,202	13,253	13,230
Miscellaneous	76	189	113	110	101
Personal injury	0	0	0	1	3
Public law	693	604	620	566	540
Welfare benefits	50	99	132	130	75

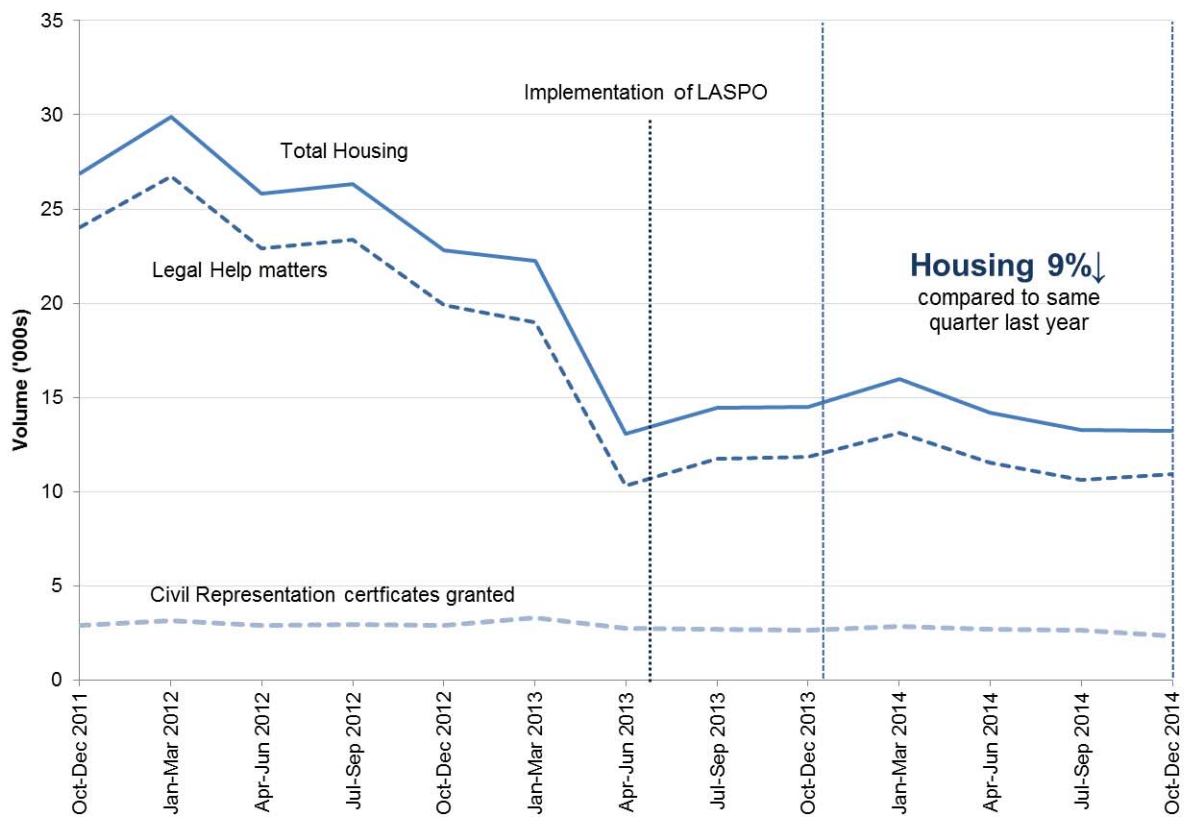
Note: workload has been calculated by adding legal help matters started and civil representation certificates granted. A longer time series for legal help new matter starts can be found in table 5.1 and for civil representation certificated granted in table 6.2.

Housing

The LASPO Act, which was implemented in April 2013, made changes to the scope of legal aid for housing issues, but some areas remain in scope and it remains the largest category of law. These include cases where there is serious disrepair or homelessness, possession proceedings and for anti-social behaviour cases in the county court.

The volume of legally aided housing cases halved between April to June 2012 and April to June 2013 (see figure 23). In the last quarter there was a 9% decrease compared to the same quarter the previous year. This decrease was mainly in legal help, which comprises more than 80% of overall housing legal aid volume (see figure 18).

Figure 23: Workload in housing law, Oct-Dec 2011 to Oct-Dec 2014



Note: workload calculated using legal help matters started and civil representation certificates granted.

Civil legal aid subcategories

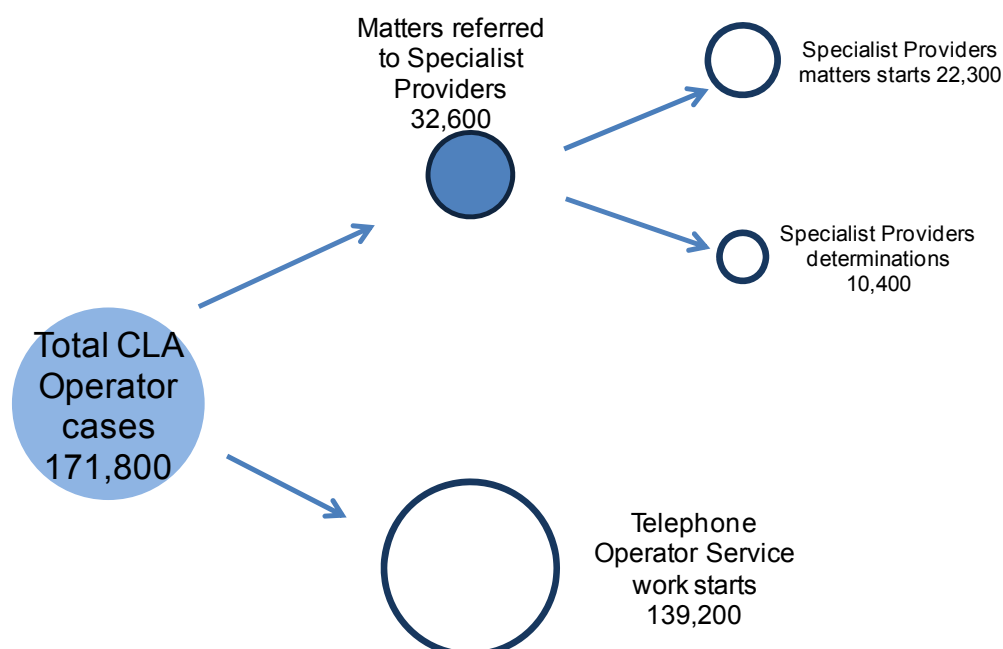
Legal help telephone service

Figure 24 shows the nature of the Legal help telephone service. The first point of contact for a client is usually the telephone operator service.

The majority of these cases (81% between January and December 2014) were dealt with entirely by the operator service. In such instances the client is referred to a face to face provider, an alternative helpline or offered self-help resources.

The remainder of cases are referred to the specialist telephone service for advice, where a specialist will assess whether a matter should be started, or instead determined (for example because it is out of scope, lacks merits or the client has failed to provide evidence).

Figure 24: Workload in telephone service, January to December 2014



Notes: Figures have been rounded so may not sum to totals.

Judicial Reviews

Legal aid for judicial reviews takes the form of civil representation, can cover all categories of civil law and are brought by those requiring assistance in challenging a government decision

Of all civil representation applications granted only a small number, less than 5,000 a year, relate to judicial review.

The CSV file of underlying figures published alongside this document additionally includes figures for applications, applications granted, and outcomes are provided showing if the case is considered a Judicial Review.

Figure 25: Judicial Review applications granted by category, Apr-Jun 2013 to Oct-Dec 2014

Category	Apr-Jun 2013	Jul-Sep 2013	Oct-Dec 2013	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014
Actions against the police etc.	2	3	4	5	2	4	0
Community care	140	146	138	149	124	138	135
Education	8	9	5	3	1	2	6
Housing	149	150	182	144	136	120	138
Immigration	504	640	680	517	522	351	289
Mental health	10	8	2	3	8	5	7
Miscellaneous	6	9	25	107	55	32	32
Other public law Children Act proceedings	3	0	1	2	2	1	0
Public law	347	363	421	296	316	260	247
Welfare Benefits	2	0	1	2	1	2	2
Judicial Review total	1,171	1,328	1,459	1,228	1,167	915	856

Applications for Civil Representation legal aid in private family law cases on the basis of evidence of domestic violence or child abuse

With effect from April 2013, the LASPO Act removed legal aid for most private family law including issues such as contact or divorce. However, legal aid remains available for such cases where there is a risk of domestic violence or child abuse. Applicants are granted legal aid funding for these cases if they can prove the incidence or risk of domestic violence or child abuse through a range of prescribed forms of evidence.

Between 1 April 2013 and 31 December 2014 the Legal Aid Agency received 10,455 such applications (see Fig 26). During this same period 6,916 such applications were granted. Note that applications granted in a period do not necessarily relate to those applications received within the same period; some relate to applications from previous periods.

The majority of these applications cite evidence relating to domestic violence. Most of the remainder cite evidence relating to child abuse, but for a minority of applications the evidence category is unknown or unclear from the data held for reporting purposes. For more details, see the Data Quality section of the Guide to Legal Aid Statistics.

Figure 26: Applications with evidence of domestic violence or child abuse, Apr-Jun 2013 to Oct-Dec 2014

Area of evidence	Apr-Jun 2013	Jul-Sep 2013	Oct-Dec 2013	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014
Child Abuse	279	390	369	362	376	321	281
Domestic Violence	614	1,083	961	1,143	1,053	1,062	895
Both Domestic Violence and Child Abuse	1	0	1	1	5	1	0
Unknown or unclear (either DV, CA or both)	162	231	202	198	164	190	110
Total	1,056	1,704	1,533	1,704	1,598	1,574	1,286

Figure 27: Certificates granted with evidence of domestic violence or child abuse, Apr-Jun 2013 to Oct-Dec 2014

Area of evidence	Apr-Jun 2013	Jul-Sep 2013	Oct-Dec 2013	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014
Child Abuse	168	259	237	246	269	231	156
Domestic Violence	404	789	745	872	822	761	664
Both Domestic Violence and Child Abuse	0	0	2	0	5	2	0
Unknown or unclear (either DV, CA or both)	16	77	50	36	32	30	43
Total	588	1,125	1,034	1,154	1,128	1,024	863

Note: The LAA is currently rolling out an online system, CCMS, for private family law applications, as well as many other areas of legal aid. The above statistics on private family law applications with evidence in relation to domestic violence or child abuse do not yet include applications that were made via CCMS. For illustration, around 7.5% of private family law applications were made via CCMS between April 2013 and December 2014 overall, with the proportion increasing during that period. These applications are however included within the figures for private family law overall.

Exceptional case funding

Under some circumstances clients can get civil legal aid even though their case is not in scope. This is known as exceptional case funding (ECF) and these cases are dealt with by an ECF team within the LAA.

ECF was introduced from 1 April 2013 as part the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO).

An ECF application for civil legal services is made where a case falls outside the scope of civil legal aid but the client or conducting solicitor believes there is a requirement to provide funding. This is because failure to do so would be a breach of the Human Rights Act 1998, or any rights of the individual to the provision of legal services that are enforceable EU rights.

An ECF determination can only be granted if:

- the means criteria are met (this relates to the client's financial eligibility), and
- the merits criteria are met (this relates to the likelihood of the client being successful), and
- the above exceptional case criteria are met.

More information on the merit and means criteria can be found on the gov.uk website <https://www.gov.uk/work-out-who-qualifies-for-civil-legal-aid>

Unlike other legal aid applications, clients can make ECF applications directly to the LAA. If the ECF application sent directly by the client is likely to be granted, their application is given a positive preliminary view (PPV) subject to a full ECF application being submitted in conjunction with a legal aid provider.

More information on ECF can be found on the gov.uk website <https://www.gov.uk/legal-aid-apply-for-exceptional-case-funding>

Since the previous Legal Aid Statistics bulletin, extra work has been carried out to check that all details in the ECF data held for statistical reporting purposes match those in case files. Data from the start of the scheme onwards has been checked, which means that some historical data has changed more in this bulletin than in previous versions. Additional checks have now been built into the system to enhance data quality in future.

Applications

There were 280 applications for ECF received between October and December 2014. This is a 31% reduction compared with the same period during 2013.

The majority (75%) of ECF applications received from October to December 2014 were new, which is consistent with the same period of the previous year (see Figure 28). For the 209 new applications, the average turnaround time for assessment was 15 working days, against a target of 20 (see figure 29). There were 71 applications re-submitted for review. This is a case which has previously been rejected or refused for ECF funding. Review cases have a target turnaround time of 10 working days. During October to December 2014, the average turnaround time was 11 working days (see figure 29).

Figure 28: Volume of ECF applications received, new or review, Apr-Jun 2013 to Oct-Dec 2014.

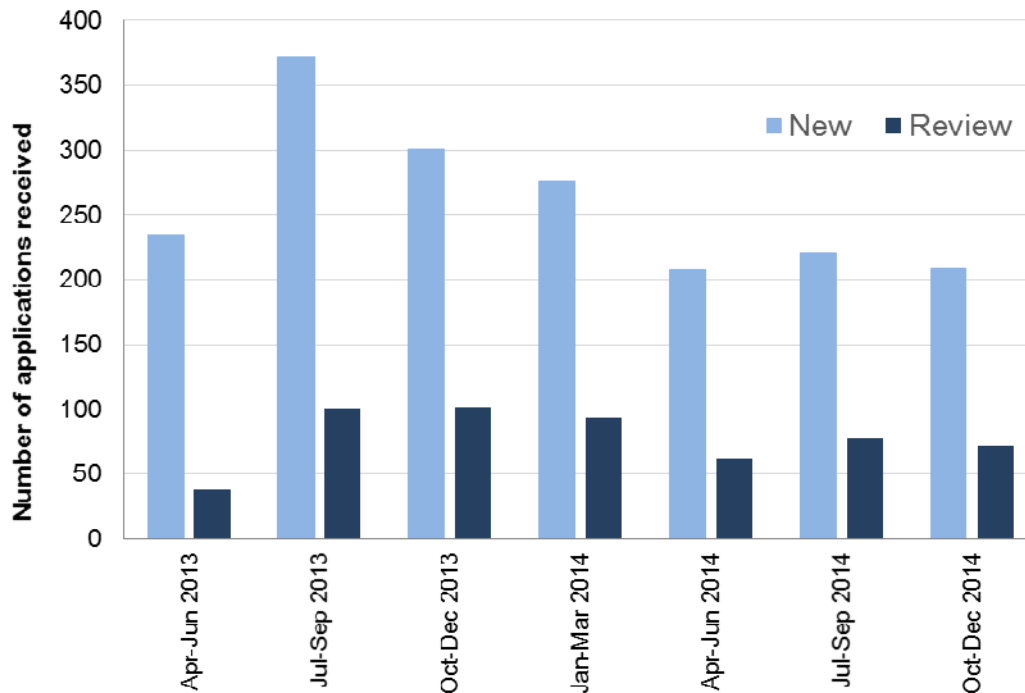
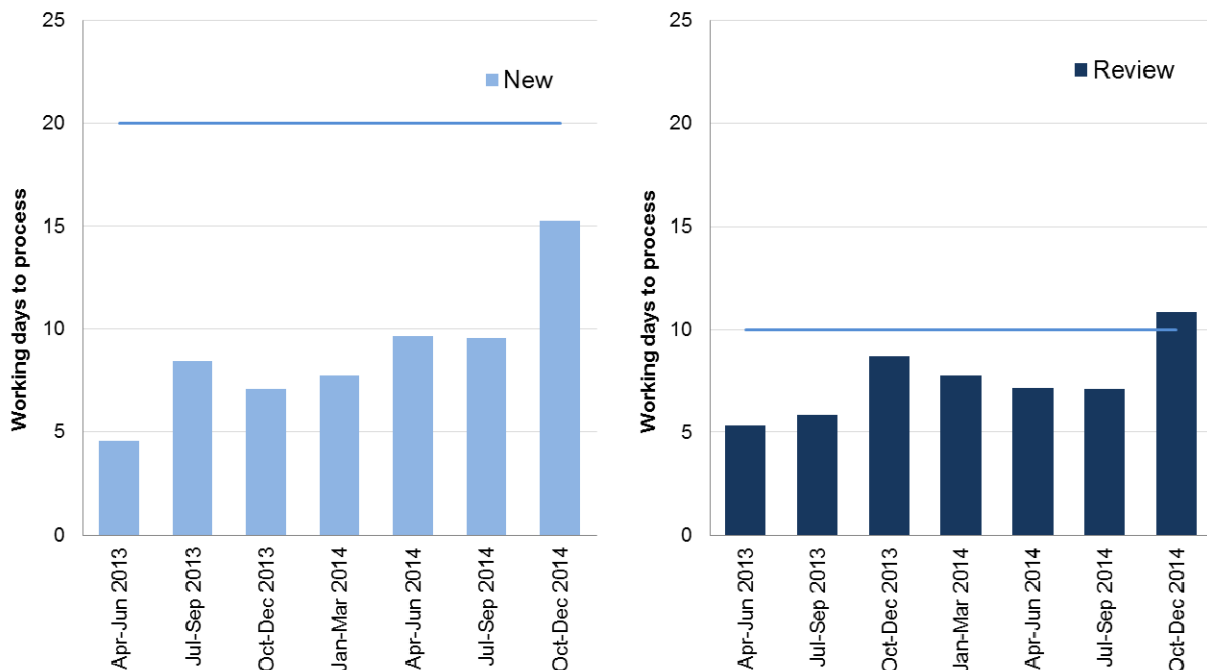


Figure 29: ECF application turnaround time, new and review, Apr-Jun 2013 to Oct-Dec 2014.



Note: The average turnaround times given above exclude cases currently awaiting assessment as of 28 February. The turnaround time for each ECF application starts on the date it is received by the LAA ECF Team and finishes on the day a decision over the case is made, excluding weekends, bank holidays and time spent waiting for further information from the applicant.

In October to December 2014, 9 ECF applications (3%) were made directly by the client. The remaining 271 applications (97%) were made by legal aid providers. This proportion is similar to the same period of the previous year.

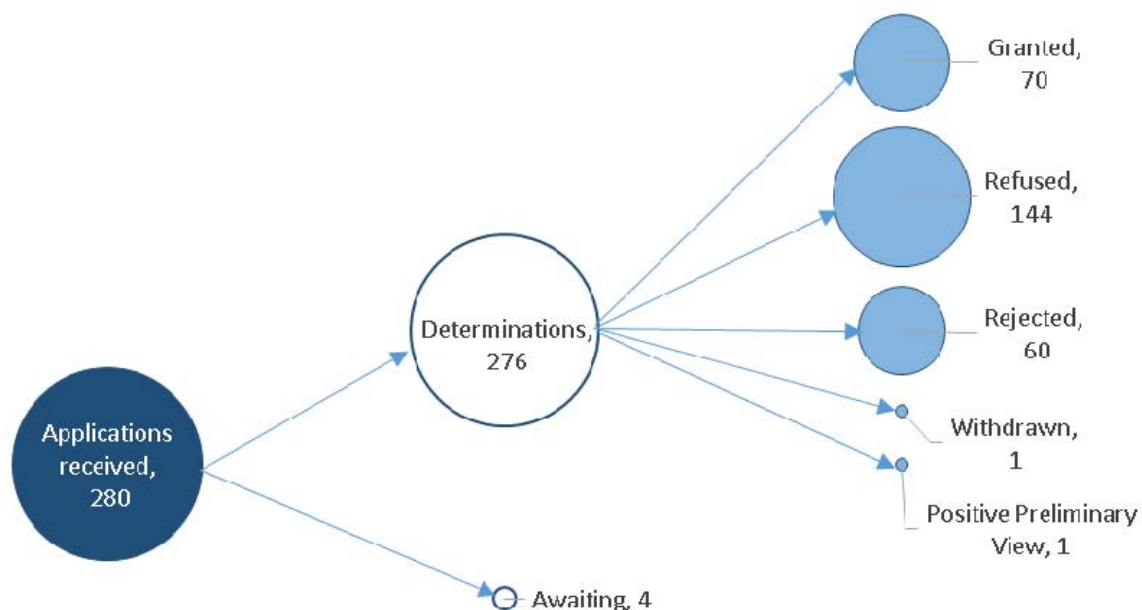
Determinations

Applications that are not withdrawn by the client can receive three different determinations: rejection, refusal or grant (PPV if submitted by an individual). For an application to be granted it must meet the three appropriate criteria detailed at the beginning of the chapter. Applications may be refused if they do not meet these criteria. Rejected applications differ in that they do not get to the stage where they would be assessed against the means and merit criteria. This will be because they are either:

- in scope (eligible) for legal aid,
- an incomplete application, or
- “other” which encompasses issues such as the timeliness of submission and eligibility for review

Of the 280 ECF applications received between October and December 2014, 276 were determined by the LAA as of 28 February 2014, with the remaining 4 awaiting assessment (see figure 30).

Figure 30: Current status of ECF applications received and determinations made, Oct-Dec 2014.

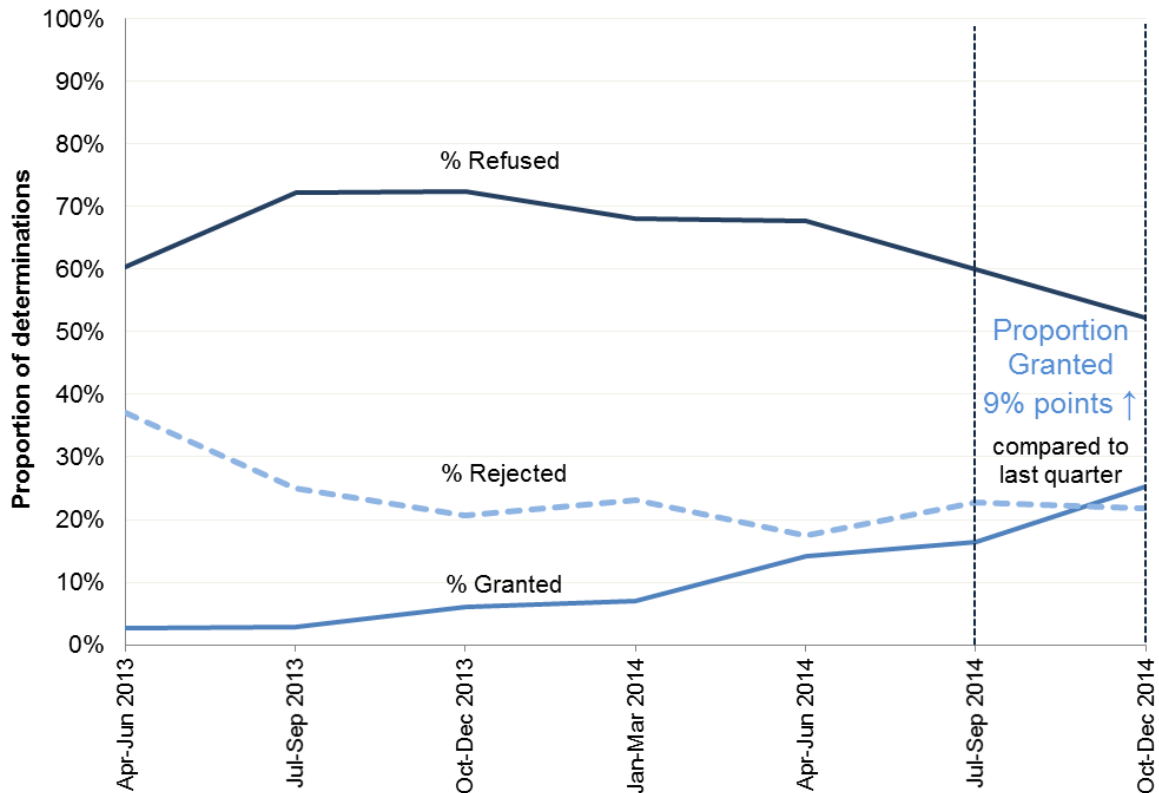


The number and proportion of ECF applications being granted has increased every quarter since the scheme’s introduction in April 2013 (see figure 31). After an initial peak in refusals during July to September 2013, the proportion of applications refused has been slowly declining. This downward trend appears to have become steeper since April to June 2014.

This is likely to be due to a change in the way cases are decided. On 13 June 2014, judgment was handed down in the case of *Gudanaviciene and others v Director of Legal Aid*

Casework [2014] EWHC 1840 (Admin). The Claimants, who were each seeking to challenge various immigration decisions, successfully argued that they should have been granted legal aid under the exceptional case funding regime. The judgement stated that the level required to justify legal aid was set too high and as a result the threshold was lowered.

Figure 31: ECF determinations by outcome, Apr-Jun 2013 to Oct-Dec 2014



A quarter of all determined applications received in October to December 2014 were granted. Just over half were refused and the remainder were rejected, awarded a positive preliminary view or withdrawn.

Of all ECF determined applications that were received between October and December 2014, family, immigration and inquest were the most requested categories of law (see figure 32). Half (35) of the applications granted were for inquest cases.

Figure 32: ECF determinations by category of law, Oct-Dec 2014.

Area of law	Positive						Total
	Preliminary view	Awaiting	Granted	Refused	Rejected	Withdrawn	
Family	0	1	13	66	24	0	104
Immigration	1	0	15	46	16	0	78
Inquest	0	3	35	12	5	0	55
Other	0	0	4	11	7	1	23
Welfare Benefits	0	0	2	5	2	0	9
Housing/Land Law	0	0	1	4	2	0	7
Education	0	0	0	0	3	0	3
PI/Clinical Negligence	0	0	0	0	1	0	1
Grand Total	1	4	70	144	60	1	280

Annual updates

Statistics on the following topics are updated on an annual basis, in the Legal Aid Statistics bulletin published following the final (January to March) quarter of the financial year.

Appealing decisions

This section of the report is updated annually as only partial data is available on a quarterly basis. The most recent annual publication can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014>

Provider Information

This section of the report is updated annually. The most recent annual publication can be found here: <https://www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014>.

Clients of Legal Aid

This section of the report is updated annually. The most recent annual publication can be found here: <https://www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014>.

Timeliness

This section of the report is updated annually. The most recent annual publication can be found here: <https://www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014>.

Annex A - Contact points for further information

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

Andrew McGill

Tel: 020 3334 3524

Email: Andrew.McGill@justice.gsi.gov.uk

Other enquiries about these statistics should be directed to:

Richard Field, Head of Statistics

Legal Aid Agency

7th Floor, 102 Petty France

London SW1H 9AJ

Tel: 07469 579 287

statistics@legalaid.gsi.gov.uk

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