



Ministry
of Justice



Legal Aid
Agency



Published 26 September 2019

Legal Aid Statistics quarterly, England and Wales

April to June 2019

1. Main points

Crown Court expenditure decreased this quarter; down by 15% compared with the same period of the previous year.



This is driven by changes in fee schemes and falling receipts in both the magistrates' courts and Crown Courts with criminal legal aid workload falling 3% over the same period.

The volume of completed work in the magistrates' court decreased by 7%



Magistrates' court expenditure fell 8% over the same period.

Mediation Information and Assessment Meeting volumes were 14% higher than in the same quarter of 2018.



Mediation outcomes were also 13% higher; this is the highest number of outcomes in the last two years

Applications for civil representation supported by evidence of domestic violence or child abuse increased by 18%.



The volume of these granted remained steady at around 80%

888 applications for Exceptional Case Funding were received in the last quarter.



This is a 21% increase from the same quarter last year

This edition comprises the first release of official statistics for the three-month period from April to June 2019 and the latest statement of all figures for previous periods.

For more detailed commentary, and statistics on providers of legal aid, Central Funds 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.

For feedback related to the content of this publication, please let us know at statistics@legalaid.gsi.gov.uk

2. 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.



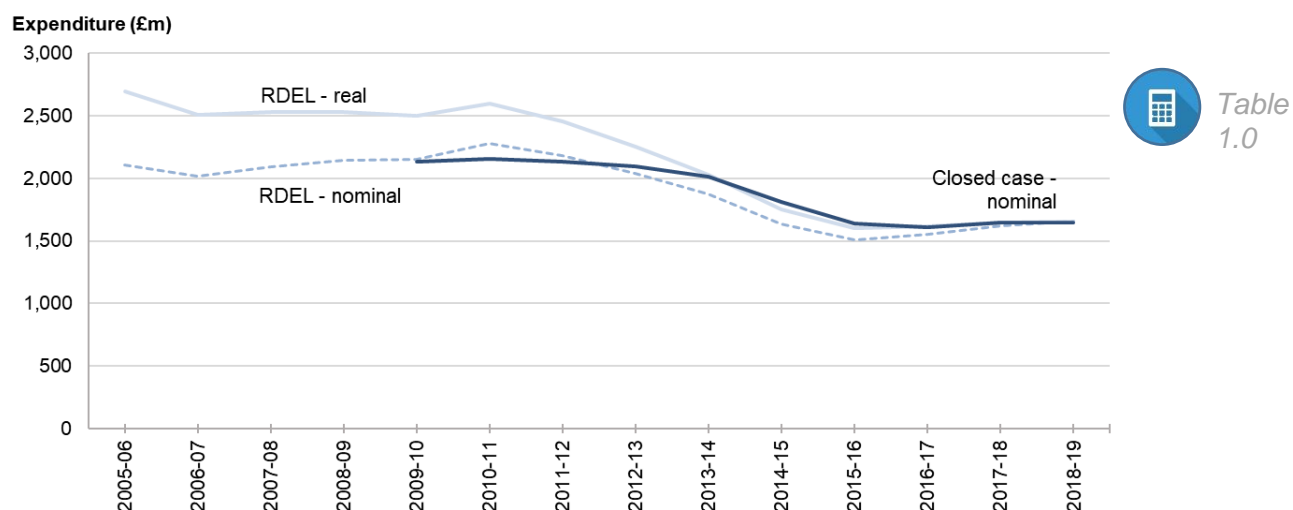
Tables:
Click for access to tables of figures.

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. Expenditure on legal aid is measured differently for different purposes. 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.
- **RDEL (Resource Departmental Expenditure Limits) nominal** is the main budgeting 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. 'Nominal' here means not adjusted for inflation.
- **RDEL real** is the RDEL measure 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, 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. Expenditure has, however, increased slightly over the last year.

Figure 1: Overall annual legal aid expenditure, by closed-case and RDEL nominal and real terms measures (£m), 2005-06 to 2018-19



3. Criminal legal aid



Tables
1.1 and 4.1

Overall Crown Court expenditure decreased this quarter; down by 15% in April to June 2019 compared with the same period of the previous year.

This is driven by changes in fee schemes and falling receipts in both the magistrates' courts and Crown Courts with criminal legal aid workload falling 3% over the same period although the prior year was the highest quarterly total for the litigator scheme and third highest in the advocate scheme.

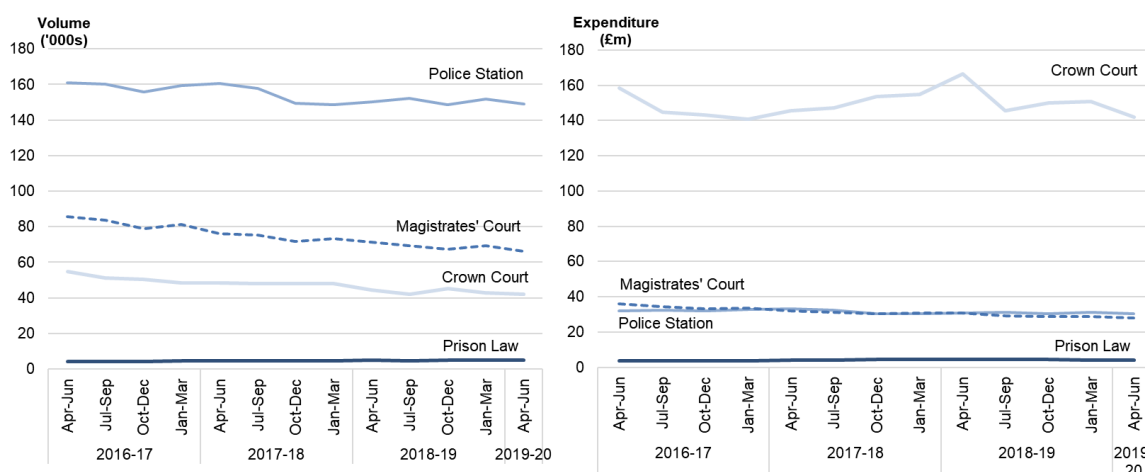
Criminal legal aid can be categorised into Crime Lower and Crime Higher. Crime Lower includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts.

Figure 2: Crime overview, closed case volumes and expenditure for Apr - Jun 19, and comparison with Apr - Jun 18

		Category	Workload	Expenditure
Crime Workload 263,000 (3%↓) Expenditure £205m (12%↓)	Crime Lower 221,000 (3%↓) £63.0m (5%↓)	Police station advice	149,000 (1%↓)	£30.5m (1%↓)
		Magistrates' courts*	66,000 (7%↓)	£28.0m (8%↓)
		Advice & assistance on appeals	315 (27%↓)	£0.4m (26%↓)
		Prison Law	5,000 (0%↔)	£4.1m (4%↓)
		Civil work associated with crime	32 (0%↔)	£0.01m (15%↓)
	Crown Court 42,000 (5%↓) £142.0m (15%↓)	Solicitor fee scheme	21,000 (7%↓)	£90.7m (11%↓)
		Advocate fee scheme	21,000 (2%↓)	£50.4m (16%↓)
		High Cost crime cases	1 (91%↓)	£0.9m (78%↓)

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

Figure 3: Workload and expenditure in criminal legal aid, Apr - Jun 16 to Apr - Jun 19



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

Police station advice



Tables
2.1 and 2.2

This category made up two thirds of the Crime Lower workload between April and June 2019 but just less than half of the expenditure. The workload in this period has decreased by 1% compared to the previous year, with expenditure also decreasing by 1% (£0.2m). This continues the general downward trend seen over the last three years. This trend can also be seen in the overall figures from the arrest statistics for England and Wales¹, which have seen a similar decline historically.

The majority of the police station advice workload (87% in April and June 2019) 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** decreased by 9% 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 1% 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 increased by 4% this quarter compared to last year, this matches a 3% increase in overall Crown Court receipts². Within legal aid, orders relating to either-way offences increased by 7%, while those relating to indictable offences increased by 1%. 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 under half of expenditure in Crime Lower between April and June 2019. The volume of completed work in the magistrates' court decreased by 7% this quarter when compared to the same period of the previous year. Expenditure also decreased by 8% (£2.5m).

Crown Court completed work



Tables
4.1 – 4.4

Volumes of cases completed in the Crown Court have declined over recent years, though more gradually than new orders due to the stock of cases awaiting trial although awaiting cases in the Crown Court have now reached a near all-time low².

Completed work volumes within the **litigator (solicitor) fee scheme** decreased by 7% in April to June 2019 compared to the same period of the previous year, driven mainly by a 7% decrease 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.

¹ <https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

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

In the **advocate fee scheme**, completed claims decreased by 2% compared to the same period last year.

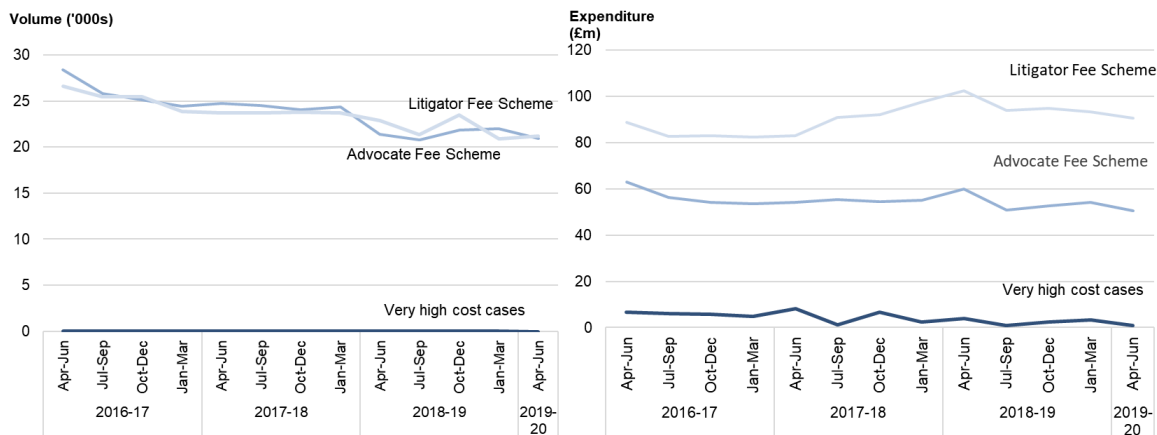
In the litigator fee scheme, expenditure decreased by 11% in April to June 2019 compared to the same period of the previous year where the highest quarterly total for expenditure was recorded. In the advocate fee scheme, the value of payments decreased by 16% compared to the same period of the previous year led by the introduction of the new fee scheme but also comparing against the third highest quarterly expenditure in the last seven years.

Figures for expenditure on work completed in the Crown Court in the most recent quarters should be interpreted with caution as they may be revised upward in subsequent quarters as claims are assessed further on appeal and further payments added to the value of some completed claims.

The **Very High-Cost Case (VHCC)** scheme covers 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.

There was one defendant represented in the VHCC contracts that concluded in the April to June 2019 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £0.9m. While workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme represents around 1% of the cost, although down from over 15% ten years ago.

Figure 4: Workload and expenditure in the Crown Court, Apr - Jun 16 to Apr - Jun 19



Prison Law



Tables
2.1 and 2.2

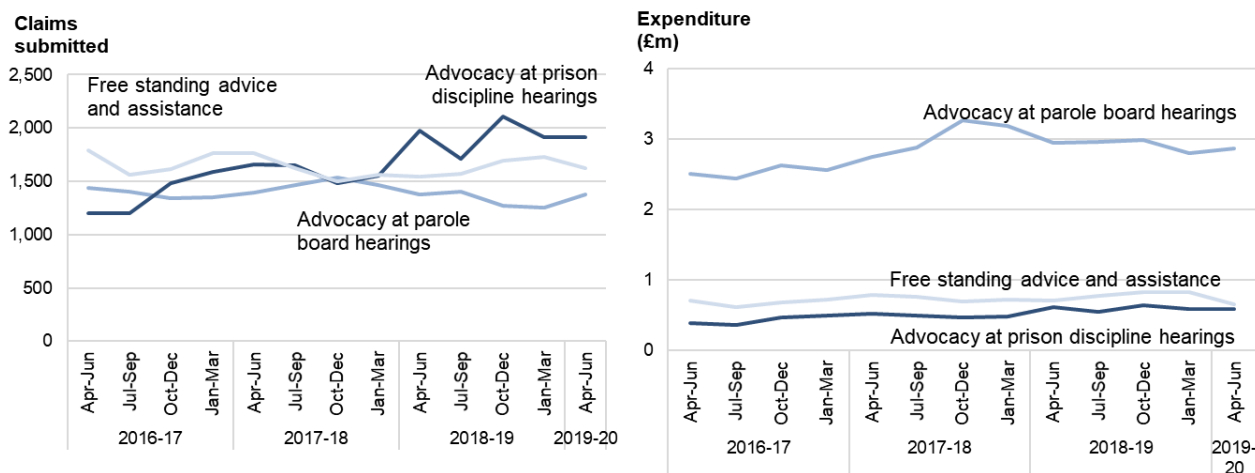
Workload this quarter remained level compared with the same period in the previous year, with decreases in advocacy at prison disciplinary hearings of 3% compared to last year, cancelled out by increases in free standing advice and assistance, which increased by 5%. Prison disciplinary hearings make up over one-third of prison law workload, but a much smaller proportion of costs (14%).

Overall expenditure on prison law fell 4% over the same period. Advocacy at parole board hearings made up 70% of prison law expenditure, and this category decreased by 3% this quarter driving the overall reduction.

A new category was introduced from April 2019 and this category covering advocacy assistance at sentence reviews had two completed claims with expenditure of £1,500.

Prison law work still comprises a small portion of the volume (2%) and expenditure (2%) of total criminal legal aid work in April to June 2019; unchanged from previous years.

Figure 5: Prison Law* completed workload and expenditure, Apr - Jun 16 to Apr - Jun 19



*New category not shown 'Advocacy Assistance at Sentence Reviews'

4. Civil legal aid



Table 1.2
and 8.1

888 applications for Exception Case Funding were received in April to June 2019.

This is 21% up on the same period of 2018; 68% of these applications were granted.

Figure 6: Civil overview, closed case volumes and expenditure for Apr - Jun 19, and comparison with Apr - Jun 2018

		Category	Workload	Expenditure
Civil	Family 30,000 (2%↑) £153m (12%↑)	Family Public	22,000 (4%↑)	£131m (14%↑)
		Family Private	9,000 (2%↓)	£22m (0%↔)
Mediation and MIAMS*		5,000 (14%↑)	£1m (13%↑)	
Workload 68,000 (2%↑)	Non-Family 32,000 (1%↑) £39m (10%↓)	Immigration	11,000 (5%↑)	£11m (3%↑)
		Mental Health	10,000 (5%↑)	£12m (4%↑)
		Housing	9,000 (11%↓)	£7m (1%↓)
		Other Non-Family	4,000 (11%↑)	£10m (38%↑)
Expenditure £193m (12%↑)				

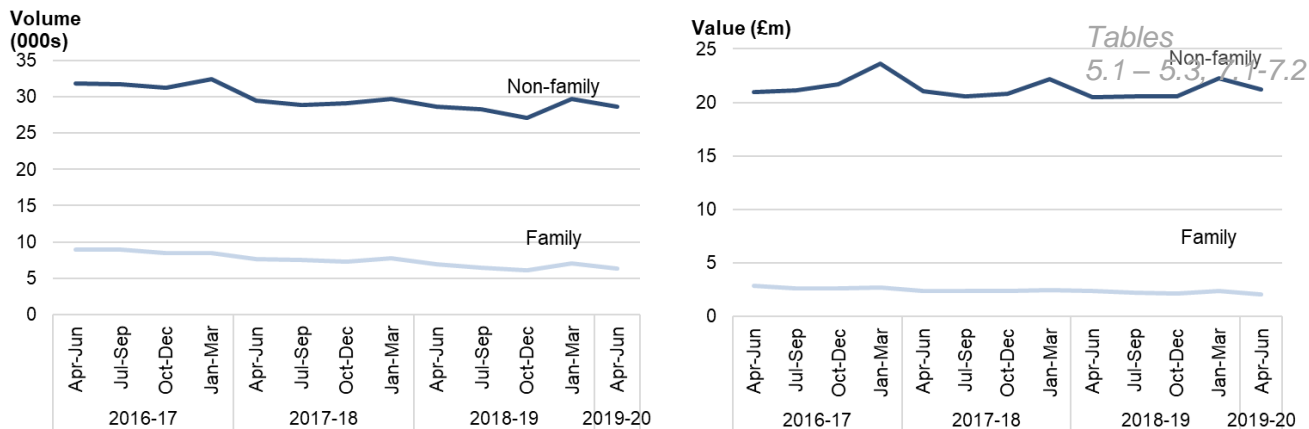
* Not included in family total

Legal help and controlled legal representation



In the last quarter, there was an 12% increase in legal help new matter starts than in the same period of 2018. The volume of completed claims decreased by 2% while expenditure increased by 2% in April to June 2019, compared to the same period in 2018 (figure 7). 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 7: Completed workload and expenditure in legal help and controlled legal representation, Apr - Jun 16 to Apr - Jun 19



Family legal help

In April to June 2019 family legal help starts increased by 10% compared to the same quarter last year. Completed claims decreased by 9% and expenditure decreased by 12%. 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) increased by 14% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO. Starts increased by 22% and outcomes increased by 13%, and are now sitting at around half of pre-LASPO levels.

Non-family legal help and controlled legal representation

Legal help and controlled legal representation make up over 95% 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, as with legal help, the decision on whether to grant legal aid is delegated to providers.

The LASPO Act 2013 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 five years to 2013-14, new matter starts in immigration increased by 52% in April to June 2019 compared to the same quarter of the previous year. Completed claims in immigration increased by 6% in the last quarter compared to the previous year and expenditure increased by 7%.

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 decreased by 3% when comparing the latest quarter to the previous year. Completed claims increased by 4% and expenditure increased by 2% 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 then fluctuated for around 18 months but between 2014 and 2018 it decreased, until the current quarter. In April to June 2019 there was a 5% increase in housing work starts compared to the same quarter the previous year. There were decreases in completed claims (14%) and decreases in expenditure (22%).

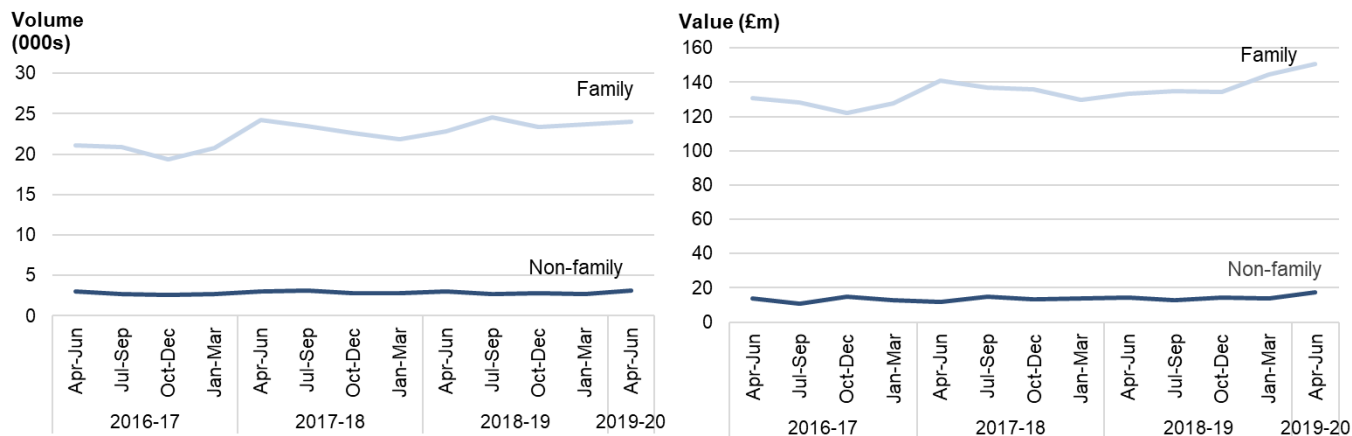
Civil representation



Tables
6.1 – 6.10

The number of civil representation certificates granted in the last quarter increased by 4% compared to the same period of the previous year. The number of certificates completed increased by 5%, and the associated expenditure increased by 13% over 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 8: Completed workload and expenditure in civil representation, Apr - Jun 16 to Apr - Jun 19

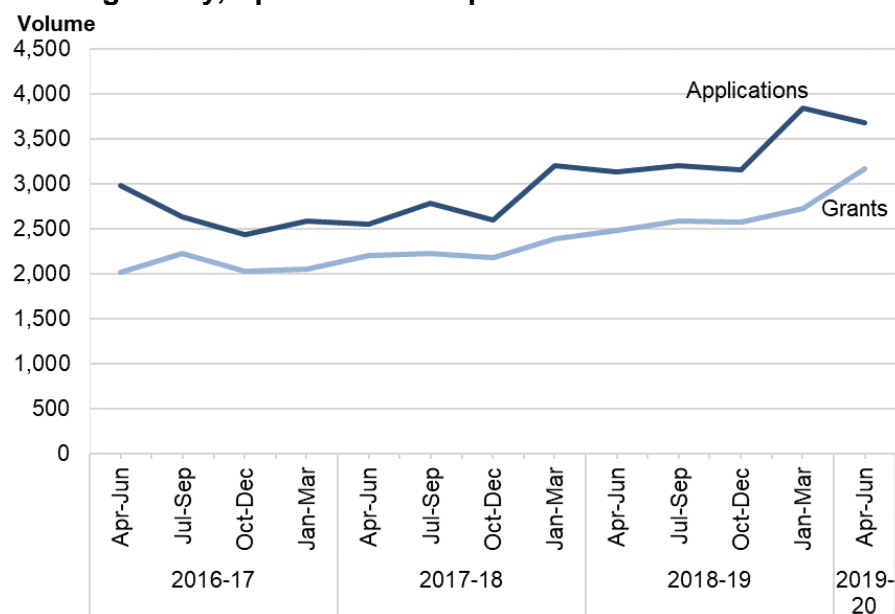


Family civil representation

Certificates granted for family work increased by 4% in April to June 2019 compared to the previous year. Certificates completed increased by 5% compared to the same quarter the previous year. The associated expenditure has increased by 13% compared to the same quarter the previous year.

In April to June 2019, applications for civil representation supported by evidence of domestic violence or child abuse increased by 18% compared to the same period of the previous year. The number of these granted increased by 19% over the same period. 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%. The provisional figure for the latest quarter is 80%.

Figure 9: Applications received and certificates granted via the domestic violence and child abuse gateway, Apr - Jun 16 to Apr - Jun 19



Judicial reviews

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 783 in the last quarter. The number granted in April to June 2019 decreased by 5% compared with the same quarter in 2018. Of the 783 judicial review cases in the last quarter, 45% were for public law and 29% were for immigration cases.

Exceptional Case Funding (ECF)

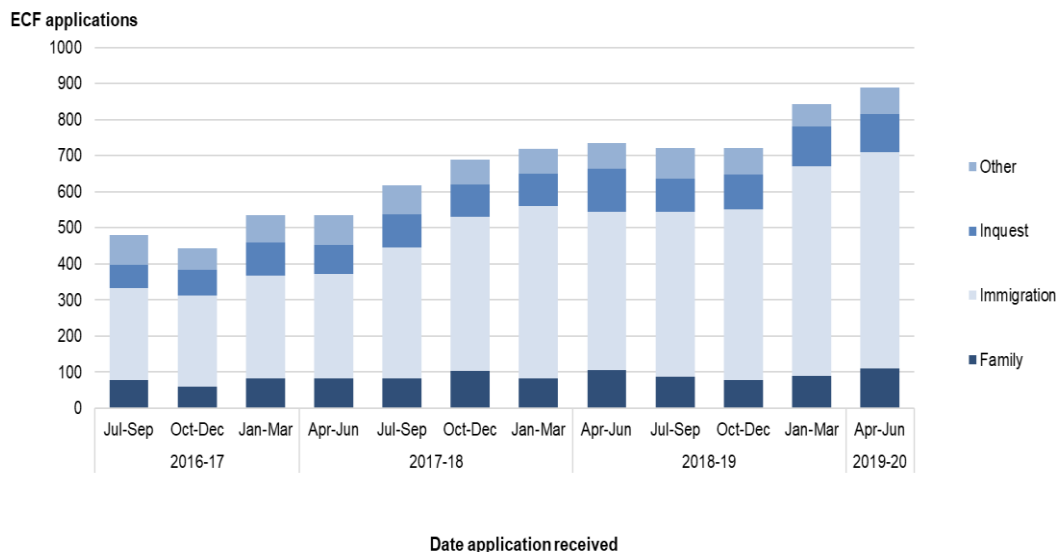


Tables
8.1 and 8.2

There were 888 applications for ECF received from April to June 2019. This is a 21% increase from the same quarter last year. 813 (92%) of these were new applications.

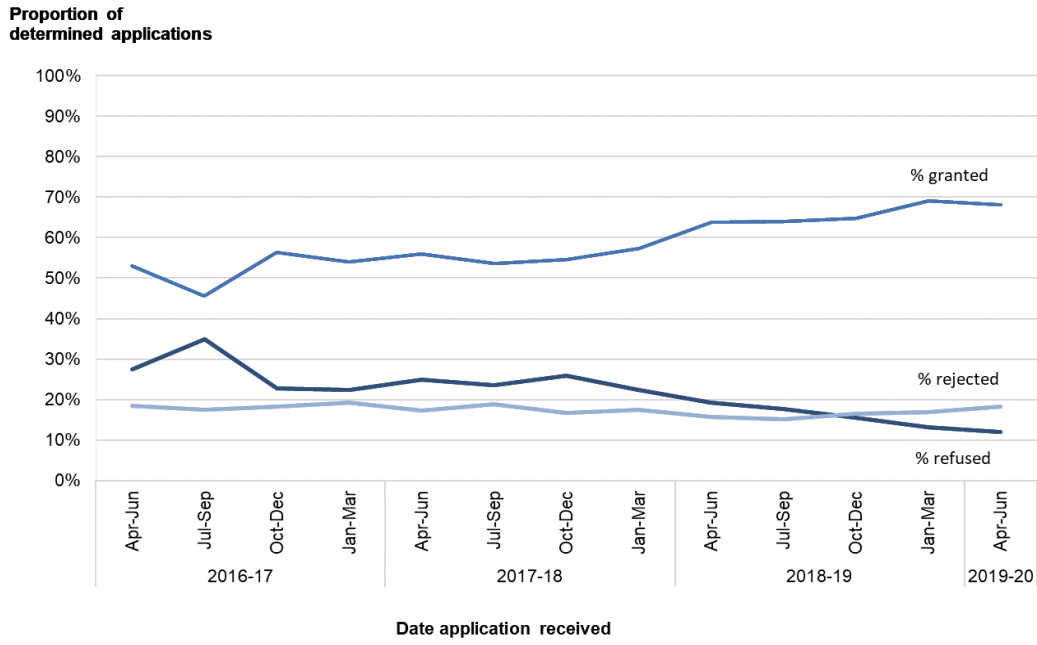
Among the ECF applications received between April and June 2019, immigration (68%), inquest (12%), and family (12%) remained the most requested categories of law. The increase in ECF applications over the last two years is driven by an increase in immigration applications (figure 10).

Figure 10: Volume of ECF applications received, Apr - Jun 16 to Apr - Jun 19



Of the 888 ECF applications received between April and June 2019, 98% (867) had been determined by the LAA as of 16 August 2019. 68% (591) of these were granted, 12% (104) were refused and 18% (158) rejected (see figure 11).

Figure 11: Volume of ECF determinations by outcome, Apr - Jun 16 to Apr - Jun 19



5. Further information

This publication presents quarterly data trends. For figures published annually, including those on diversity, providers of legal aid, Central Funds, please refer to our [‘annual publication’](#).

Revisions



Since last quarter, the following revisions have been made:

- The civil providers csv file for January to March 2019 contained data incorrectly classifying a portion of civil representation costs met by the opponent as being met by the LAA. The value of this discrepancy is £27m. The data has now been revised with the correct classifications.
- Two columns were incorrectly labelled in tables 9.3 and 9.4. The columns affected were those within 'Other non family' and were corrected on the 30th July 2019.


For a full list of revisions please see the [‘User Guide to legal aid statistics’](#)

Accompanying files

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

-  **Tables:** A set of tables, which give further detail and full time-series for each legal aid scheme.
- **Main Legal Aid data** and the **Detailed Civil data:** Files to enable independent analysis and further tabulation, provided in .csv (Comma-Separated values) format.
-  **‘Data visualisation tool’** A web-based tool allowing the user to view and customize charts and tables based on the published statistics and utilizing the main legal aid data file.
- **Legal Aid Provider Data** and the **Diversity Data:** [Annually](#) released files to enable independent analysis and further tabulation, provided in .ods (OpenDocument Spreadsheet) format.

Help and Documentation

-  **‘User Guide to legal aid statistics’:** This provides comprehensive information about data sources and quality as well as key legislative changes.
- **Index of data in Legal aid statistics:** A guide to the data published in the .ods files, lists of available data from Legal Aid systems and guidance on how to work with the data.

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.



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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.

Contact

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