|  |  |  |
| --- | --- | --- |
|  MoJ_BLK_SML |  |  |
|  |  |  |
|  | **Our Reference:** 106958 |   | September 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

***Please would you kindly provide documentation showing the amount of legal aid funding provided in 2008.***

***Please would you kindly provide documentation showing the amount of legal aid funding provided in 2012.***

***Please would you kindly provide documentation showing the amount of legal aid funding provided in 2013.***

***Please would you kindly provide documentation showing the amount of legal aid funding provided in 2014.***

***Please would you kindly provide documentation showing the amount of legal aid expenditure for 2015.***

***Please would you kindly provide documentation showing the amount of legal aid funding provided in 2015.***

***Please would you kindly provide any evidence that legal aid funding has been lowered between 2010 and 2015 for those wishing to take action against the police (thus reducing the incentive for solicitors to take on such cases).***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

As the criteria set out in Regulation 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 have been satisfied, I confirm that the above questions have been aggregated into a single request for the purposes of the act.

I can confirm that the department holds information that you have asked for. The information is exempt under section 21 of the FOI Act because it is already reasonably accessible to you. The FOIA is not intended to replace the existing publication schemes of public authorities, i.e. when the information you are seeking has already been made available. I am therefore pleased to inform you that you can access this information via the following links:

The Legal Services Commission’s1 and Legal Aid Agency’s Annual Reports and Accounts – which detail the total amount of legal aid expenditure for each corresponding financial year, available as follows:

2008/09 -<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248242/0731.pdf>

2012/13 - <https://www.gov.uk/government/publications/legal-services-commission-annual-report-and-accounts-2012-to-2013>

2013/14 - <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/323366/laa-annual-report-accounts-2013-14.pdf>

2014/15 - <https://www.gov.uk/government/publications/legal-aid-agency-annual-report-and-accounts-2014-to-2015>

2015/16 - <https://www.gov.uk/government/publications/legal-aid-agency-annual-report-and-accounts-2015-to-2016>

<https://www.gov.uk/government/collections/legal-aid-statistics> includes the most recent edition of the Legal Aid Agency’s statistical publication, which covers data from the financial year of 2006-07 to end of the financial year 2015/16. By expanding the ‘Other non family’ column in tables 5.1 to 6.7, you can view statistics regarding the number of cases in the ‘actions against the police’ category applied for and granted, as well as the sums expended on the cases completed in each given financial year – including those specified in your request. Please note that such cases can be funded under either the ‘Legal Help’ (tables 6.1 to 6.7) scheme, therefore data on each of these forms of services will be relevant to your request.

Please note that the FIA only covers information which exists in recorded form (s.84 FOIA) and therefore cannot be used to seek opinions or explanations from public authorities, unless those already exist in written format. You have asked for any evidence that public funding for Actions Against the Police cases has been ‘lowered’ – therefore for the purposes of FOIA the response to your request is the data found in our published statistics regarding volumes and expenditure as detailed above.

However, outside the scope of the Act and on a discretionary basis, I can confirm that public funding for such cases remains available under the current legal aid scheme as set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (details of types of cases within the scope of the scheme can be found at Part1, Schedule 1 of the LASPO Act). Any reduction in the number of applications submitted or granted, or the expenditure on these cases year-on-year will be due to a variety of factors, including but not limited to the changes to legal aid fees which have taken effect during the period you specify, the introduction of codified rates for the use of expert witnesses in civil proceedings changes to the rules regarding the funding of cases with doubtful prospects of success, and a requirement for Conditional Fee Agreements to be considered for certain types of cases as an alternative to public funding being sought.

Section 21 )1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find more information by reading the full text of the Act, available at

<http://www.legislation.gov.uk/ukpga/2000/36/section/21> and further guidance

<http://www.justice.gov.uk/information-access-rights/foi-guidence-for-practioners/excemptions-guidence>