



Ministry
of Justice



Legal Aid
Agency



Published 28 September 2017

Legal Aid Statistics quarterly, England and Wales, April to June 2017

Main points

Crime lower workload down 4% compared to the same quarter last year	↓	This continues the gradual downward trend of recent years. Expenditure on completed work was also down, by 3%.
Crown Court completed workload down 12% compared to the same quarter last year	↓	Expenditure on completed work fell by 11% over this period, and new orders for legal representation in the Crown Court continued to decline.
14% fewer legal help new matter starts than in the same period of 2016	↓	The volume of completed claims also decreased, by 9% and expenditure by 3%.
Family mediation starts were 24% lower than in the same quarter of 2016	↓	Mediation Information and Assessment Meetings (MIAMS) and mediation outcomes also fell over this period.
26% more certificates completed for public family law than in the same quarter last year	↑	Expenditure on completed work in this category, which already accounts for more than half the total cost of civil legal aid, rose by 17% (£18m).
533 applications for Exceptional Case Funding received in the last quarter	↑	This is similar to Jan-Mar 2017 (536) but 26% higher than Apr-Jun 2016. The proportion of applications granted this quarter was 57%.

This edition comprises the first release of official statistics for the three-month period from April to June 2017 and the latest statement of all figures for previous periods. For more detailed commentary, and statistics on providers of legal aid, Central Funds, appealing legal aid decisions and legal aid in the higher courts, please refer to the [annual publication](#).

For technical detail, please refer to the [User guide](#) to legal aid statistics.

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.go.uk

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, from quicker, lower-cost provision like pre-charge advice to representation in a complex, high-cost court case.

Expenditure on legal aid is measured differently for different purposes. A measure that is best for analysing the costs of different services, for example, may not be practical for managing budgets or payments. The three most often-used measures, shown in Fig. 1, are:

- **Closed-case** expenditure is the measure used for expenditure figures throughout these legal aid statistics. It represents the total value of payments made to legal aid providers in relation to pieces of work that are completed in the period. This basis is comparable to volumes of completed work to which it relates, and to the same fine level of detail. This does not include income received or expenditure in relation to debt write-offs.
- The government **budgeting** measure known as RDEL (Resource Departmental Expenditure Limits) is the main 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.
- Figure 1 shows this budgeting measure both in **nominal** and **real terms**. 'Nominal terms' means not adjusted for inflation; 'real terms' means 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, which are 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 fees payable to legal aid providers.

Figure 1: Overall annual legal aid expenditure, by closed-case and RDEL (nominal and real-terms) measures (£m), 2005-06 to 2016-17

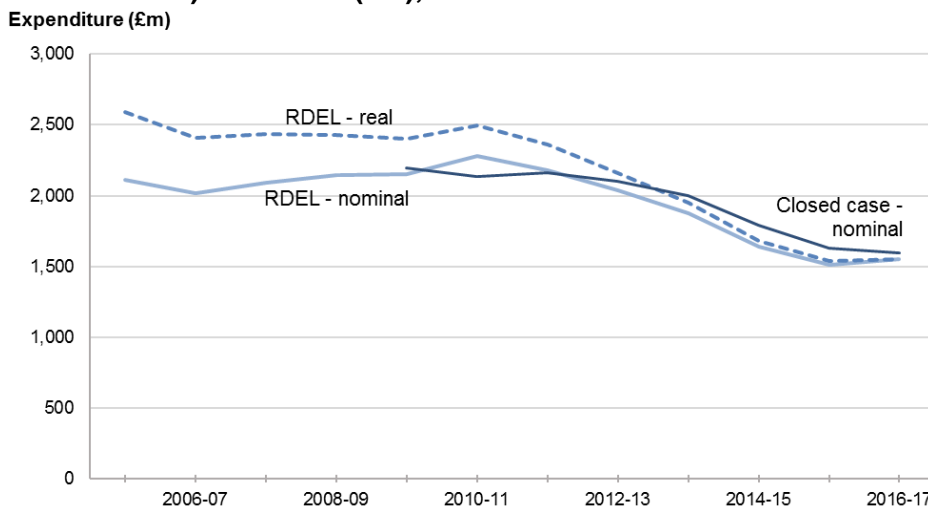


Table
1.0

1. Criminal legal aid



Table
1.1

Main point

Workloads and expenditure fell in most areas of criminal legal aid between April and June 2017 and the same period of the previous year.

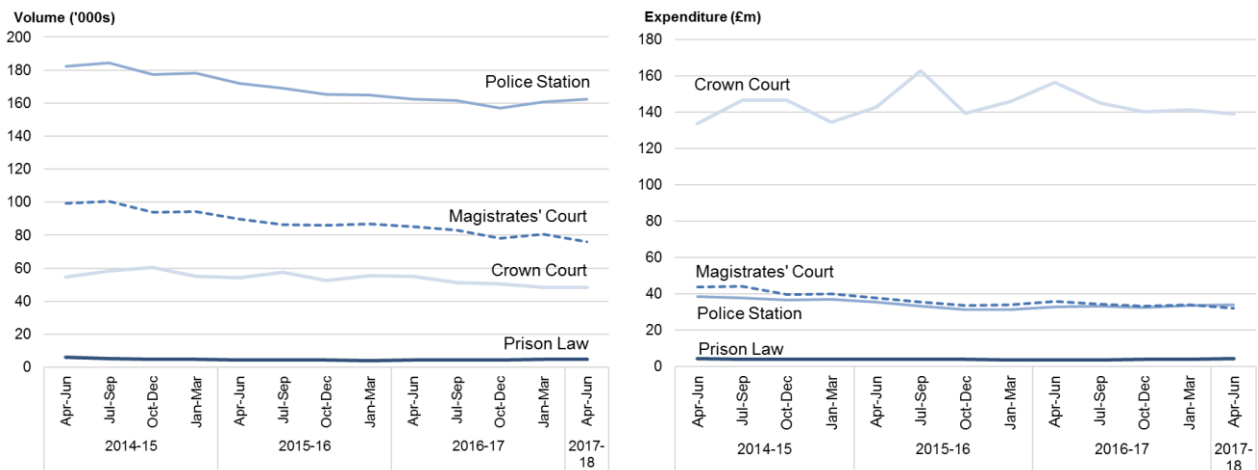
Criminal legal aid is sometimes categorised into Crime Lower and Crime Higher. Crime Lower includes pre-charge, police station, early court (including magistrates' court) and prison law work. Crime Higher covers work in the Crown and Higher Courts.

Figure 2: Crime overview, closed case volumes and expenditure for Apr-Jun 2017, and comparison with Apr-Jun 2016

		Claim category	Workload (% change compared to the same quarter last year)	Expenditure (% change compared to the previous quarter last year)
Crime Workload 291,000 (5%↓) Expenditure £209m (9%↓)	Crime Lower 243,000 (4%↓) £70m (3%↓)	Pre-charge suspects (police)	161,000 (0%↔)	£33m (4%↑)
		Charged defendants (police)	1,000 (6%↓)	£1m (12%↑)
		Virtual courts	1,000 (20%↓)	£0.1m (19%↓)
		Magistrates' courts*	75,000 (11%↓)	£32m (11%↓)
		Prison Law	5,000 (9%↑)	£4m (11%↑)
Crime Higher 48,000 (12%↓) £139m (11%↓)	Solicitor fee scheme	24,000 (11%↓)	£77m (12%↓)	
	Advocate fee scheme	25,000 (13%↓)	£53m (17%↓)	
	High Cost crime cases	2 (100%↑)	£10m (55%↑)	

*includes court duty solicitor sessions

Figure 3: Workload and expenditure in criminal legal aid, Apr-June 14 to Apr-Jun 17



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, police station work makes up the largest portion of workload but a much smaller proportion of expenditure.

Pre-charge and charged defendants



Tables
2.1 and 2.2

These two categories make up advice before court, mainly heard in the police station before a defendant may be charged. They are represented in Figure 3 by the 'Police Station' line.

Pre-charge work made up two-thirds of the Crime Lower workload between April and June 2017 but less than half of the expenditure. Pre-charge legal aid workload between April and June 2017 remains unchanged compared to the previous year. This reflects a recent slowing to the general downward trend seen over the last three years, although this trend was never as steep as the decline for Crime Lower as a whole, or overall figures from the Crime Survey for England and Wales¹.

The majority of the pre-charge workload (87% in April to June 2017) consists of suspects receiving legal help with a solicitor in attendance at the police station, with the remainder consisting mainly of legal advice over the telephone.

Applications and grants for representation in the criminal courts



Tables
3.1 and 3.2

While figures should be interpreted with caution as they may be revised in subsequent quarters, the number of orders granted for legally-aided representation in the **magistrates' court** fell by 10% in this quarter when compared to the same quarter of the previous year. This continues the downward trend of the last 3 years, driven recently by Summary Only cases (down 21%). The overall number of receipts in the magistrates' court² (including those not involving legal aid) was 3% down over the same period. The proportion of these applications that are granted has changed very little over recent years, at around 95%.

Orders granted for legally-aided representation in the **Crown Court** were also down but by a smaller degree; 4% this quarter compared to last year. Within this, orders relating to Either Way offences fell by 12%, while those relating to Indictable offences increased by 8%; their fifth consecutive quarterly rise. The proportion granted remains at almost 100%.

Magistrates' court completed work



Tables
2.1 and 2.2

Legally-aided **representation in the magistrates' court** comprised around one-third of the workload and just under half of expenditure in Crime Lower between April and June 2017. The volume of completed work in the magistrates' court fell by 11% in this quarter when compared to the same period of the previous year. Expenditure also fell by 11% (£4m).

The other area of court work within Crime Lower is in the **virtual courts**. This accounts for a small proportion of workload, and less than half a percent of all crime lower expenditure, but has grown over the last few years. Workload this quarter was, however, 20% down on last year and expenditure fell by 19%.

Crown Court completed work



Tables
4.1 – 4.3

Volumes of cases completed in the Crown Court have declined over recent years but more gradually than new orders, due to longer-running cases still awaiting trial.

Completed work volumes within the **solicitor fee scheme** were 11% lower in April to June 2017 than in the same period of the previous year, driven mainly by a 26% fall in cases in which the defendant pleads guilty at their earliest opportunity in the Crown Court. This may be due to procedural reforms in the court system, with some defendants pleading earlier at

¹www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2017

² www.gov.uk/government/collections/criminal-court-statistics

the magistrates' court. Within the **advocate fee scheme** there was a 13% fall compared to the same period last year; again, the largest fall was within the guilty plea category.

The value of payments for completed cases in the solicitor fee scheme was 12% lower in April to June 2017 than in the same period of the previous year, broadly in line with volumes. In the advocate fee scheme, the value of payments was 17% lower than in the same period of the previous year.

Very High Cost Cases in the Crown Court (VHCCs) Table 4.4

VHCCs are those Crown Court 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 many years and, while they may involve relatively small numbers of cases or defendants, the number of related contracts with providers and the amount spent are high in comparison.

Expenditure on VHCCs has reduced by more than two-thirds over the last decade 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.

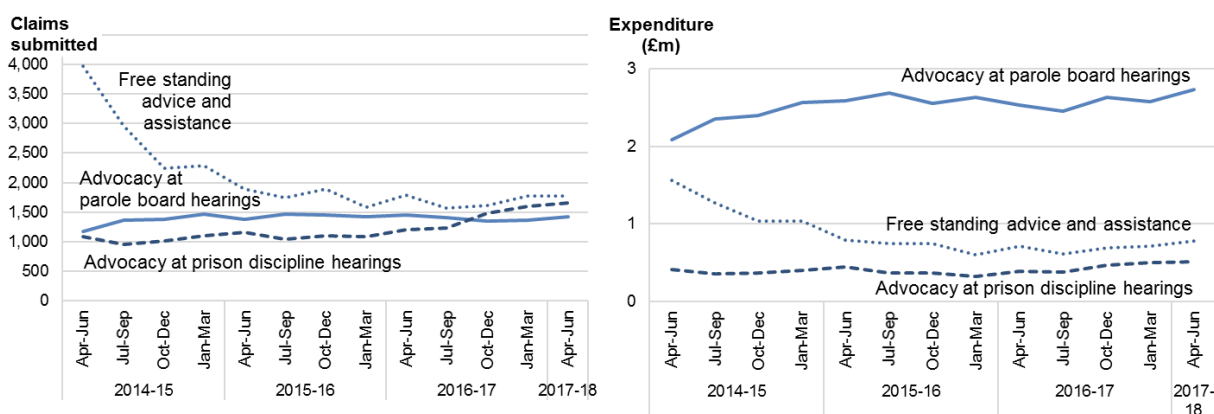
The total of £9.9 million for the latest quarter ending June 2017 was, however, an increase of 55% compared to the previous year, and is related to an increase in the conclusion of contracts that were opened under fixed fee offers. VHCCs currently represent around 7% of the overall cost of legal aid in the Crown Court.

Prison law Tables 2.1 and 2.2

Within criminal legal aid overall, prison law comprised 2% of the volume and 2% of expenditure in April to June 2017. Workload in this quarter increased by 9% compared with the same period in the previous year, driven by an increase in advocacy at prison disciplinary hearings. This category currently makes up around one-third of prison law workload, but a much smaller proportion of costs as can be seen in Figure 4.

Expenditure on prison law rose by 11% over the same period, with increases in each of the main categories.

Figure 4: Volume and value of workload within prison law, Apr-Jun 14 to Apr-Jun 17



2. Civil legal aid



Table
1.2

Main point

Certificates completed for civil representation in public family law increased by 26% in April to June 2017 compared to the same period the previous year. Expenditure on completed work in this category, which already accounts for more than half the total cost of civil legal aid, rose by 17% (£18m).

Figure 5: Civil overview, closed case volumes and expenditure for Apr-Jun 2017, and comparison with Apr-Jun 2016

			Workload (% change compared to the same quarter last year)	Expenditure (% change compared to the previous quarter last year)
Civil workload= 66,000 (1%↓) Expenditure = £214m (3%↑)	Family 32,000 (6%↑) £148m (9%↑)	Family Public	23,000 (15%↑)	£123m (17%↑)
		Family Private	9,000 (12%↓)	£25m (16%↓)
		Mediation and MIAMS*	4,000 (13%↓)	£1m (14%↓)
	Non-Family 34,000 (6%↓) £66m (9%↓)	Immigration	11,000 (4%↓)	£10m (12%↑)
		Mental Health	9,000 (6%↓)	£10m (11%↓)
		Housing	11,000 (12%↓)	£9m (24%↓)
		Other Non-Family	3,000 (9%↑)	£35m (9%↓)

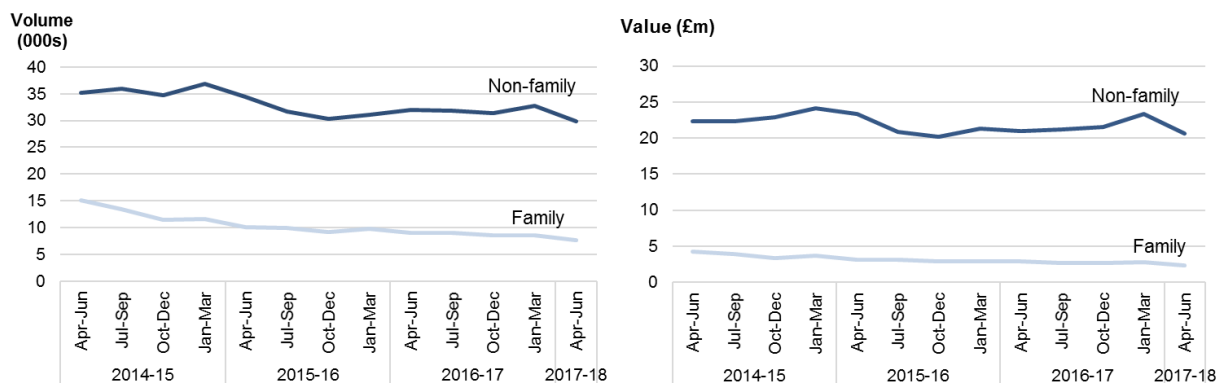
Legal help and controlled legal representation



Tables
5.1 – 5.3

In the last quarter, there were 14% fewer legal help new matter starts than in the same period of 2016. The volume of completed claims decreased by 9% and expenditure by 3% in April to June 2017 compared to the same period in 2016 (figure 5). 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 6: Completed workload and expenditure in legal help, Apr-Jun 2014 to Apr-Jun 2017 (Source: tables 5.2 and 5.3)



Family legal help



Tables 5.1 – 5.3
and 7.1 – 7.2

In April to June 2017 family legal help starts decreased by 13% compared to the same quarter last year. There were also decreases in completed claims (16%) and expenditure (18%). There was a steep decline immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 2 to 3 years.

In **family mediation**, Mediation Information and Assessment Meetings (MIAMs) were down by 11% in the last quarter compared to the previous year and currently stand at around a third of pre-LASPO levels. There were 1,600 mediation starts between April and June 2017, which is the lowest number since the LASPO Act was introduced.

Non-family legal help and controlled legal representation



Tables
5.1 – 5.3

Legal help and controlled legal representation makes up over 90% 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, similar to legal help, the decision on whether to grant legal aid is delegated to providers.

The LASPO Act 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 the asylum category stood 20% lower in the April to June 2017 quarter than in the same quarter of the previous year. Completed claims in immigration were down by 5% in the last quarter compared to the previous year but expenditure was up by 6%.

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 workload fell 7% when comparing the latest quarter to the previous year. Completed claims and expenditure also fell by 7% over the same period.

Over 80% of **housing** work volume is made up of legal help. The volume of legally-aided housing work halved between July to September 2012 and July to September 2013. The trend in both then fluctuated for around 18 months but since 2014 it has been falling. In April to June 2017 there was a 13% decrease in housing work starts compared to the same quarter the previous year. There were also decreases in completed claims (11%) and expenditure (10%).

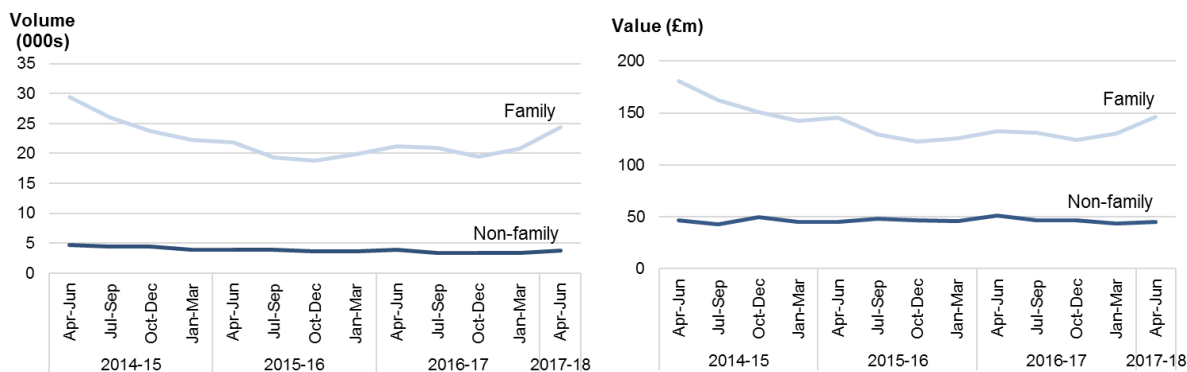
Civil representation



Tables
6.1 – 6.10

The number of civil representation certificates granted in the last quarter was up 10% compared to the same period of the previous year. The number of certificates completed also increased, by 12%, and the associated expenditure increased by 4% in the same period. The drop in civil representation workloads following the implementation of the LASPO Act in April 2013 was by a smaller proportion for than for legal help.

Figure 7: Completed workload and expenditure in civil representation, Apr-Jun 2014 to Apr-Jun 2017 (Source: tables 6.3 and 6.5)



Family civil representation



Tables
6.1 – 6.10

Certificates granted for family work increased by 10% in April to June 2017 compared to the previous year. There was a larger increase in certificates completed (15%) and a similar increase in expenditure (10%). This increase was largely due to **public family law**, which makes up around three quarters of family workload and over 80% of family expenditure. The 18,113 certificates completed in public family law in April to June 2017 was the highest quarterly figure in recent years.

In April to June 2017, applications for civil representation in private family law supported by **evidence of domestic abuse** were down 17% compared to the same period of the previous year, although that was the highest quarterly total since this type of application was introduced in, in 2013. The number granted was up 6% compared to the same period of 2016. The proportion of applications granted remained steady at around 70% from the inception of this type of application until the end of 2015, but has increased to around 80% since. In the latest quarter it was 78%.

Non-family civil representation



Tables
6.1 – 6.7

Non-family certificates completed make up about 13% of the total civil representation workload and about a quarter of the expenditure. There are only a small number of **immigration** and **mental health** cases in civil representation as most of these come under controlled legal representation. The majority of the certificates completed in this category are for **housing** work. There has been a gradual decline in housing certificates completed and in expenditure on this category since 2014, and in the latest period there were 17% fewer than in the same period of the previous year.

Judicial reviews



Of all civil representation applications granted, around 3,000 a year relate to judicial review. The number granted in April to June 2017 was 17% lower than in the same quarter in 2016. Over one third (37%) of judicial reviews were for immigration cases and 29% for public law.

Exceptional Case Funding (ECF)



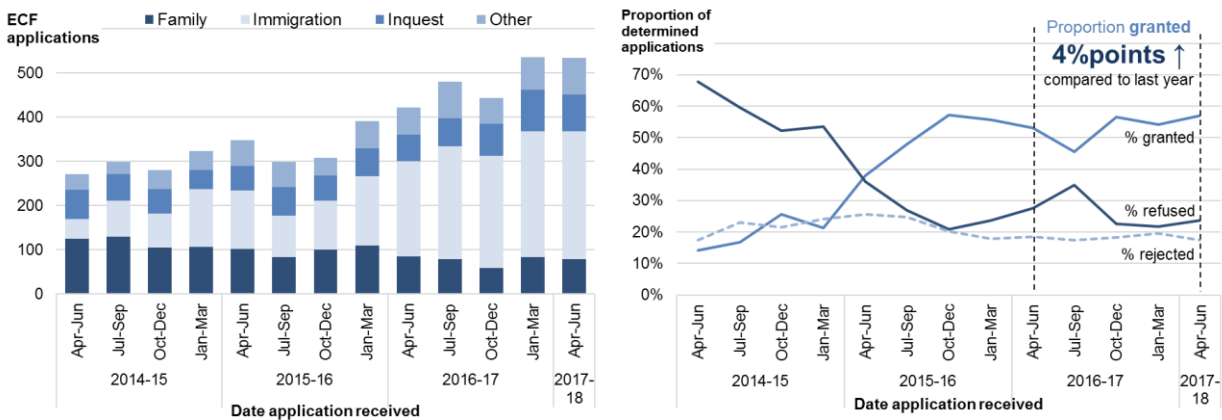
Tables
8.1 and 8.2

There were 533 applications for ECF received between April and June 2017. This is similar to January to March 2017 (536) but 26% higher than in April to June 2016. 455 (85%) of these were new applications.

Of the 533 ECF applications received between April and June 2017, 95% (504) had been determined by the LAA as of 31 August 2017. 57% (287) of these were granted, 24% (119) were refused and 17% (88) rejected (see figure 8).

Among the ECF applications received between April and June 2017, immigration (54%), inquest (15%), and family (15%) remained the most requested categories of law (figure 8).

Figure 8: Volume of ECF applications received and ECF determinations by outcome, Apr-Jun 2014 to Apr-Jun 2017.








3. 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](#).

Accompanying files

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

-  • **Tables:** A set of tables, which give further detail and full time series for each area.
-  • **More detailed data:** A detailed file to allow detailed analysis provided in both .csv (comma separated values) and .ods (OpenDocument Spreadsheet) formats
-  • **[Data visualisation tool:](#)** A web-based tool allowing the user to view and customize charts and tables based on the published statistics.
-  • **Index of data in Legal aid statistics:** An index to the more detailed data published in the .csv and .ods files, lists of available data from Legal Aid systems and guidance on how to work with the more detailed data using pivot tables.
-  • **[User Guide to legal aid statistics:](#)** This provides comprehensive information about data sources and quality as well as key legislative changes.

National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

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.

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Next update: 14 December 2017

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