



Ministry
of Justice



Legal Aid
Agency



Published 29 March 2018

Legal Aid Statistics quarterly, England and Wales, October to December 2017

Main points

Crime Lower workload down 5% compared to the same quarter last year	↓	This continues the gradual downward trend of recent years. Expenditure on completed work was also down by 5%.
Crown Court completed workload down 6% compared to the same quarter last year	↓	Expenditure on completed work has remained at the same level over this period. New orders for legal representation in the Crown Court continue to decline.
1% fewer legal help new matter starts than in the same period of 2016	↓	The volume of completed claims also decreased, by 9%, and expenditure fell by 10%.
Mediation Information and Assessment Meetings were 12% lower than in the same quarter of 2016	↓	Mediation starts between October and December 2017 were down by 15% and currently stand at around 1,500, the lowest quarterly number of starts since the implementation of the LASPO Act.
20% 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 14% (£14m).
709 applications for Exceptional Case Funding received in the last quarter	↑	This is the highest number of applications received in one quarter since the scheme began in April 2013 and a 60% increase from the same quarter last year.

This edition comprises the first release of official statistics for the three-month period from October to December 2017 and the latest statement of all figures for previous periods. For more detailed commentary, and statistics on legal aid providers, 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.gov.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 the 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

Expenditure (£m)

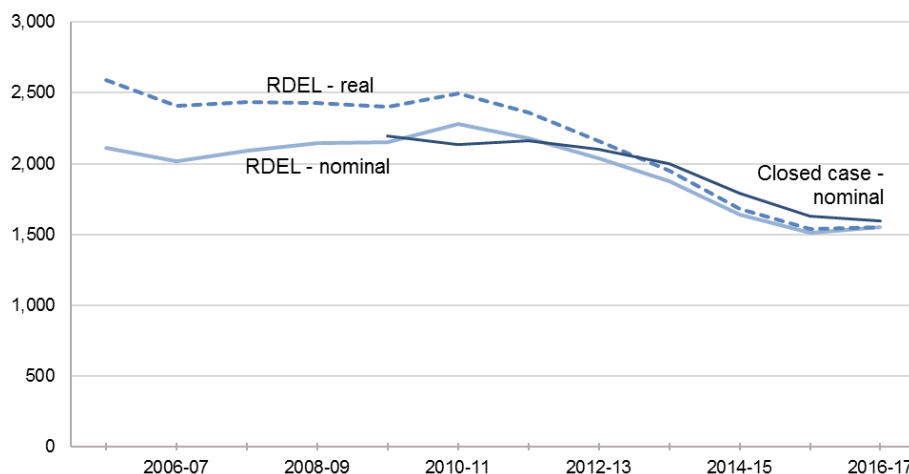


Table
1.0

1. Criminal legal aid



Tables
1.1 and 4.1

Main point

Workload and expenditure fell in most areas of criminal legal aid between October and December 2017 and the same period of the previous year.

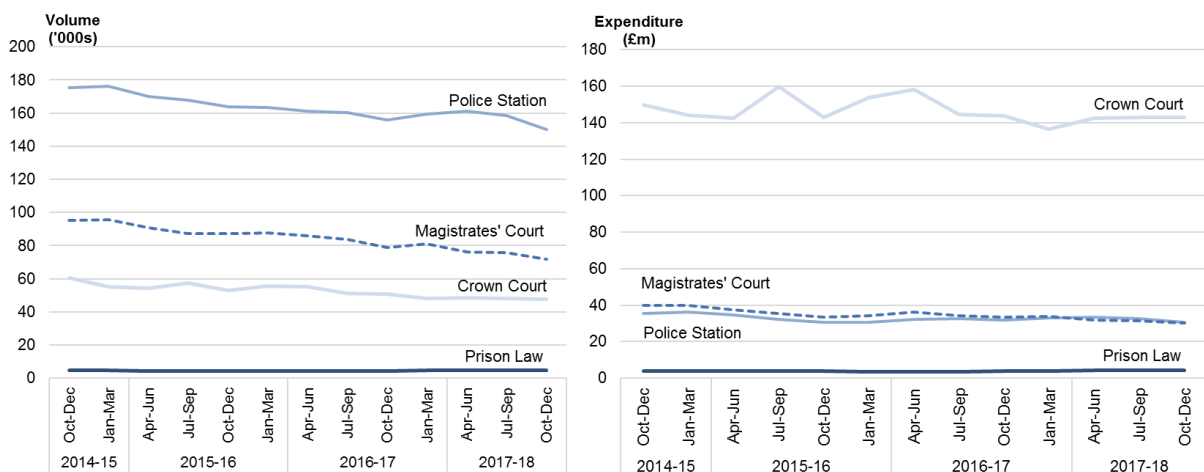
Criminal legal aid can be categorised into Crime Lower and Crime Higher. Crime Lower work includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts.

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

		Claim category	Workload (% change compared to the same quarter last year)	Expenditure (% change compared to the previous quarter last year)
Crime Workload 275,000 (5%↓) Expenditure £209m (2%↓)	Crime Lower 227,000 (5%↓) £66m (5%↓)	Police station advice	150,000 (4%↓)	£31m (4%↓)
		Magistrates' courts*	72,000 (9%↓)	£30m (9%↓)
		Advice & assistance on appeals	306 (17%↓)	£0.5m (11%↑)
		Prison Law	5,000 (2%↑)	£4m (16%↑)
		Civil work associated with crime	42 (9%↓)	£0.02m (19%↑)
	Crime Higher 48,000 (6%↓) £143m (0%↔)	Solicitor fee scheme	24,000 (7%↓)	£84m (1%↑)
		Advocate fee scheme	24,000 (4%↓)	£53m (2%↓)
		High Cost crime cases	9 (25%↓)	£6m (12%↓)

*includes court duty solicitor sessions and virtual courts

Figure 3: Workload and expenditure in criminal legal aid, Oct-Dec 14 to Oct-Dec 17



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

Although Crown Court work comprises a relatively small portion of criminal legal aid in terms of volume, it consistently accounts for more than two-thirds of all criminal legal aid expenditure. Conversely, advice relating to the police station makes up the largest portion of workload but a much smaller proportion of expenditure.

Police station advice



Tables
2.1 and 2.2

This category made up two thirds of the Crime Lower workload between October and December 2017 but just less than half of the expenditure. The workload in this period has fallen compared to the previous year, down by 5%. This continues the downward trend of the last three years, although this trend has not been 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 police station advice workload, 86% in October to December 2017, consists of suspects receiving legal help with a solicitor in attendance at the police station, with the rest mainly consisting of legal advice over the telephone.

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 as cases move into the Crown Court, the number of orders granted for legally-aided representation in the **magistrates' court** fell by 8% in this quarter when compared to the same quarter of the previous year. This continues the downward trend of the last 3 years, which has been largely driven by Summary Only cases. The overall number of receipts in the magistrates' court² (including those not involving legal aid) was 5% down over the same period. The proportion of these applications that are granted remains stable at around 95%.

Orders granted for legally-aided representation in the **Crown Court** were also down, by 5% this quarter compared to last year, and this was mirrored by a 6% decrease in total Crown Court receipts². Within this, orders relating to Either Way offences fell by 11%, while those relating to Indictable offences decreased by 2%. The proportion of Crown Court applications granted remains at almost 100%.

Magistrates' court completed work



Tables
2.1 and 2.2

Legally-aided **representation in the magistrates' court** comprised almost one-third of the workload and just under half of expenditure in Crime Lower between October and December 2017. The volume of completed work in the magistrates' court fell 9% this quarter when compared to the same period of the previous year. Expenditure also fell by 9% (£3m).

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 **litigator (solicitor) fee scheme** were 7% lower in October and December 2017 than in the same period of the previous year, driven mainly by a 13% 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 more defendants pleading earlier at the magistrates' court. In the **advocate fee scheme** there was a 4% fall compared to the same period last year; again, the largest fall was in the guilty plea category.

Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters as claims are assessed further on

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

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

appeal and further payments added to the value of some completed claims. In the litigator fee scheme, expenditure was 1% higher in October to December 2017 than in the same period of the previous year. In the advocate fee scheme, the value of payments was 2% lower than in the same period of the previous year.

Very High-Cost Cases in the Crown Court (VHCCs)



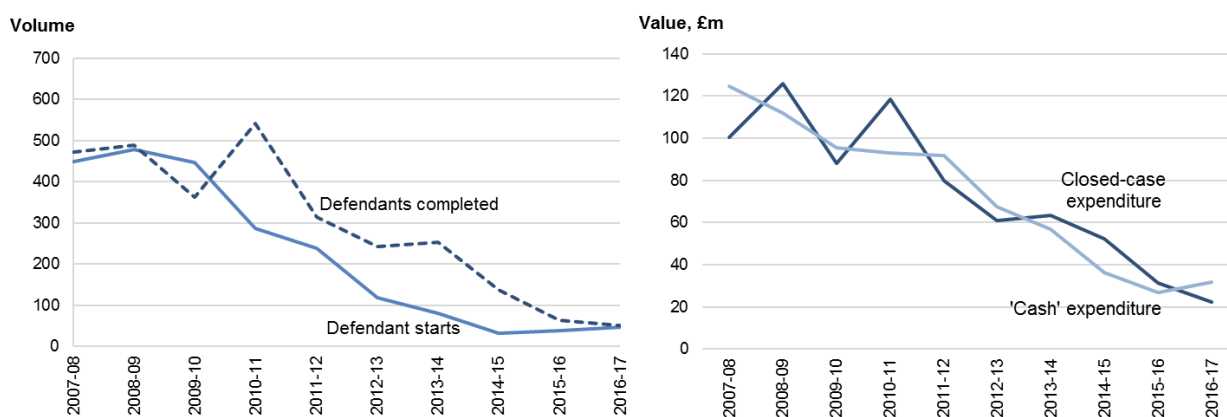
Table
4.4

As announced in the previous edition, we have changed our methodology for statistics on VHCCs so that they now report volumes and expenditure on a closed-case basis. This makes them more directly comparable with the statistics for other legal aid work in the Crown Court and elsewhere, and enables expenditure on the litigator and advocate work in VHCCs to be shown separately. More information on this change can be found in the Revisions section of the [User guide to legal aid statistics](#).

VHCCs are those Crown Court cases which, if the case were to proceed to trial, would likely last more than 60 days. These cases can span several years and, while they may involve small numbers of defendants, the associated expenditure is high in comparison.

The threshold for cases to be handled as VHCCs has changed over time. Before 2008, an expected trial length of more than 25 days would bring a case into the scheme; in July 2010 this was raised to 40 days, before being raised to the current 60 days in October 2011. These changes have reduced the volume of cases handled as VHCCs over this period.

Figure 4: Completed workload and expenditure in VHCC scheme, 2007-08 to 2016-17



As the left-hand chart of Figure 4 shows, the volume of VHCC starts fell quite rapidly in response to these changes, while completions declined more gradually due to the duration of these cases. Ten years ago, there were around 500 starts and completions each year; this fell by around half once the first change was implemented. The subsequent increase to the current 60-day level further reduced the workload to around 50 starts each year.

The right-hand chart in Figure 4 presents expenditure on VHCCs on the closed-case basis, which shows the amount paid over the lifetime of a contract. For comparison, expenditure on the previous methodology, which shows the total payments made in the period for work on both closed and ongoing contracts (the 'cash' basis) is also shown. While the workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme currently represents around 4% of the cost, down from around 15% ten years ago.

There were 9 defendants represented in the VHCC contracts that concluded in the October to December quarter 2017. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £5.9 million.

Prison law



*Tables
2.1 and 2.2*

Workload this quarter increased by 2% compared with the same period in the previous year, driven by an increase in advocacy at parole board hearings (up 15%). This category currently makes up just over one-third of prison law workload, but a much larger proportion of costs (74%). Expenditure on prison law rose by 16% over the same period, with all the increase due to the parole board rise.

Despite these increases, prison law work comprised 2% of the volume and 2% of expenditure of total criminal legal aid work in October and December 2017; unchanged from previous years.

2. Civil legal aid



Table 1.2
and 8.1

Main point

There were 709 applications for ECF received between October and December 2017. This is the highest number of applications received in one quarter since the scheme began in April 2013 and a 60% increase from the same quarter last year.

Figure 5: Civil overview, closed case volumes and costs met by the LAA for Oct-Dec 2017, and comparison with Oct-Dec 2016

			Workload (% change compared to the same quarter last year)	Expenditure (% change compared to the same quarter last year)
Civil Workload 64,000 (2% ↓) Expenditure £172m (6% ↑)	Family 31,000 (4% ↑) £139m (11% ↑)	Family Public	22,000 (11% ↑)	£115m (13% ↑)
		Family Private	9,000 (8% ↓)	£24m (0% ↔)
		Mediation and MIAMS*	4,000 (13% ↓)	£1m (12% ↓)
	Non-Family 33,000 (6% ↓) £33m (10% ↓)	Immigration	10,000 (9% ↓)	£9m (12% ↓)
		Mental Health	9,000 (2% ↓)	£10m (5% ↑)
		Housing	11,000 (9% ↓)	£7m (4% ↑)
		Other Non-Family	3,000 (3% ↓)	£6m (35% ↓)

* Not included in family total

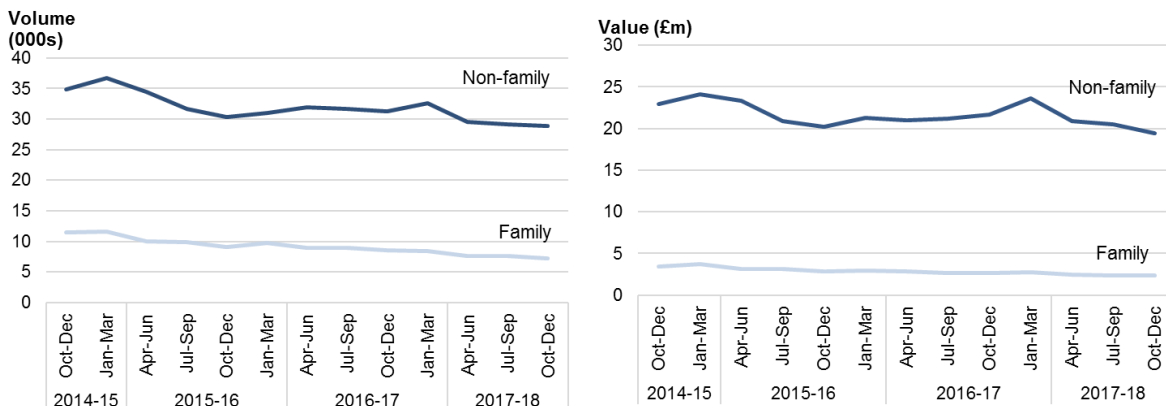
Legal help and controlled legal representation



Tables
5.1 – 5.3

In the last quarter, there were 1% fewer legal help new matter starts than in the same period of 2016. The volume of completed claims decreased by 9% and expenditure by 10% in October to December 2017 compared to the same period in 2016 (figure 6). 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 and controlled legal representation, Oct-Dec 2014 to Oct-Dec 2017



Family legal help



Tables 5.1 – 5.3
and 7.1 – 7.2

In October to December 2017 family legal help starts increased by 2% compared to the same quarter last year. There were decreases in completed claims (16%) and expenditure (13%). There was a steep decline in new matters started immediately following the implementation of the 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 12% in the last quarter compared to the previous year and currently stand at around a third of pre-LASPO levels. Mediation starts between October and December 2017 were down by 15% and currently stand at around 1,500, the lowest quarterly number of starts since the implementation of the LASPO Act.

Non-family legal help and controlled legal representation



Tables
5.1 – 5.3

Legal help and controlled legal representation makes up over 95% of both **immigration** and **mental health** cases. Controlled legal representation relates to representation at tribunal and so is often longer and more costly than legal help but, as with legal help, the decision on whether to grant legal aid is delegated to providers.

The LASPO Act made changes to the scope of legal aid for immigration law, and the areas that remain in scope consist largely of asylum-related work. Having fallen by 40% over the 5 years to 2013-14, new matter starts in immigration stood 10% lower in the October to December 2017 quarter than in the same quarter of the previous year. Completed claims in immigration were down by 14% in the last quarter compared to the previous year and expenditure was also down by 14%.

Within mental health most funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Mental health new matter starts fell 2% when comparing the latest quarter to the previous year. Completed claims fell by 6% and expenditure fell by 7% over the same period.

Over 80% of **housing** work volume is made up of legal help. The volume of this work halved between July to September 2012 and April to June 2013. The trend then fluctuated for around 18 months but has been gradually falling since 2014. In October to December 2017 there was a 3% increase in housing work starts compared to the same quarter the previous year. There was no change in completed claims and a 3% decrease in expenditure.

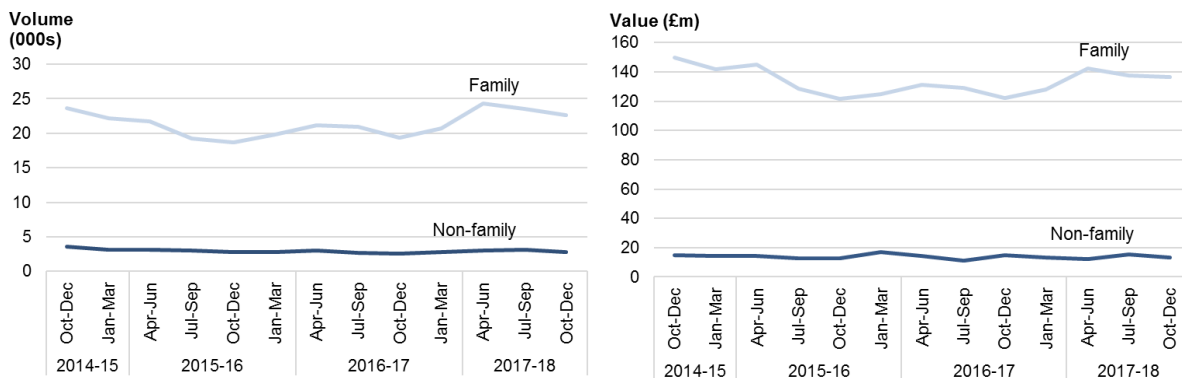
Civil representation



Tables
6.1 – 6.10

The number of civil representation certificates granted in the last quarter was up 5% compared to the same period of the previous year. The number of certificates completed increased by 16%, and the associated expenditure increased by 9% in the same period. Civil representation workloads fell following the implementation of the LASPO Act in April 2013 but by a smaller proportion than legal help and controlled legal representation.

Figure 7: Completed workload and expenditure in civil representation, Oct-Dec 14 to Oct-Dec 17



Family civil representation



Tables
6.1 – 6.10

Certificates granted for family work increased by 5% in October to December 2017 compared to the previous year. There was an increase in certificates completed (17%) compared to the same quarter the previous year, however there has been a small fall compared to July to September 2017. The associated expenditure follows a similar pattern (11% increase compared to the same quarter the previous year and a 1% decrease compared to the previous quarter). This increase was largely due to **public family law**, which makes up around three quarters of family workload and over 80% of family expenditure. Certificates completed in public family law have fallen slightly after the peak in April to June 2017.

In October to December 2017, applications for civil representation in private family law supported by **evidence of domestic abuse** increased by 3% compared to the same period of the previous year. The number granted also increased (up 4%) 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, before increasing to around 80%. In the latest quarter it was 78%.

Non-family civil representation



Tables
6.1 – 6.7

Non-family certificates completed make up just over 10% of the total civil representation workload and expenditure. There are only a small number of **immigration** and **mental health** cases in civil representation as most work in these areas consists of 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, but in the latest period there were 8% more 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 October to December 2017 was 10% higher than in the same quarter in 2016. A third of judicial reviews were for immigration cases and another third were for public law.

Exceptional Case Funding (ECF)



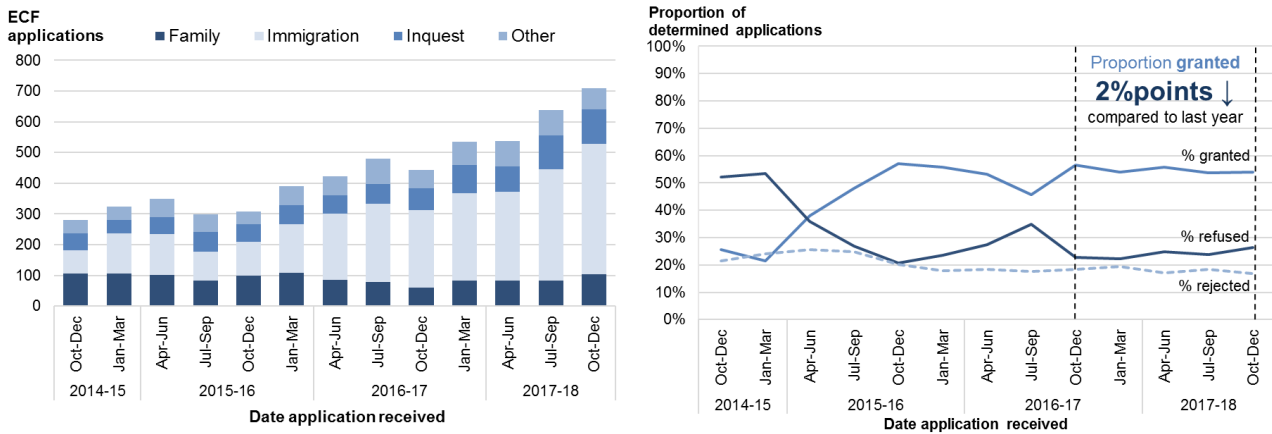
Tables
8.1 and 8.2

There were 709 applications for ECF received from October to December 2017. This is the highest number of applications received in a single quarter since the scheme began in April 2013 and a 60% increase from the same quarter last year. 602 (85%) of these were new applications.

Of the 709 ECF applications received between October and December 2017, 90% (635) had been determined by the LAA as of 20 February 2018. 54% (343) of these were granted, 26% (167) were refused and 17% (107) rejected (see figure 8).

Among the ECF applications received between October and December 2017, immigration (60%), inquest (16%), and family (15%) remained the most requested categories of law (figure 8). The increase in ECF applications over the last two years is driven by an increase in immigration applications.

Figure 8: Volume of ECF applications received and ECF determinations by outcome, Oct-Dec 2014 to Oct-Dec 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 timeseries 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: 28 June 2018

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