



Survey of civil legal aid providers in England and Wales

Informing the Review of Civil Legal Aid
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1 Executive summary

Background

As part of the Review of Civil Legal Aid (RoCLA), the Ministry of Justice (MoJ) has commissioned PA Consulting to conduct an economic analysis of the civil legal aid market. There are multiple evidence sources informing this economic analysis and the wider Review (RoCLA), and this report outlines the findings from one of these – an online survey of civil legal aid providers. The survey was carried out to understand more about providers' experiences and their views on the current functioning of the sector. The MoJ makes no comment on the findings in this report at this stage, but the findings will be considered as part of RoCLA, ensuring first-hand provider perspectives are integral to the economic analysis and the conclusions drawn from that analysis.

Aims and methodology

The survey had four main aims:

1. to provide a clear understanding of the key pain points and issues experienced by provider organisations operating in the civil legal aid sector, and how these could impact future service provision;
2. to explore the reasons why providers choose to offer civil legal aid services and the implications of current contractual and market mechanisms;
3. to understand providers' perceptions of demand for different areas of service provision and their ability to meet that demand; and
4. to begin to gauge the long-term sustainability of civil legal aid provision.

The survey design was broken into three stages:

Stage 1 - Survey design and refinement

A bespoke survey was designed to incorporate closed, scaled questioning, in order to draw quantitative conclusions, as well as a series of free text open-ended response boxes (see Appendix A). This was to allow providers to elaborate on the underlying reasons behind their closed responses.

The survey went through multiple rounds of stakeholder review (with The Law Society, the Legal Aid Practitioners Group (LAPG) and the Legal Aid Agency (LAA)), to inform survey design and ensure the use of appropriate terminology. The survey and associated communications were tested in a pilot with five provider organisations. As a result, question phrasing was refined, additional survey functionality was incorporated, and messaging surrounding the survey was changed to reflect the individual respondents' actual experience more accurately.

Stage 2 – Sample and recruitment

A list of all 1,246 current, in-market civil legal aid providers was provided by the LAA¹. This reflects the total number of civil legal aid providers as of 24th September 2023. All providers were invited to complete the survey through direct email contact (see Appendix B), supported by wider marketing strategies to maximise outreach and survey completion, via industry bulletins, newsletters and relevant social media channels.

Stage 3 – Fieldwork and quality assurance

All surveys were completed online between 26th September and 18th October 2023. All responses were quality checked and cleaned prior to analysis to ensure that the findings were not affected by any sub-standard quality² or duplicate responses (i.e. ensuring only one survey response per provider organisation).

From the LAA's total database of 1,246 civil legal aid providers, 228 organisations passed through the survey as clean, qualified, survey completions, reflecting an 18% response rate from the total population of civil legal aid providers. This means results at a total level are reliable within $\pm 6\%$ at a 95% level of confidence, although confidence intervals are wider for specific sub-groups (see Appendix D, and discussed at Section 3.3). Although wider marketing strategies allowed for providers to respond non-directly (rather than via an emailed link), it is believed that no organisation outside of the 1,246 total did participate. There was coverage across all geographic regions, categories of law and organisation types within the total sample, and the level of sample representation is discussed in detail at Section 3.3.

Key findings

Profile of responding providers

- The sample of 228 organisations, reflecting 18% of the total civil legal aid provider population in England and Wales, contained coverage of all listed geographic regions, categories of law, organisation size and type (non-profit, private practice). The sample's representativeness compared to the civil legal aid market, degree of non-response and how this impacts the conclusions reached is discussed at Section 3.3.
- Participating providers reported having a significant tenure in the civil legal aid sector, with half (49%) of civil legal aid contracts held for over 20 years.
- The majority of individuals who completed the survey and represented the views of their organisation were senior decision-makers (80%), providing confidence that the findings represent civil legal aid organisations at a senior level. However, this should be considered when drawing conclusions about an organisation's perceptions as senior decision-makers may be further removed from the day-to-day operations and administrative tasks.

¹ Legal Aid Agency (2023), retrieved from: <https://www.gov.uk/government/publications/directory-of-legal-aid-providers>

² Quality checks included manually assessing qualitative responses, 'speedster' checks (i.e. clicking through the survey at a very fast rate) and 'straight-liner' checks (i.e. continuously clicking an answer in the same position)

The state of the current civil legal aid sector

- The majority (80%) of participants stated demand for their civil legal aid services was above a standard level, and 50% indicated that demand was very high. Some providers reported that they turned away eligible civil legal aid cases – amongst providers who reported an excess level of demand, an average of 26 eligible cases were indicated to be turned away in the month preceding this survey. The data does not reveal whether these users were able to access legal aid services at another provider. Although the survey specified 'eligible cases', it is possible that providers would not know definitively if all the cases turned away were eligible for civil legal aid, due to a lack of accurately tracking these figures or not having fully assessed user eligibility. These numbers should therefore be viewed as perceptual and indicative.
- 59% of participating providers expressed dissatisfaction with the civil legal aid sector overall, versus 31% who reported satisfaction. Areas that elicited the highest levels of dissatisfaction were: the fee system (82%), the ability to build a quality workforce (61%) and the way the LAA makes decisions (59%).
- Participating organisations said that they continue to offer civil legal aid services primarily because they believe it is the right thing to do (79%), followed by it being habitual for the organisation (69%). Financial reasons are a prominent but secondary incentive. For instance, 37% said they offer civil legal aid because it is a reliable source of income.
- Non-profits reported facing higher levels of demand, turning away more cases, and showed higher levels of dissatisfaction with the market overall. Unsurprisingly, they were also less likely to carry out civil legal aid work for financial reasons, and focused predominantly on moral reasoning.

Challenges facing the civil legal aid sector

- Participating organisations reported that they experienced multiple different pain points on a frequent (weekly) basis, covering a range of factors, such as fees, billing, workforce, LAA infrastructure and decision-making, and admin related to managing the service user.
- Prioritisation of pain points showed that low fees, spending excess time on matters which providers are unable to bill for, rigidity of the fee system, admin related to getting paid, difficulty attracting junior lawyers and time needed to manage the service user were all higher priority issues for providers.
- Qualitative comments provided by participants helped to contextualise some of these areas. For instance, frustration regarding the time needed to manage the service user seemed to stem from the significant amount of emotional support needed to help the client, and this was compounded by the fact that many service users do not understand the legal aid system and its scope. This significant time investment was perceived to not be accounted for under the fixed fee system.

- Participants also reported high levels of frustration with attracting junior lawyers into the profession, 60% reported that this issue was likely to prevent their continued service provision. This was reported to be exacerbated by concerns around established lawyers reaching retirement age and being unable to pass on their knowledge to the next generation of civil legal aid lawyers.

Future of the civil legal aid sector

- The survey's respondents all reported holding at least one civil legal aid contract, but some reported that they had given up contracts in the past. Lack of financial viability was the top reason given by both private practices (65%) and non-profits (37%) who had stopped holding a civil legal aid contract, with secondary reasons focused on workforce recruitment (private practice=28%, non-profit=20%) and difficulties replacing key staff members (private practice=24%, non-profit=30%).
- The majority of private practices reported not making a profit from their civil legal aid services (55%). Of this group, 33% said that the service they provide is loss-making, and 22% said they break-even. There was variation depending on category of law, with a significantly higher proportion of Family contracts reported to be profitable (54%), compared with non-Family contracts (31%).
- Non-profits reported being heavily reliant on trusts or charitable donations as a source of revenue (41%), with only 30% of their revenue coming from the direct provision of civil legal aid services.
- Responses indicated that the number of providers offering civil legal aid services may decline if the civil legal aid market continues to operate in its current state. In the short term (next year), 42% of providers said they will leave the civil legal aid sector or decrease the volume of their legal aid provision. Looking to the long term (next five years), 40% said they will actively leave the sector.
- The picture was starker for smaller organisations, providers operating outside of London and non-Family contract holders, who indicated they are more likely to leave the sector in the long term.

A deep-dive analysis of the Welsh civil legal aid sector

- At the request of the MoJ, a deep-dive analysis of the Welsh civil legal aid sector was carried out. Sample size limitations means it is not possible to draw robust, statistically significant conclusions about the Welsh sector but the findings reported draw out high level themes, which should be treated as indicative only. This is discussed in more detail at Section 7.
- Overall, the Welsh civil legal sector generally followed the trends and findings reported for the total sample, but there are some key differences to note.
- Welsh providers were slightly more likely to be dissatisfied with the civil legal aid system as a whole, but this was predominantly driven by similar issues to the total sample: dissatisfaction with fees, LAA decision making and infrastructure, and workforce recruitment.

- In terms of challenges faced, Welsh providers put greater emphasis on the fragility of LAA systems and frustration from delays in getting paid.
- Similar to the total sample, many Welsh providers reported that their civil legal aid services are unprofitable, and there is evidence to suggest that civil legal aid services are being subsidised by an organisation's private work more regularly in Wales compared to England.

2 Introduction and methodology

2.1 Background to RoCLA and the economic analysis workstream

On 5th January 2023, the MoJ launched RoCLA. The purpose of RoCLA (the Review) is to identify options that will improve the sustainability of the civil legal aid system, ensuring it can deliver access to justice over the long term. In addressing the issue of sustainability, the Review is also considering the efficiency and effectiveness of the system³.

The Review is examining the civil legal aid system in its entirety, including; how services are procured; how providers of legal aid are experiencing the system; and how civil legal aid impacts the wider justice system. There is a particular focus on the long-term sustainability of the market for civil legal aid services.

In developing proposals, the Review will draw conclusions from an evaluation of a comprehensive array of sources through four analytical workstreams:

1. economic analysis of the structure of the civil legal aid market;
2. comparative analysis of systems in other countries;
3. a series of data publications; and
4. social research into user journeys.

As part of the Review, the MoJ has commissioned PA Consulting to conduct an economic analysis of the civil legal aid market, which will conclude in Spring 2024. This study will assess how the civil legal aid market is currently working and identify the problem areas within the market. The study will explore factors driving demand and supply within the civil legal aid market, and the health, future outlook and sustainability of the market. Data gathered through the provider survey will be used throughout the economic analysis to ensure the experiences of civil legal aid practitioners is accurately reflected.

2.2 Survey background and aims

The views and experiences of civil legal aid providers are critical to the economic analysis workstream. To fully capture these views and experiences, an online survey of the population of civil legal aid providers was conducted. It was designed to uncover the experiences and challenges faced by organisations, through a combination of quantitative and qualitative assessment. The resulting insights will ensure first-hand provider experiences and views are at the core of informing the conclusions drawn from the economic analysis.

The survey had four main aims:

³ Ministry of Justice (January, 2023), Retrieved from: <https://www.gov.uk/guidance/civil-legal-aid-review>

- to provide a clear understanding of the key pain points and issues experienced by provider organisations operating in the civil legal aid sector, and how these could impact future service provision;
- to explore the reasons why providers choose to offer civil legal aid services and the implications of current contractual and market mechanisms;
- to understand providers' perceptions of demand for different areas of service provision and their ability to meet that demand; and
- to begin to gauge the long-term sustainability of civil legal aid provision.

This report outlines the quantitative and qualitative findings from the 228 valid provider organisations that completed the survey, reflecting an 18% response rate from the total civil legal aid provider population in England and Wales. This level of response from a finite population is widely deemed to be statistically robust by governmental and industry guidelines⁴ and provides a foundation from which to draw insights about provider experiences.

As described above, these findings are one input into the wider, ongoing economic analysis workstream.

2.3 Methodology

The survey design was broken into three stages which are set out below. At all points, the research was carried out in accordance with market research industry quality standards⁵ and government best practice guidelines⁶.

Stage 1: Survey design and refinement

The survey was designed to address the survey objectives (outlined in section 2.2) through predominantly closed, scaled questions used to elicit information about provider profile and their experiences within the civil legal aid sectors. For instance, closed, scaled questioning was used throughout the survey to understand the provider profile as well as to supply quantitative evidence of provider experiences within the civil legal aid sector. Assessment of provider pain points was approached in multiple ways by exploring pain point frequency, severity and likelihood to impact continued service provision. Free-text response boxes were used throughout the survey, allowing providers to elaborate on the underlying reasons behind the issues they may have experienced, and inviting market-led solutions. The full survey can be found in Appendix A.

The survey was subject to multiple rounds of review and refinement in collaboration with the MoJ, The Law Society, LAPG and the LAA. In advance of fieldwork, pilot testing was conducted with five provider

⁴ HM Treasury. (2020), Magenta Book: Central government guidance on evaluation. Retrieved from: https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT_Magenta_Book.pdf

⁵ PA Consulting is a member of the Market Research Society (MRS), fully compliant with MRS Code of Conduct and our quality management approach exceeds ISO standards (ISO9001:2015)

⁶ HM Treasury. (2020). Magenta Book: Central government guidance on evaluation. Retrieved from: https://assets.publishing.service.gov.uk/media/5e96cab9d3bf7f412b2264b1/HMT_Magenta_Book.pdf; OECD. (2019). Legal needs surveys and access to justice. Retrieved from: <https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-g2g9a36c-en.htm>

organisations. Providers were asked to provide written feedback outlining their overall thoughts on the survey's questions and answer options, the relevance of language, the contents of the survey email invitation, and the amount of time it took to complete. Providers completed the survey independently and subsequently provided detailed feedback by email. The providers who volunteered to take part in the pilot test included both non-profits and private practices and held a range of civil legal aid contracts. As a result of provider feedback from the pilot, question phrasing was refined, additional survey functionality was incorporated, and messaging surrounding the survey was changed to better reflect the respondents' actual experience.

Stage 2: Sample and recruitment

A list of 1,246 in-market civil legal aid provider emails was provided by the LAA.⁷ This reflects the total number of provider organisations listed as holding at least one civil legal aid contract in England and Wales as of 24th September 2023.

All providers were invited to complete the survey through direct email contact. All email addresses were assumed to be correct and working⁸. The entire list of 1,246 providers was contacted (rather than stratifying the sample) in order to increase the chance of a larger total sample size, which in turn increased the reliability of the findings from which to draw insight and conclusions. Three sets of reminder emails were sent to providers who had not yet completed the survey over the three-week fieldwork period. Wider marketing strategies were also used to maximise outreach and survey completion. The survey was included in relevant newsletters, bulletins and on social media (through the LAA, The Law Society, LAPG and Resolution).

Survey communications and the email invitation were designed to encourage participation and ensure informed consent. Organisations were informed of the aims of the research, its connection to RoCLA, PA Consulting's position as an independent contractor and the data privacy measures in place to protect provider anonymity and confidentiality. Organisations were encouraged to take the time they needed to complete the survey, but that on average it would take 20-30 minutes. Additionally, communications encouraged the survey to be completed by a senior decision-maker in the organisation who could reflect the views and experiences of their organisation as a whole, helping to ensure validity of results. The full survey invitation can be found in Appendix B.

Stage 3: Fieldwork and quality assurance

All surveys were completed online between 26th September and 18th October 2023. The majority of providers (66%) completed the survey through the link emailed directly to them, and the remaining 34% completed the survey via the wider marketing strategies outlined above. All responses were quality checked and cleaned prior to analysis to ensure that the findings did not suffer from any responses of sub-standard quality.⁹ To ensure there were no duplicate response between providers responding via the

⁷ Legal Aid Agency (2023), retrieved from: <https://www.gov.uk/government/publications/directory-of-legal-aid-providers>

⁸ All emails were sent from the RoCLA mailing address, meaning PA Consulting did not handle any personally identifiable information (PII) in accordance with GDPR guidelines

⁹ Quality checks included manually assessing qualitative responses, 'speedster' checks (i.e. clicking through the survey at a very fast rate) and 'straight-liner' checks (i.e. continuously clicking an answer in the same position)

direct mailing list and those by the wider marketing strategies, at the start of the survey providers were asked to give their organisation name and provider number. If an organisation was found to have responded to the survey more than once after comparing this data, then the survey in response to the direct email invitation was included.¹⁰ This is because response to the direct email invitation can be more accurately attributed to an individual organisation (via the LAA database) while response via the wider marketing strategies relies on the participant accurately recording their provider name/number. Taken together, these quality assurance checks resulted in 15 responses being removed from the total survey sample.

From the LAA's total database of 1,246 civil legal aid providers, 228 organisations passed through the survey as clean, qualified survey completions. This reflects an 18% response rate from the total population of civil legal aid providers, and means total results are reliable within $\pm 6\%$ at a 95% level of confidence. Confidence intervals are wider for sub-groups with lower sample sizes (where sub-group population data is available, confidence intervals can be found in Appendix D and are discussed at Section 3.3). Although wider marketing strategies allowed for providers to respond non-directly (rather than via an emailed link), the data cleaning and quality measures employed encourage confidence that no organisation outside of the 1,246 total would have participated.

Survey data was analysed using descriptive statistics and cross tabulations.¹¹ Sub-groups were subject to statistical significance testing at 95% confidence. Sub-group differences and significance tests are only reported when the sub-group has a sample size of at least 30 and a reasonable confidence interval to ensure statistically reliable comparisons (see Appendix D and discussion at Section 3.3). Open ended free text responses were analysed thematically with themes cross-referenced and sense-checked between at least two individuals. The full dataset can be found in Appendix C.

¹⁰ Providers were reassured that their provider name/number was used for quality assurance processes only, and this data has been removed from all datasets shared with MoJ and other parties.

The survey link emailed directly to providers could only be completed once.

¹¹ Cross tabulation is a two or more dimensional tables that allows for comparison of response across variables, e.g. comparing the response of men versus women.

3 Profile of participating providers

This section outlines the profile of participating organisations, in terms of the geographic location of their office(s), the civil legal aid categories they operate in, organisation size and type. After taking this profile into account, the chapter then discusses the extent to which the sample is representative of the market, the impact of non-responses and to what extent conclusions can be drawn.

3.1 Organisation profile

Information about the provider organisation was collected within the survey to assess inclusion and representation across geographies in England and Wales, categories of civil legal aid, organisation size and type (e.g., private practice, non-for-profit).

Number of participants by region: The sample contained coverage of all listed regions within England and Wales. Providers in Wales made up 10% of the total sample and an indicative portrait of participating Welsh providers is included at Section 7. The largest number of survey responses came from providers in London, and the smallest in West Wales. When providers had offices in more than one location listed, they could select all the geographic regions that applied.

Statistical comparison can be made between the proportion of participating providers that have offices in each region, with the proportion of all 1,246 civil legal aid providers operating in each region, reflecting the market representation. This comparison indicates the degree to which the survey sample is representative of provider regionality. The survey's sample of 228 providers statistically reflects the regional profile seen at a market level (where data is available), as shown in Table 3.1. The exception is the Midlands, specifically the East of England, where the survey's sample has a significantly lower proportion of provider's operating in this area vs the market. This is discussed further at Section 3.3.

Table 3.1: Number of survey responses by areas of England and Wales where participating providers have offices (multi response)

	Number of participating providers operating in each region	Proportion of responses	Market representation*
NET: England	205	90%	93%
NET: North	68	30%	27%
North East	18	8%	6%
North West	31	14%	13%
Yorkshire and The Humber	31	14%	10%
NET: Midlands	37	16%	25%
East of England	8	4%	8%

East Midlands	12	5%	7%
West Midlands	20	9%	11%
NET: South	115	50%	48%
London	72	32%	32%
South East	34	15%	11%
South West	26	11%	8%
Other Area of England	4	2%	N/A
NET: Wales	23	10%	8%
North Wales	7	3%	N/A
Mid Wales	3	1%	N/A
South Wales	15	7%	N/A
West Wales	1	<1%	N/A

Source: Provider Survey, Q2: Where in England or Wales is your organisation based? Providers were asked to select all locations in which they hold an office, and hence the total adds to >100%. Base: Total sample (n=228).

NET = refers to the proportion that have selected at least one response that falls within a specified grouping.

*Market representation are figures from the LAA Database.

Number of participants by organisation type: As Table 3.2 illustrates, most participating organisations are private practices (83%), notably those that offer both private and legal aid services (74%). The number of participating non-profit organisations is a smaller proportion (17%).

The representativeness of the survey sample can be determined by comparing the proportion of private practices and non-profits in the survey sample to the proportions within the 1,246 organisations in the wider civil legal aid market. There is significantly higher representation of non-profits within the survey sample vs the market, while private practices are significantly under-represented. Survey representation is discussed further at Section 3.3.

The participating private practices and non-profits were evenly distributed across geographies, except in London – participating non-profits were significantly more likely to be in London (49%) compared to private practices (28%) - and this should be considered when exploring response for these groups. When splitting out the private practices and non-profits by organisation size, there were no notable differences.

Table 3.2: Number of survey responses, by organisation type

	No. of survey responses	Proportion of responses	Market representation*
NET: Private Practice	189	83%	93%
Private practice providing only legal aid	20	9%	N/A
Private practice providing private and legal aid	169	74%	N/A
Non-profit specialist advice provider	39	17%	7%

Source: Provider Survey, Q3: *Is your organisation...?* Base: Total sample (n=228). *Market representation are figures from the LAA Database <https://www.gov.uk/government/publications/directory-of-legal-aid-providers> Accessed: 18th September 2023.

Number of participants by organisation size: The sample contains a reasonably even distribution of organisation size. It should be noted that providers who also offered criminal legal aid services (as well as civil) tended to be larger providers who reported working across an average of three legal aid categories. Market figures are not available to assess the survey sample's level of representation on organisation size.

Table 3.3: Number of survey responses, by organisation size

	No. of survey responses	Proportion of responses
NET: Smaller (1-30 employees)	143	63%
Small (1-10 employees)	72	32%
Medium (11-30 employees)	71	31%
NET: Larger (30+ employees)	85	37%
Large (31-250 employees)	75	33%
Very Large (251+)	10	4%

Source: Provider Survey, Q4: *Roughly, how many people work for/ are employed by your organisation?* Base: Total sample (n=228).

Number of participants by civil legal aid category: All civil legal aid categories are included in the survey's sample. On average, participating providers reported working across two legal aid categories. Comparison can be made between the proportion of participating providers who hold each contract, with the proportion of all providers that hold each contract as captured by the LAA's database, reflecting the market representation (Table 3.4). Family is the largest area of law within the civil legal aid market followed by Housing and Debt and this is reflected in the survey sample. However, regardless of Family accounting for the most common legal aid contract held by the participants, Family services were nonetheless significantly under-represented in the survey sample compared to the market representation. Conversely, Housing and Debt, Public Law, Community Care, Clinical Negligence, Discrimination and Welfare Benefits are all significantly over-represented in the survey sample versus the market (discussed further at Section 3.3).

Table 3.4: Number of survey responses, by civil legal aid categories

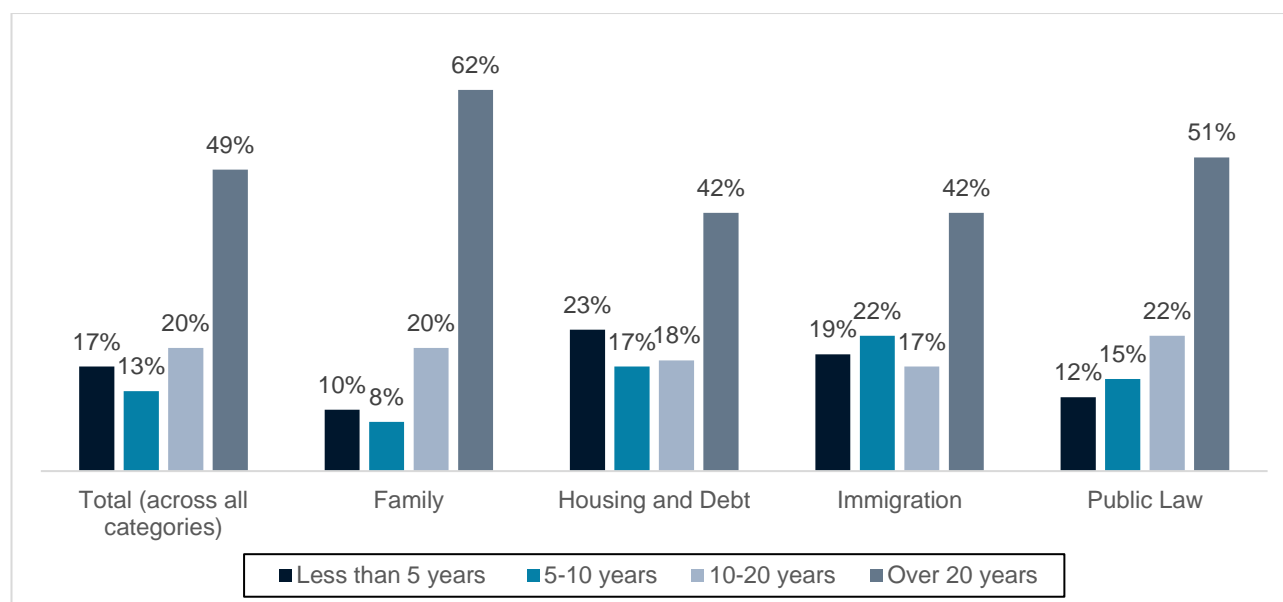
	No. of survey responses	Proportion of responses	Market representation*
Family	141	62%	73%
Housing and Debt	65	29%	20%
Public Law	41	18%	5%
Immigration and Asylum	36	16%	12%

Mental Health	24	11%	8%
Community Care	21	9%	5%
Clinical Negligence	19	8%	3%
Claims against public authorities	18	8%	5%
Discrimination	11	5%	1%
Welfare Benefits	11	5%	1%
Education	3	1%	1%

Source: Provider Survey, Q6: Which of the following best describes your relationship with each type of legal aid contract? Providers could select all contracts that they currently hold and hence % sum to >100%. Base: Total sample (n=228). *Market representation are figures from the LAA Database. <https://www.gov.uk/government/publications/directory-of-legal-aid-providers> Accessed: 18th September 2023.

Tenure of providers in the civil legal aid sector: Many participating providers reported a long tenure in the legal aid market – 49% of civil legal aid contracts had been held for over 20 years, and this was significantly higher for Family contracts (62%). The LAA runs periodic procurement exercises to replace its civil contracts, which providers have to be successful in to continue to deliver legal aid. These procurement exercises usually take place every three to five years but the time between them can be longer or shorter. The procurement exercises can cover all categories of law or only some categories, and are occasionally supplemented with smaller, targeted tenders in specific areas. Most contracts that are currently in place were procured in 2018. However, a tender to replace all civil contracts was initiated in autumn 2023, with the new contracts due to start in September 2024.

Figure 3.1: Tenure of civil legal aid providers, by type of contract



Source: Provider Survey, Q7: Approximately how long has your organisation held the following types of legal aid contracts? Base: Total sample (n=390), Family contract holders (n=141), Housing and Debt contract holders (n=65), Immigration contract holders (n=36), Public Law contract holders (n=41)

3.2 Individual respondent profile

Survey communications stated that the individual taking the survey on behalf of their organisation should be a senior decision maker, so the organisation's views and experiences would be accurately reflected. The survey also encouraged the individual to consult others in their organisation to answer questions should they need to.

4 in 5 (80%) of survey respondents were either legal directors, partners, senior partners, business leaders or owners at their organisation, giving confidence that the information provided is representative of the firm at a senior level. However, this is potentially offset by the risk that senior decision-makers may be removed from the administrative processes involved in managing the legal aid contracts – for example, partners may not be the ones submitting claims, raising queries with the LAA or dealing with issues over payments.

A further 9% of survey respondents fulfilled other senior administrative roles (such as practice manager), while 7% were senior legal associates. The remaining 3% were more junior staff, made up of legal associates, paralegals, and trainee solicitors. These responses were specifically scrutinised to ensure that they could be seen as reliable, and it was qualified that they were filling in the survey on behalf of someone more senior and had sought support within the organisation to ensure their responses accurately reflected the organisation's views. It was deemed acceptable to therefore include these responses within the sample.

89% of respondents had been involved with civil legal aid for over a decade, which is perhaps unsurprising given the seniority of most individuals responding.

Table 3.5: Role of individuals responding to the survey on behalf of their organisation

	No. of survey responses	Proportion of responses
NET: Legal director or above	182	80%
Business leader or owner	79	35%
Senior partner	33	14%
Partner	45	20%
Legal director	25	11%
NET: Other senior role	38	16%
Senior legal associate	17	7%
Senior administrative staff	21	9%
NET: Junior staff	7	3%
Legal associate	2	1%
Trainee solicitor	3	1%

Paralegal	2	1%
No response	1	<1%

Source: Provider Survey, Q10: Thinking about the company you work for, which of the below best reflects your current position/rank? Base: Total sample (n=228)

3.3 Interpretation of data and non-response

The findings presented in this report are based on the 228 organisations that completed the survey with valid responses, representing 18% of the civil legal aid provider population. This total level of response means results are reliable within $\pm 6\%$ at a 95% level of confidence, yet confidence intervals are wider when analysing specific sub-groups (see Appendix D, and discussion below).

Non-response: The total sample is not inclusive of all provider experiences, due to them not participating in the survey. It is possible that providers who did not participate in the survey have different views and experiences regarding the civil legal aid sector and may be systematically different to those who did complete the survey. This remains an unknown, meaning conclusions cannot be drawn about the sector as a whole, but only about the providers who participated in the survey.

Level of representation within the survey sample: As shown at Section 3.1, the survey sample contained coverage of providers from all listed geographic regions in England and Wales, a variety of organisation sizes, types of providers and all categories of civil legal aid. This means conclusions drawn from the total sample are inclusive of all types of providers within the sector.

It is possible to assess the representativeness of the survey sample against the market on three variables where market level data is available: regions in England and Wales where providers operate, organisation type (non-profit, private practice) and the civil legal aid categories offered by providers. The market view for each of these variables is derived from the total population of civil legal aid providers in England and Wales retrieved from the LAA's database (i.e. the 1,246 providers directly emailed the survey¹²).

The survey sample is representative of the regions providers operate in (where data is available), except for the Midlands and more specifically the East of England, where there is significant under-representation within the survey sample versus the market. Furthermore, there is significant under-representation of Family legal aid providers and private practice firms in the survey sample versus the market. Conversely, there is significant over-representation of non-profit organisations and smaller categories of law, specifically Housing and Debt, Public Law, Community Care, Clinical Negligence, Discrimination and Welfare Benefits¹³, in the survey sample compared to the total market view.

The described statistical differences between the survey sample and the total market view are in part due to which providers chose to take part in the survey but are also because of a conscious effort to

¹² This total number of civil legal aid providers was valid as of 24th September 2023, but since the study the total number of providers may have changed in the market (i.e. providers leaving or entering the market)

¹³ It is not possible to undertake sub-group analysis on these smaller areas of civil legal aid for reasons outlined below.

publicise the survey to ensure less common groups within the civil legal aid market, such as the smaller categories of law and non-profit organisations, were included in the total sample. Given that the survey sample gives greater emphasis to smaller and potentially harder-to-reach areas of civil legal aid, the decision was made to not apply a weighting to the survey sample. This should be considered when drawing conclusions.

Analysis of sub-groups: Sub-groups of interest were subject to statistical significance testing (at a 95% confidence level) to determine any significant differences between sub-groups and/or the total sample. Throughout the report, where a finding is labelled as 'significant', this reflects a statistically significant difference at 95% confidence between the two highlighted groups. Sub-groups of interest include provider geography, civil legal aid contracts, organisation size (number of employees) and type of organisation (non-profit, private practice).

Sub-group analysis was constrained by smaller sample sizes and wider confidence intervals. Confidence intervals are outlined for each sub-group with data available in Appendix D. Taking sub-group sample size and confidence intervals into account, it is not advisable to make statistical comparisons and draw quantitative conclusions about groups of fewer than 30 responses as data reliability is reduced. This limits the granularity of conclusions that can be drawn. However, the findings can paint an indicative interpretation of these areas with lower sample sizes, and quotes have been used throughout to illustrate specific points of view.

Type of data collected: Finally, it should be noted that all data from the survey is self-reported, perceptual (rather than information from database records) and is subject to human biases and interpretation. Insights also reflect a snapshot in time, and so the findings cannot draw conclusions about how provider experiences and perceptions may have changed over time.

4 The state of the current civil legal aid sector

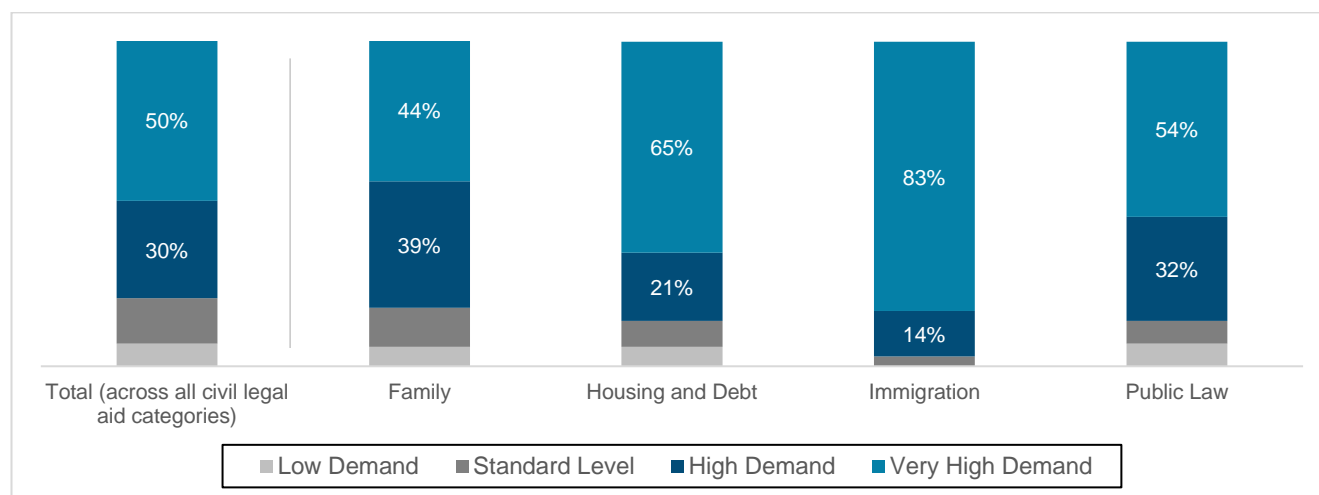
This section examines the state of the current civil legal aid sector, from the viewpoint of participating provider organisations, across multiple variables. The chapter assesses the perceived level of demand for civil legal aid services, the degree of provider satisfaction with the sector, and the perceived benefits of offering civil legal aid services. Where relevant, statistically significant differences between sub-groups have been highlighted (conducted at a 95% level of confidence).

Demand for civil legal aid services

Participants rated demand for each civil legal aid service they offer on a 7-point scale (with 1 being low and 7 being very high demand). Across all civil legal aid services, 80% of participants stated demand was above a standard level, and 50% indicated that demand was very high. The phrasing ‘standard’ level of demand can be defined as a level of demand that can be catered for comfortably or is reasonable, but this was left open to provider interpretation which may also need to be considered when interpreting the findings as what one firm can handle comfortably may be different from another firm, depending on resources. It isn’t necessarily reflective of market demand.

For specific civil legal aid contracts, very high demand was significantly more likely to be reported for Housing & Debt (65%) and Immigration services (83%) against the average across civil legal aid categories. Reported levels of demand for Family and Public Law services were notable but non-significant (versus the average).

Figure 4.1: Demand for civil legal aid, by area of civil legal aid service

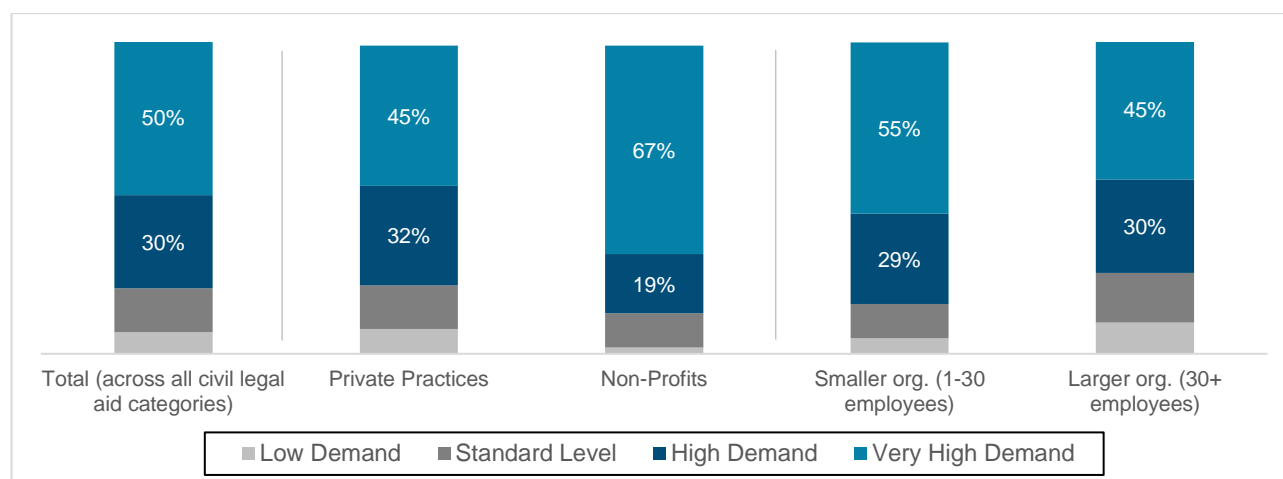


Source: Provider Survey, Q24: For each legal aid area your organisation operates in, how much demand is your organisation currently experiencing for that service? Providers asked to choose a point on a 7 point scale, with 1 being ‘very high’, 4 being ‘standard’ and 7 being ‘very low’. Base: Total, across all categories (n=390), Family (n=141), Housing and Debt (n=65), Immigration (n=36), Public Law (n=41).

Non-for-profit participants were significantly more likely to have reported very high demand (67%) for their civil legal aid services compared to private practices (45%). Smaller organisations (with 30 or fewer

employees) were also significantly more likely to have reported very high demand (55%) compared to larger organisations (45%).

Figure 4.2: Demand for civil legal aid, by area of organisation type and size



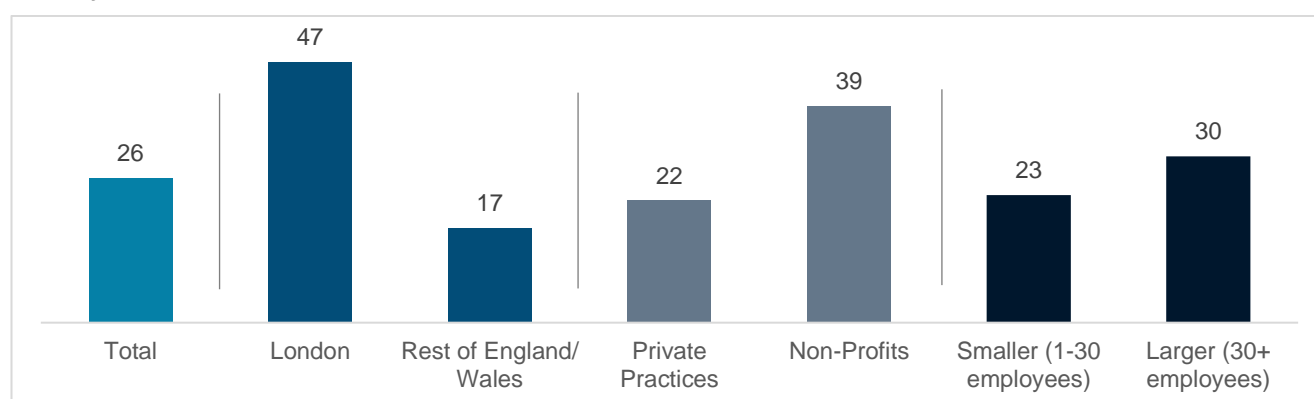
Source: Provider Survey, Q24: For each legal aid area your organisation operates in, how much demand is your organisation currently experiencing for that service? Providers asked to choose a point on a 7 point scale, with 1 being 'very high', 4 being 'standard' and 7 being 'very low'. Base (across civil legal aid categories): Total (n=390), Private Practices (n=307), Non-Profits (n=83), Smaller providers (n=206), Larger providers (n=184)

Number of eligible cases turned away in the month preceding the survey

Participants who reported experiencing a high or very high level of demand were then asked how many eligible civil legal aid cases (if any at all) they had turned away in the last month. Participants reported turning down an average of 26 eligible cases in the month preceding this survey. Although the survey specified 'eligible cases', it is possible that providers would not know definitively if all the cases turned away were eligible for civil legal aid, due to a lack of accurately tracking these figures or not having fully assessed user eligibility. These numbers should therefore be viewed as perceptual and indicative.

London-based participants reported turning away an average of 47 cases, while non-profits turned down an average of 39 cases in the month preceding this survey (compared to 22 for private practices). Larger and smaller providers reported turning down a similar number of cases, but it is possible that different reasons could drive this decision. The quotes below speak to why some providers felt unable to fulfil current demand.

Figure 4.3: Average number of eligible civil legal cases turned away in the month preceding the survey



Source: Provider Survey, Q24b: You mentioned that your organisation was experiencing a high level of demand for at least one type of civil legal aid service. In total, approximately, how many eligible cases have you had to turn away in the last month (if any at all)? Base: Firms experiencing a high level of demand (n=199)

“We are inundated with requests for assistance and our second-tier advice service is overwhelmed with requests for assistance for those who can't access advice” Non-profit organisation, London

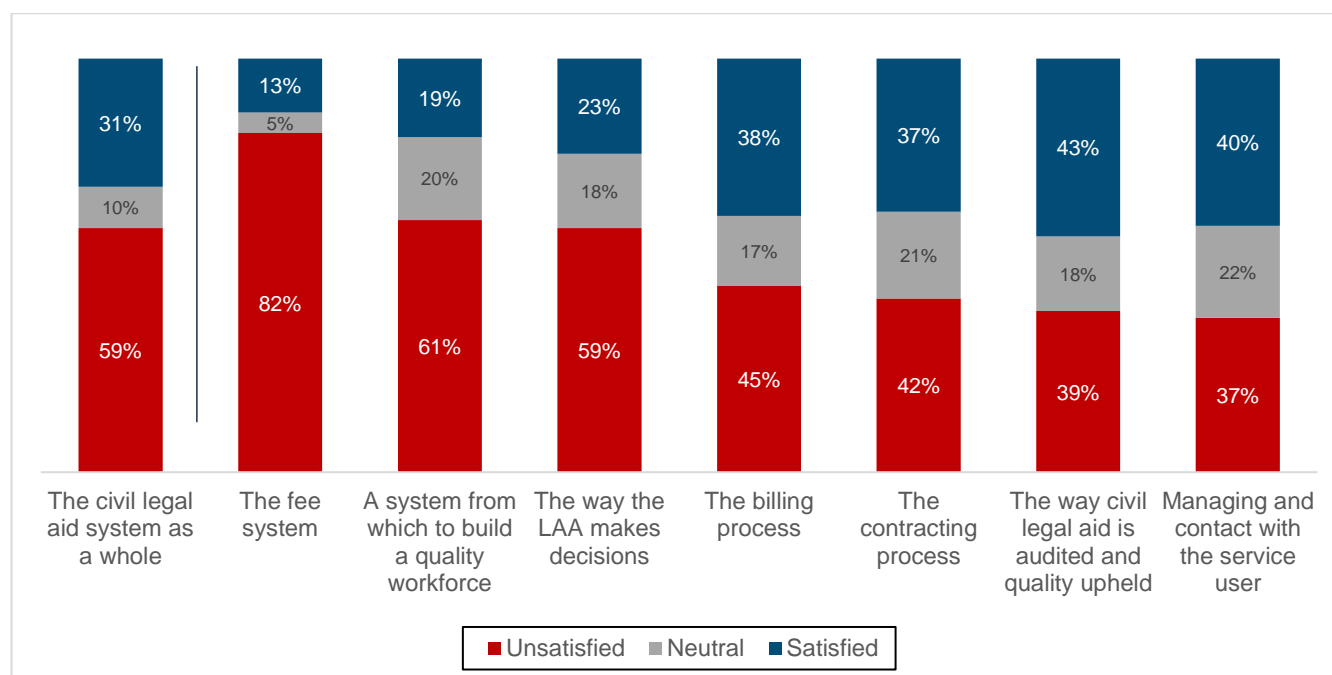
“The need for our services far outstrips the number of workers we have in place. We need more caseworkers, but legal help rates make this difficult. The only option is to cherry pick cases.” Non-profit organisation, South of England¹⁴

Level of satisfaction with the civil legal aid sector

6 in 10 (59%) of participating providers expressed dissatisfaction with the civil legal aid sector overall, compared to 3 in 10 (31%) who reported satisfaction and 1 in 10 (10%) who reported neutral views towards the sector. The civil legal aid fee system elicited the highest levels of dissatisfaction (82%), followed by the ability to build a quality workforce (61%), and the way the LAA makes decisions (59%).

Non-profits showed (non-significantly) higher dissatisfaction with the civil legal aid system, with 72% reported that they are dissatisfied with the civil legal aid sector overall, compared to 57% for private practices. Key areas where non-profits were significantly more likely to be dissatisfied were the contracting process (64%, compared to 38% of private practices), the billing process (64%, compared to 41% private practices) and the ability to build a quality workforce (77%, compared to 58% of private practices). Those who do not hold a Family contract were also significantly more likely to have reported dissatisfaction (70%) compared to Family contract holders (52%).

¹⁴ Please note that providers are not contractually permitted to decline eligible cases because they think the fee would not represent adequate payment, as per the Standard Civil Contract:
https://assets.publishing.service.gov.uk/media/65421036d36c910012935b55/2018_Standard_Civil_Contract_General_Specification.pdf

Figure 4.4: Degree of satisfaction with the civil legal aid system

Source: Provider Survey, Q14: Thinking about the way the civil legal aid system operates, how satisfied or unsatisfied is your organisation with how well each of the following areas works. Respondents asked to choose from a scale of 1-7, with 1 being completely satisfied, 4 being neutral and 7 being completely unsatisfied? Base: Total Sample (n=228)

Reasons for offering civil legal aid services

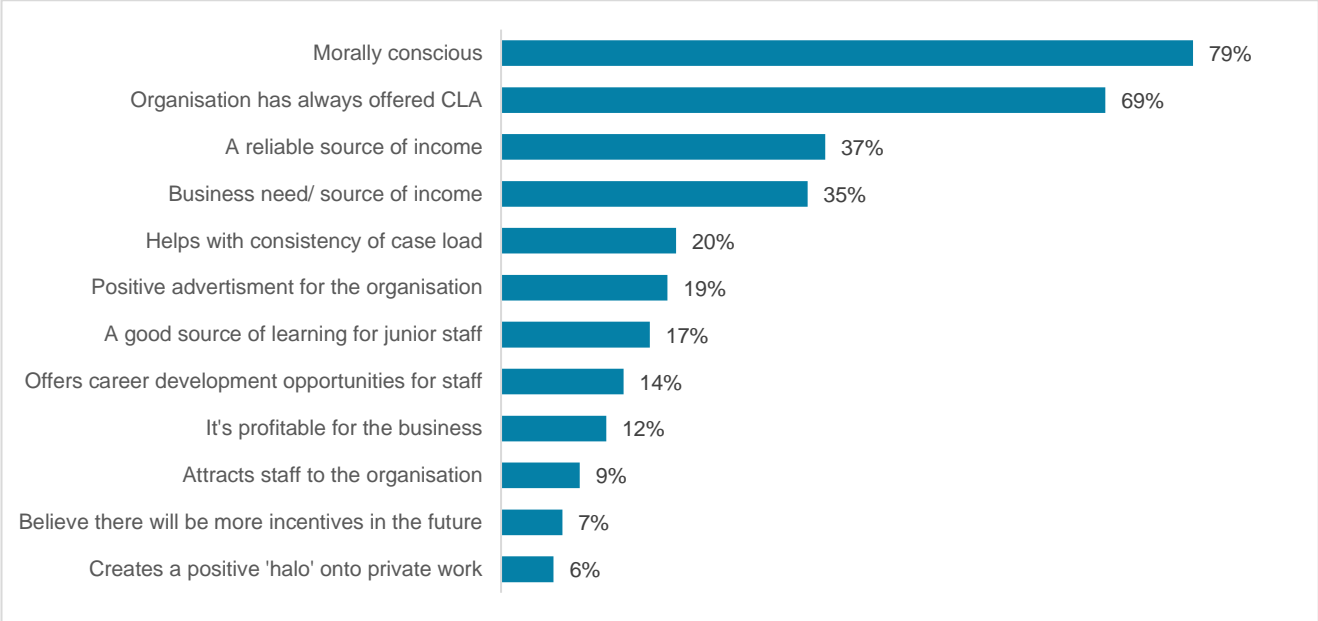
The majority of providers continue to offer civil legal aid services because they are morally conscious (79%) and it is habitual for the organisation (69%). These were the top two reasons given by participants across geographies, size of organisation, type of organisation and categories of civil legal aid. Reasons related to financial returns were the next most frequently selected reasons for offering civil legal aid, with 37% of participants choosing to offer civil legal aid as it is a 'reliable source of income' and 35% as it is a 'business need/ source of income'.

Non-profits were significantly less likely to offer civil legal aid services for financial reasons (compared to private practices), with fewer than 1 in 5 (18%) giving 'reliable source of income' as a key motivation, compared to 41% for private practices. Non-profits were more likely to give moral reasoning, with 85% saying they offer civil legal aid as it was the right thing to do. The quotes outlined below support this reasoning, with themes related to giving back to the community and society.

Participants providing Family civil legal aid were significantly more likely to report that they provide civil legal aid as it is a reliable source of income (48%), compared to non-Family contract holders (21%).

Providers that also hold a criminal legal aid contract (91%) were significantly more likely to report that they provide civil legal aid as the 'organisation had always offered' these services (vs. the total sample).

Figure 4.5: Reasons for offering civil legal aid services



Source: Provider Survey, Q12: What are the most important reasons as to why your organisation offers civil legal aid services?
Base: Total sample (n=228)

“We run our legal aid service at a loss which is difficult for a charity, but we feel it is important to keep the service running as otherwise many people would have no access to enforce their rights.” Non-profit organisation, North of England

“Our client group do not have much access to legal information and assistance is extremely limited and their problems are multi-faceted and complex. It is important for us to be able to provide them with legal representation they would otherwise not get.” Non-profit organisation, North of England

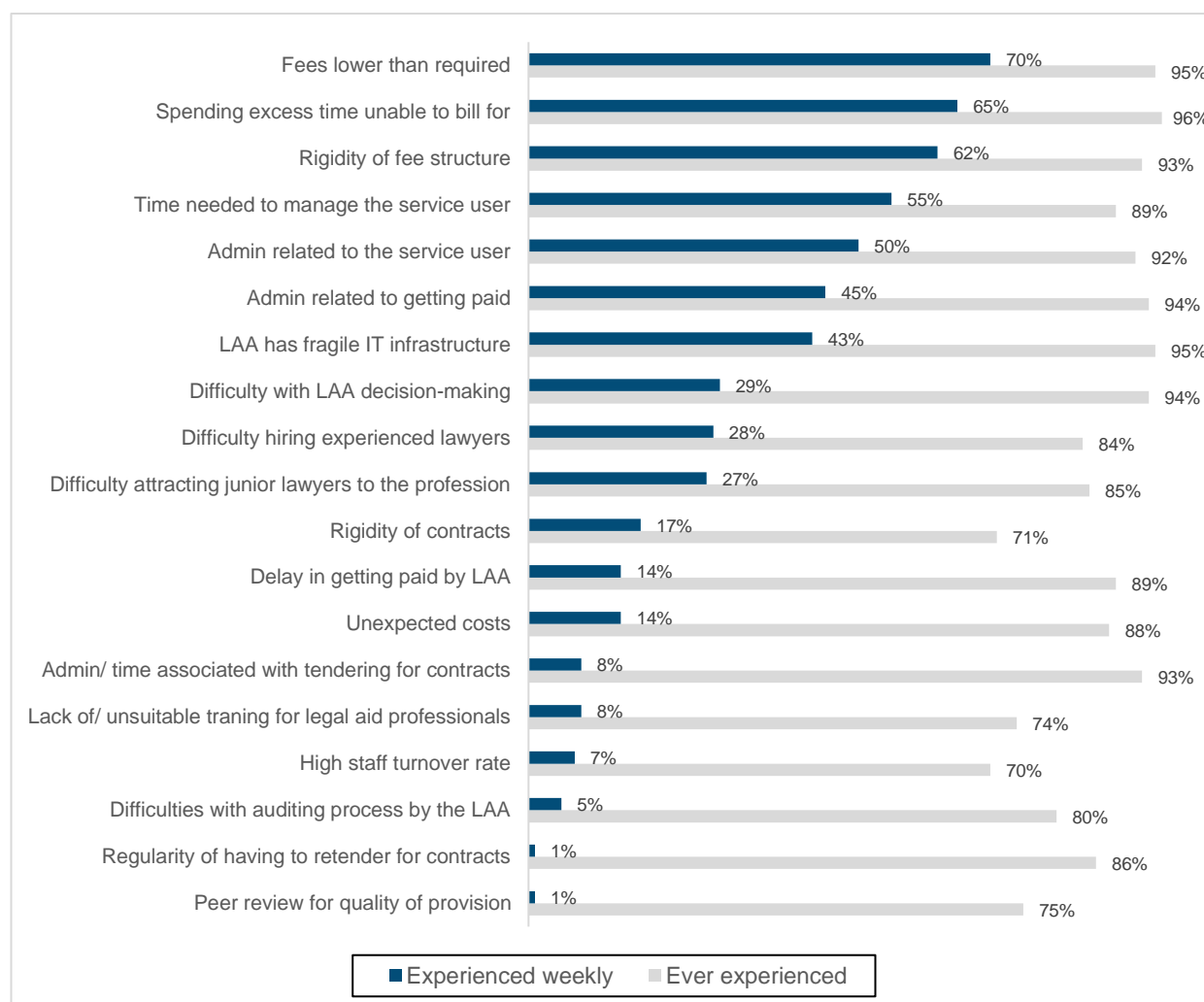
“We wish to help the community to challenge the effects of poverty and inequality upon them and to help people use the law to build more sustainable lives.” Non-profit organisation, London

5 Challenges facing the civil legal aid sector

The survey quantitatively tested 19 pain points facing civil legal aid providers. This list of pain points was developed with input from the MoJ and the LAA, as well as stakeholder groups (LAPG, The Law Society), and covered frustrations with fees, the billing system, issues with workforce recruitment and retention, contracting, managing the service user, as well as quality and contract management. Pain points were assessed across three metrics, specifically: frequency, severity of the frustration, and likelihood to impact the providers continued service provision. The survey also included open ended questions to allow providers to share top-of-mind challenges (before being presented with the pre-determined list of 19 pain points) and elaborate on their response to the closed questioning. This section outlines the quantitative and qualitative findings from the pain point analysis. Statistically significant differences between sub-groups have been highlighted accordingly.

Frequency of pain points experienced

Participating providers were highly likely to have experienced pain points in all categories at some point in their tenure, but not all providers experienced each pain point weekly. Frustrations surrounding fees were the most likely to be experienced on a more frequent, weekly basis, specifically the level of fees (70%) and the fee structure (62%). Conversely, and unsurprisingly, peer review (1%), regularity of contract re-tender (1%) and difficulties with the LAA auditing process (5%) were experienced at least weekly by a very small proportion of participating providers.

Figure 5.1: Proportion of participants who have experienced each pain point, 'ever' or 'at least weekly'

Source: Provider Survey, Q16: On average, how often, if at all, does your organisation experience the following pain points/ frustrations when delivering civil legal aid provision (Experienced at least weekly / have ever experienced)? Base: Total sample (n=228)

Participants reported that spending excess unbillable time was also a frustration highly likely to be experienced weekly (65%), followed by time needed to manage the service user (55%) and admin related to the service user (50%). The qualitative data outlined below suggested that these factors were linked. Participants explained that their work often involves a significant amount of emotional support to help the client (potentially with complex needs) through a stressful legal problem, and a significant amount of time explaining the legal aid system and its scope. This was perceived to be excess time not accounted for under a fixed fee structure. Notably, non-profit participants were significantly more likely to report frustration with time needed to manage the service user, with 79% experiencing it at least weekly, compared to 50% of all private practices.

“Users tend to be vulnerable, possibly chaotic, people who need additional support. We understand more about the extra time needed to enable people to participate in their case and it takes time and effort, all usually for a fixed fee.” Private practice organisation, North East

“Many of our clients require the use of interpreters. Arranging appointments and managing our interpreter contracts from a financial perspective is time consuming and often non-chargeable.” Non-profit organisation, London

You can give them the information of what you are allowed to do in very simple terms at the beginning of the case but then end up having to go over it again throughout and spending unclaimable time doing “pro bono” work for them just so you can get on with what you are paid to do. In addition, where a service user isn't happy with being told they can't have something happen because of restrictions by legal aid, either what they are asking to happen, or funding is refused, they often submit complaints including to the Legal Ombudsman and SRA (Solicitors Regulation Authority) which take additional time and resources from the firm to resolve. Private practice organisation, London

Additionally, qualitative data highlighted the difficulty assessing client eligibility, a process that participants reported to be often time-consuming, complicated and unbillable. This theme is discussed and explored further in the user research workstream of the Review¹⁵.

“When a service user seeks legal advice, the layers of admin required of them can add to the stress of the situation that they are experiencing, and it is difficult to alleviate that stress to assist in securing gateway as this is unpaid” Private practice organisation, North of England

“Assessing financial eligibility for legal help/ legal aid can be very time consuming for clients who are not passported – we have to analyse multiple bank statements for a single client... Our clients’ accurate income/ capital is not easy to identify and often requires us to obtain evidence of third party financial support from friends/ relatives/ professional organisations.” Non-profit organisation, London

“There are occasions when service users do not fit neatly into a box either in terms of their financial circumstances or the nature of their case. Where their financial circumstances are complicated, and we are responsible for the financial assessment, this causes huge concerns and often additional work requesting further information. It would be helpful if there was some kind of helpline or access to a caseworker to ensure that we obtain the information the LAA requires to ease the uncertainty and to ensure any application for funding is granted first time.” Private practice organisation, North of England

While not the most frequently experienced pain points, it is worth noting that ‘administration related to getting paid’¹⁶ (45%), ‘fragility of LAA infrastructure’ (43%) and ‘difficulty with LAA decision making’ (29%) were all pain points more likely to be experienced weekly (compared to the average proportion across all pain points). Larger organisations (employing more than 30 people) were significantly more likely to have experienced frustration with the administration related to getting paid (54%) compared to smaller providers (employing fewer than 30 people) (39%). This is likely because larger providers deal with more cases. Participating providers voiced their frustration with these areas in the qualitative response:

¹⁵ The user research workstream of the Review will be published in Spring 2024.

¹⁶ Admin varies by type of civil legal aid work. For Controlled Work, providers typically submit basic information on the case to get paid. For Licensed Work, the case generally needs to go through detailed assessment before it can be paid.

Dissatisfaction with the LAA portal

“The CCMS system was completed by computer programmers without any thought or consideration to the humans having to use the system¹⁷. A legal aid application takes far too long and requires the same information being input more than once. The whole system needs to be simplified.” Private practice organisation, North of England

“CCMS - the system is not user friendly. The process is slow and again we are restricted on what time we can claim for completing certain processes even where the system itself crashes, requiring duplication of the task or even starting again from scratch.” Private practice organisation, London

Inefficiencies associated with billing

“The billing system is complicated and time consuming. We are having to take on debt whilst waiting for payment.” Private practice organisation, South West

“Why does the MOJ continue to request that court fees are paid on legal aid cases? This is a complete waste of money, time and resources. Effectively we the provider pay the court fee to the MOJ and then claim the fee back from the LAA/MOJ” Private practice organisation, London

Difficulties with LAA communication and decision-making

“Communication can be difficult at times. Not all cases/bills fit neatly into a box and having the ability to discuss it with a knowledgeable member of the LAA staff would greatly assist. The Customer Service teams do their best but they often lack the knowledge or seniority to provide anything other than a regurgitation of the general guidance.” Private practice organisation, North of England

“There is no acceptance of the LAA being a united organisation. Where one team will make a decision e.g. granting ECF funding, another will nil assess the file not accepting the funding was granted correctly and will argue that their team will be found negligent if they don't nil assess it.” Private practice organisation, London

Potential impact of pain points on continued service provision

For each pain point, participating providers rated if it was likely or unlikely to prevent their continued service provision if it remained a frustration. Factors related to fees, the low level of fees (81%) and fee structure (66%), as well as unbillable time (64%) were rated most likely to prevent providers continuing their service provision in the future. These frustrations, and their potential impact, were highlighted by many participants in the qualitative quotes outlined below. The retendering process (19%) and peer review (20%) were rated the least likely to have a negative impact on continued service provision.

“If this [Fees] does not improve I query how long many providers will be able to continue offering this area of law and/or whether there will be fee earners to do the work, because as set out before people do

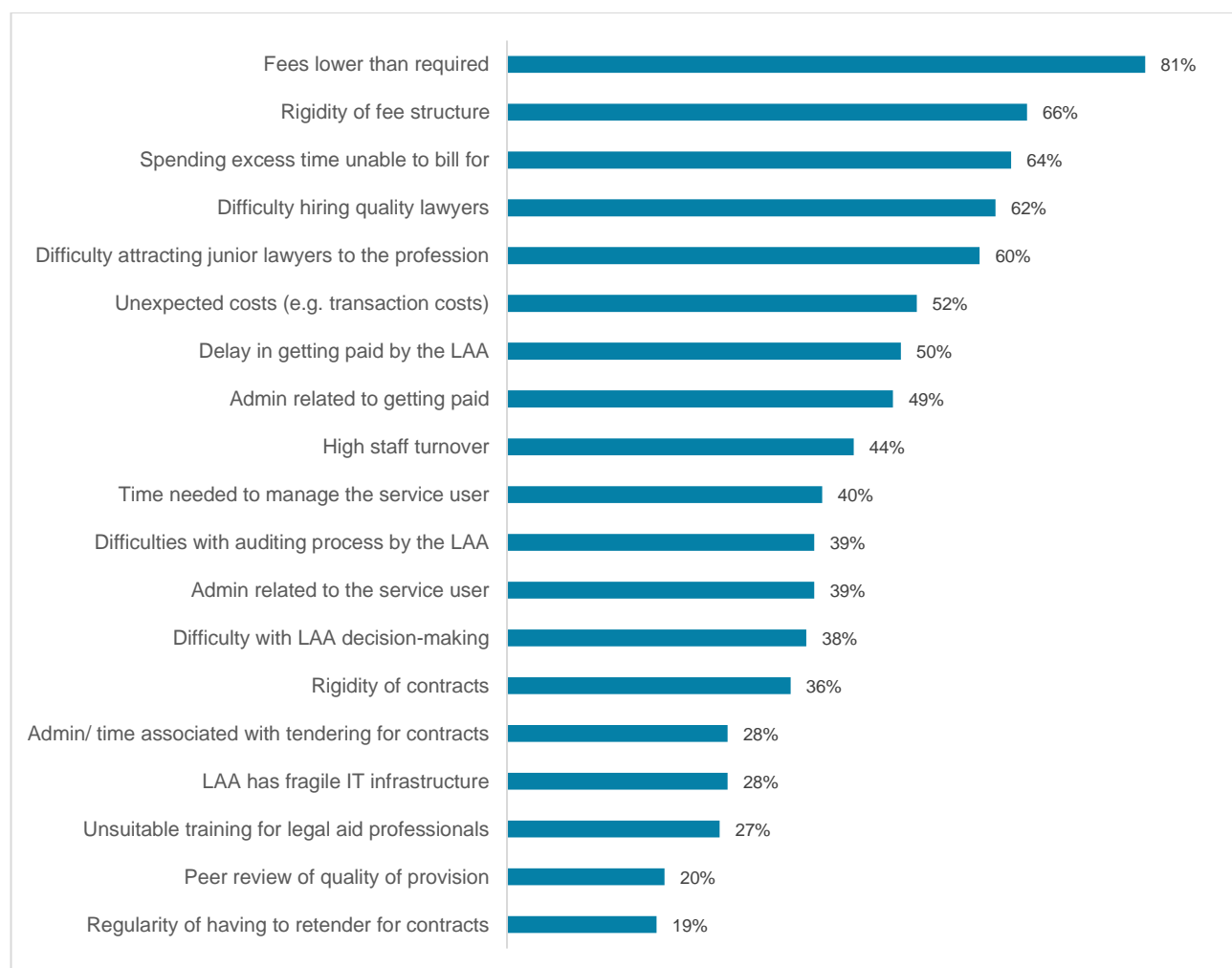
¹⁷ CCMS (Client and Cost Management System) is an online system for civil and family legal aid providers and others assigned to work on their cases.

not want to work harder for less money, people want a work life balance and are more conscious of mental health and this work does not allow for this with the current fees as you have to work so hard to justify a salary which is still not sufficient to get a mortgage locally.” Private practice organisation, Midlands

“Due to frozen incomes and increasing over-heads there is a steady decline in the number of solicitors who provide legal aid work. As solicitor numbers decline, firms who continue to provide legal aid provision have to take on increased workload to be undertaken by fewer staff. The quality of work-life is in decline due to the stress of managing increased workloads with declining profitability. I earn less now than I did 10 years ago, but work much harder.” Private practice organisation, North of England

“We can only reiterate the fees paid are unsustainable for any practice. If the government does not significantly increase fees, firms will be giving up their contracts.” Private practice organisation, South of England

Figure 5.2: Proportion of participants who report a pain point is likely to prevent their continued service provision



Source: Provider Survey, Q18: For each pain point, if it were to continue being a frustration to your organisation, how likely or unlikely is it to prevent your organisation from continuing their civil legal aid services (T3B Likely)? Providers shown a 7-point scale. Base: Total sample (n=228)

Workforce related pain points – specifically attracting junior (60%) and quality lawyers (62%) to the profession – also emerged as likely to have a negative impact on continued service provision. The problem of the civil legal aid system being an unattractive prospect to young lawyers came through strongly in the qualitative responses. Participants reported difficulty with attempting to persuade young people to join, and stay in, the civil legal aid sector. Multiple providers reported frustration with many young lawyers leaving the sector as soon as they are qualified to join a private firm and perceived this to be highly linked with the reported issues surrounding fees. It is also suggested that workforce issues potentially compromise the quality of new entrants into the sector.

“The quality of new entrants into the profession is compromised due to the fundamental problem with recruitment and retention of staff” Private practice organisation, London

“Trainees leave when qualified as they can double pay immediately.” Non-profit organisation, London

“Procuring young lawyers with a great deal of enthusiasm and dedication is not a problem. Retaining them is a whole other story. When they leave, their expertise and knowledge is not replaced because we can’t afford it.” Non-profit organisation, London

“To see the number of lawyers [in the civil legal aid market] shrink over the last decade has been devastating. In 20 years of practice, I have rarely come across a legal aid lawyer who would encourage their children to follow in their career footsteps because the work is poorly paid, and the emotional toll is not for the faint-hearted” Non-profit organisation, London

As touched on above, the responses also showed that providers have concerns about the future of their provision, and the future of the sector, once long-standing employees retire:

“There is an ageing work force, people who have always worked in this area and therefore carried on [despite the reduction in fees] are now retiring but you are not getting new people into the area” Private practice organisation, Midlands

“We will shortly have issues with Member Partners as our current Member Partners will all wish to retire at some point in the medium term (most are in their late 50s) and our profit share is not commensurate with other professionals, so we will have significant difficulties attracting Member Partners. This is the overriding issue – without providers, all the tweaks in the world to eligibility and scope are in vain” Private practice organisation, London

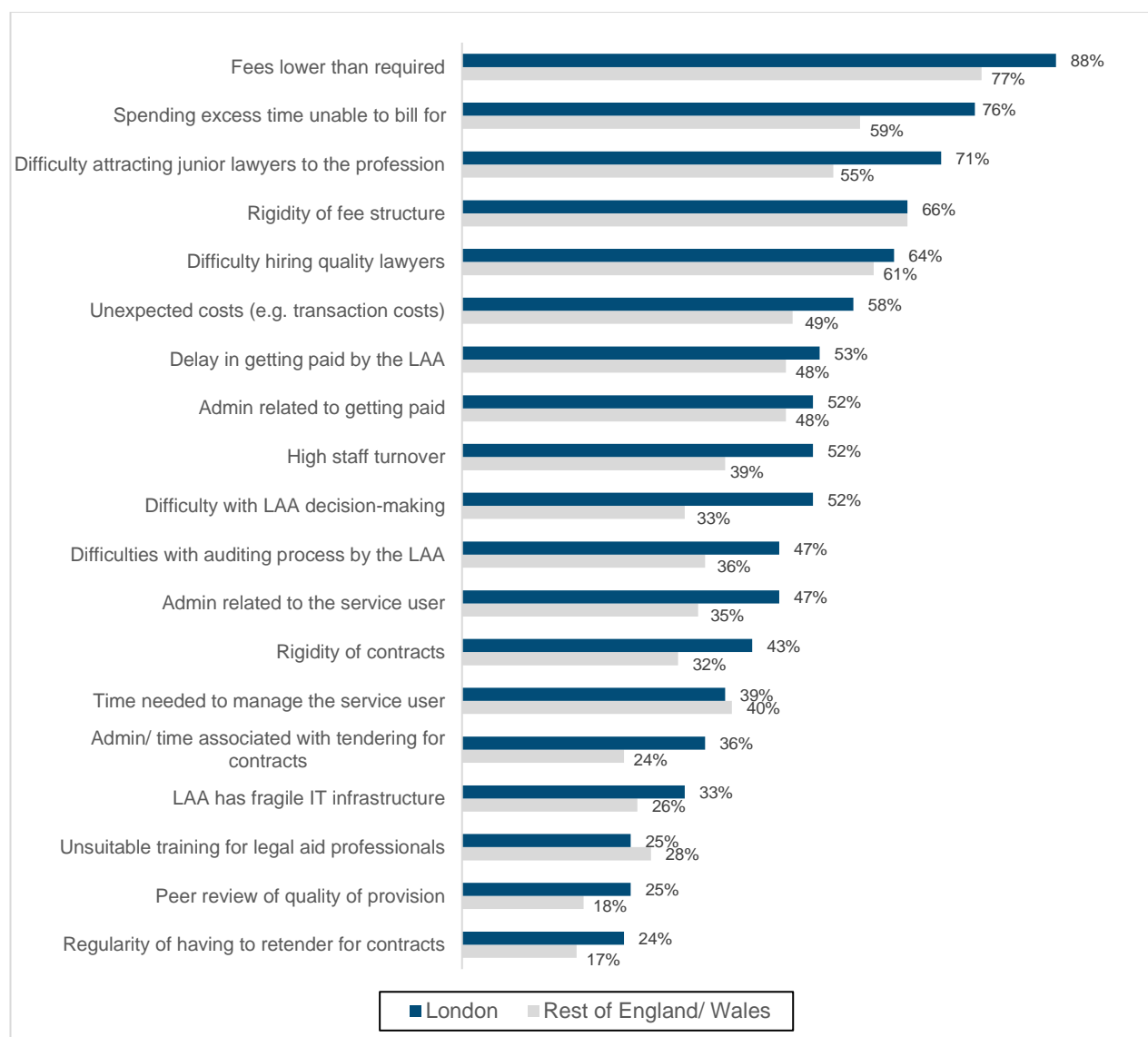
“Most providers are [near] retirement and frankly I have no idea what we will then do. [We] will probably end up having to reduce the number of offices where we offer legal aid” Private practice organisation, London

“When lawyers in our sector retire, they are seldom replaced. So the pool of lawyers is shrinking and most of us in our region are at least mid-50s, so there is a crisis of expertise only a few years away” Private practice organisation, South of England

“Surviving firms are resting on staff in their 50s and 60s. As soon as they retire, the collapse is inevitable” Private practice organisation, London

The data indicates that organisations in London are more likely to be sensitive to the top pain points. They were significantly more likely to have reported that low fees (88%), unbillable time (76%), difficulties with staff recruitment (71%) and difficulties with LAA decision-making (52%) are likely to prevent their continued service provision, compared to organisations outside of London.

Figure 5.3: Proportion of participants who report a pain point is likely to prevent their continued service provision, providers located in London vs. Rest of England or Wales



Source: Provider Survey, Q18: For each pain point, if it were to continue being a frustration to your organisation, how likely or unlikely is it to prevent your organisation from continuing their civil legal aid services (T3B Likely)? Providers shown a 7-point scale. Base: Total sample (n=228), Providers based in London (n=72), Providers based in the rest of England/ Wales (n=156)

Prioritisation of pain points

All of the above factors created a nuanced, complex picture of the frustrations experienced by participants when operating in the civil legal aid sector. Figure 5.4 aims to present the findings so as to make them as clear as possible through a visual. Participating providers individually assessed each of the 19 pain points on frequency, severity and likely impact on continued service provision. Figure 5.4

examines the data for these three measures in unison, by mapping each measure on one chart. The proportion of those who experience each pain point monthly is shown on the X-axis (horizontal), and the proportion of participants who rated each pain point as likely to prevent their continued service provision is shown on the Y-axis (vertical). The size of the bubble reflects the proportion of those who ranked the pain point one of their most severe frustrations (ranked in their top 5 most frustrating pain points).

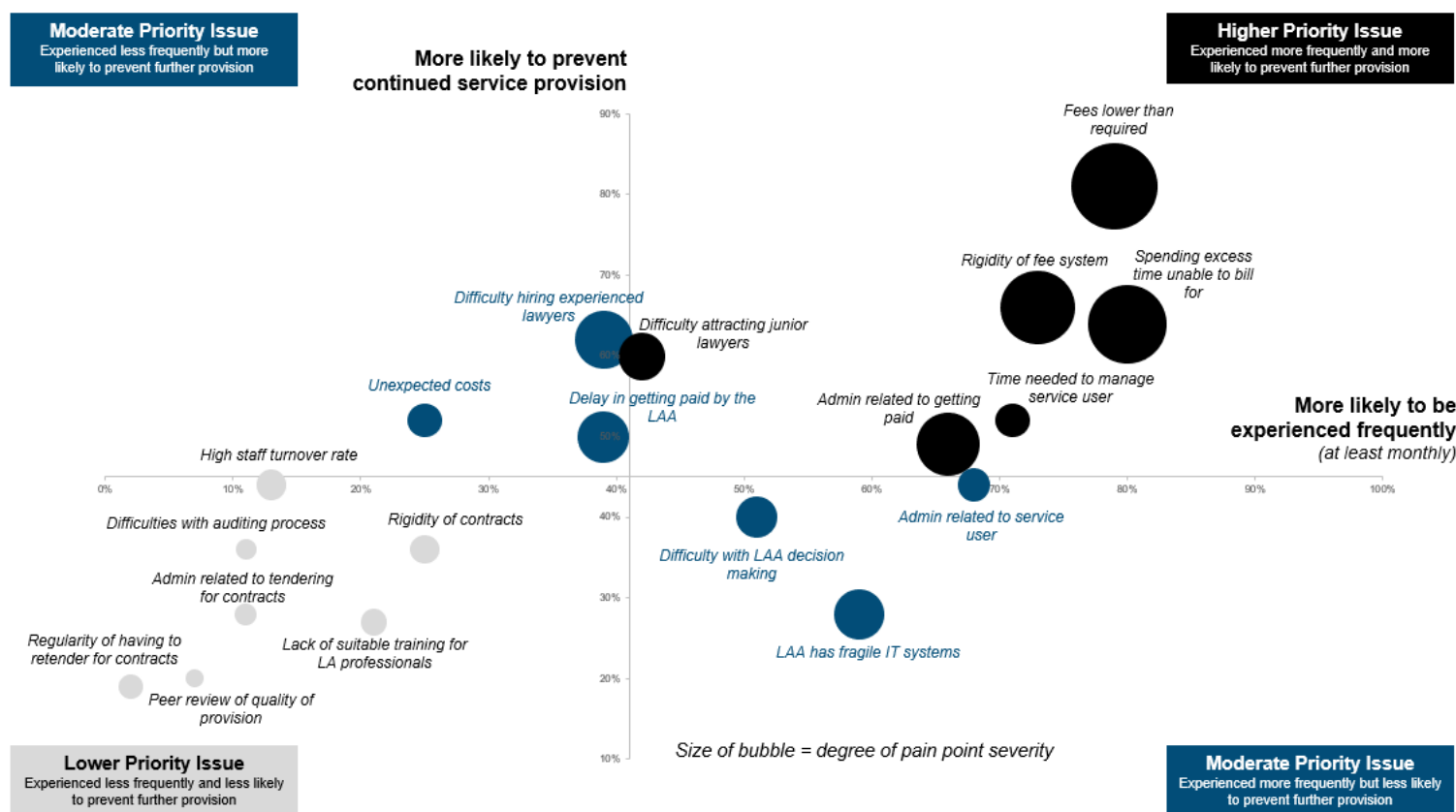
Taken together, the chart organises the pain points into three areas of relative priority. These are defined as:

- Higher priority: pain points deemed higher priority are more likely to be experienced frequently (on a monthly basis) and were more likely to prevent continued service provision, versus other tested pain points.
- Moderate priority: moderate priority pain points are either more likely to be experienced frequently or are likely to prevent continued service provision, compared to other tested pain points.
- Lower priority: lower priority pain points are less likely to be experienced frequently and are less likely to have a negative impact on continued service provision, compared to other tested pain points.

The size of the bubble indicates how severely the pain point is reported to be experienced by providers (i.e. the larger the bubble, the higher the reported severity). Therefore, within each of these priority areas, the size of bubble indicates the order the pain points should be addressed from a provider perspective.

Fees, unbillable time, billing admin, difficulty attracting junior lawyers into the profession and time needed to manage the service user are all perceived to be priority areas to be addressed by participating providers.

Figure 5.4: Pain point prioritisation map



Source: Provider Survey, Q16: On average, how often, if at all, does your organisation experience the following pain points/frustrations when delivering civil legal aid provision (Experienced at least monthly)? Q17a: With which pain points does your organisation feel the most frustration when delivering civil legal aid provision (Rank 1-5)? Q18: For each pain point, if it were to continue being a frustration to your organisation, how likely or unlikely is it to prevent your organisation from continuing their civil legal aid services (T3B Likely)? Base: Total sample (n=228)

Higher Priority Issues	Moderate Priority Issues	Lower Priority Issues
Fees lower than required	Difficulty hiring experienced lawyers	High staff turnover rate
Spending excess time unable to bill for	Delay in getting paid by the LAA ¹⁸	Rigidity of contracts
Rigidity of the fee system	LAA has fragile IT systems	Lack of/ unsuitable training for legal aid professionals
Admin related to getting paid	Difficulty with LAA decision making	Regularity of having to retender for contracts
Difficulty attracting junior lawyers	Unexpected costs	Admin/ time associated with re-tendering for contracts
Time needed to manage the service user	Admin related to the service user	Difficulties with auditing process
		Peer review of quality of provision

¹⁸ The LAA has specific processing times for civil bills, which are outlined here: <https://www.gov.uk/guidance/civil-processing-dates>

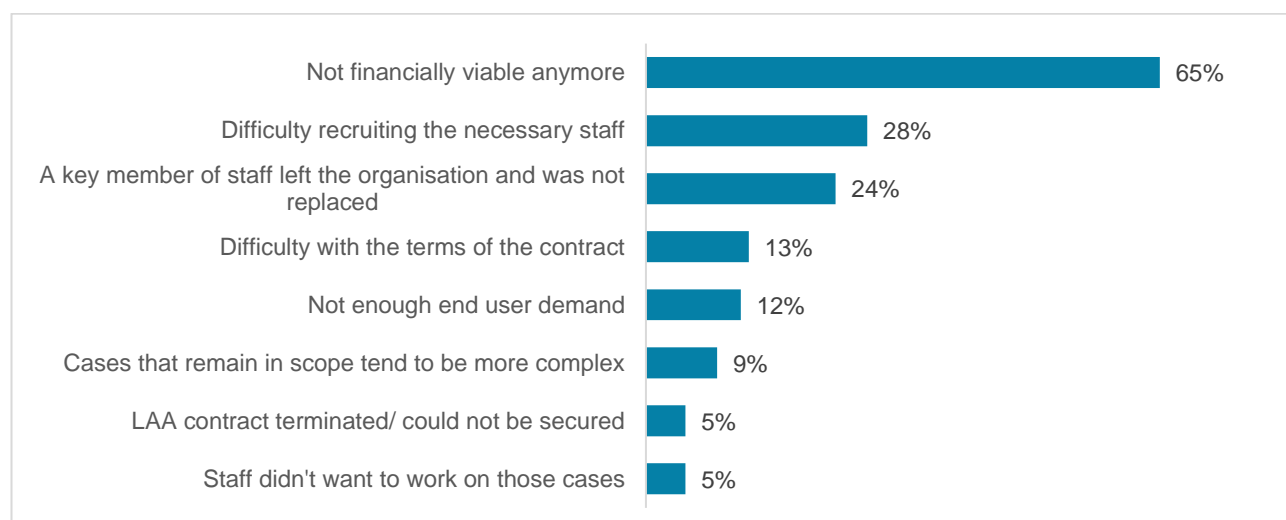
6 Future of the civil legal aid sector

This section focuses on why organisations may have already stopped operating in civil legal aid categories and perceptions of current profitability. The chapter first addresses these variables for private practice firms and then separately assesses non-profit organisations, given the different line of questioning for these two groups and that these organisations have distinct business objectives and purpose. It then examines all participating providers' likelihood of remaining in the sector in the short and long-term, as well as noting where there are statistically significant differences between key sub-groups.

Reasons for no longer holding civil legal aid contracts, amongst private practice firms

32% of participating private practice providers reported that their organisation has stopped holding at least one type of legal aid contract during their tenure – 65% of whom did so because it was no longer financially viable. Secondary reasons reported for no longer continuing with a specific civil legal contract were workforce related – specifically difficulty recruiting the necessary staff (28%) or not replacing a key member of staff (24%).

Figure 6.1. Reasons why private practice providers have stopped holding a civil legal aid contract



Source: Provider Survey, Q13: You mentioned earlier that your organisation has held the following civil legal aid contracts in the past but no longer does – Why is this? Base: All private practice firms who have previously held a civil legal aid contract but no longer do (n=120)

Across all types of participating organisations, larger provider organisations (with more than 30 employees) were more likely to have stopped holding at least one contract, with 51% stating that they have dropped a civil legal aid contract, compared to just 27% of providers with fewer than 30 employees. When exploring the reasons for no longer holding a specific contract, larger providers were significantly more likely to report lack of financial viability (72%), compared to just 42% of smaller providers (1-30 employees). This could reflect larger firms consolidating their practices around areas of law that they deem to be more financially viable. Holders of a criminal legal aid contract (71%) were also more likely to

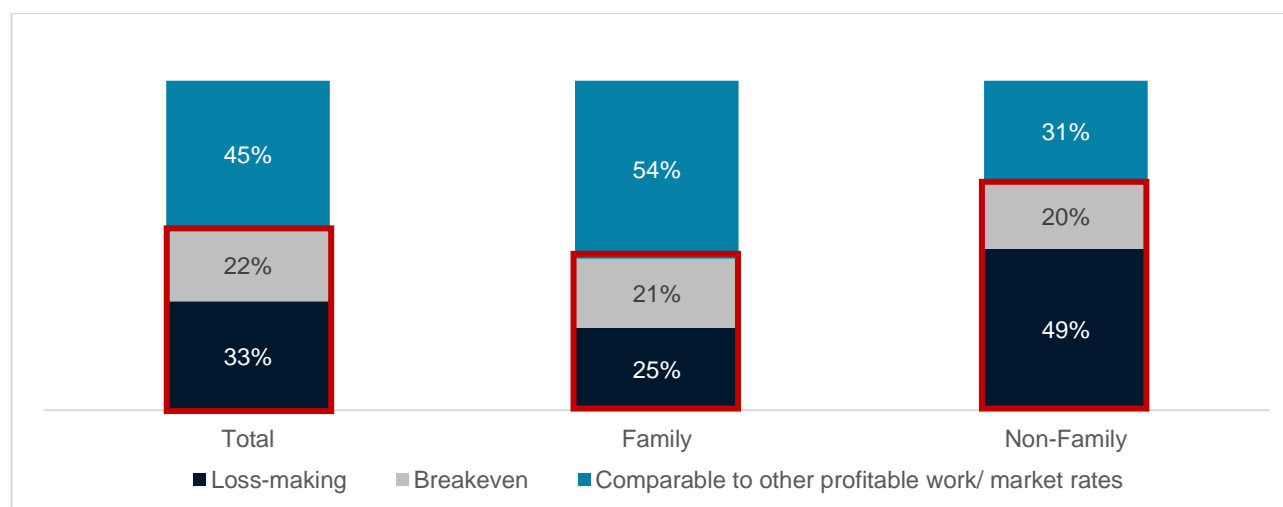
have stopped holding civil legal aid contracts for financial reasons, while 42% cited difficulty recruiting the necessary staff.

Perceived profitability of civil legal aid amongst private practice firms

Across all participating profit-making organisations, over half (55%) reported that the civil legal aid categories they operate in are not profitable. A third (33%) reported that the civil legal aid services they provide are loss-making and a fifth (22%) of participants stated that their civil legal aid work breaks even. However, nearly half (45%) reported that it is comparable to other profitable work they deliver, suggesting there is a degree of disparity between participating organisations in their perceived levels of profitability. These results should be interpreted with caution given the different ways in which profitability may be measured by providers. A separate profitability publication will be published later in the year which will allow for more detailed understanding of profitability across the sector.

Significant variation is reported across categories of law. For instance, the majority reported Family civil legal aid to be profitable (54%), whereas non-Family contracts were significantly less likely to be reported as profitable (31%). There were no notable differences in reported profitability when broken out by provider size.

Figure 6.2. Provider reported profitability of different civil legal aid categories



Source: Provider Survey, Q23: Thinking about the last financial year, how profitable or unprofitable are the different areas of legal aid your organisation operates in? Providers shown a 7 point scale. Base: Profit-making firms answering about each individual category they operate in. Total: (n=284), Profit-making Family providers (n=132), Profit-making Non-Family providers (n=71)

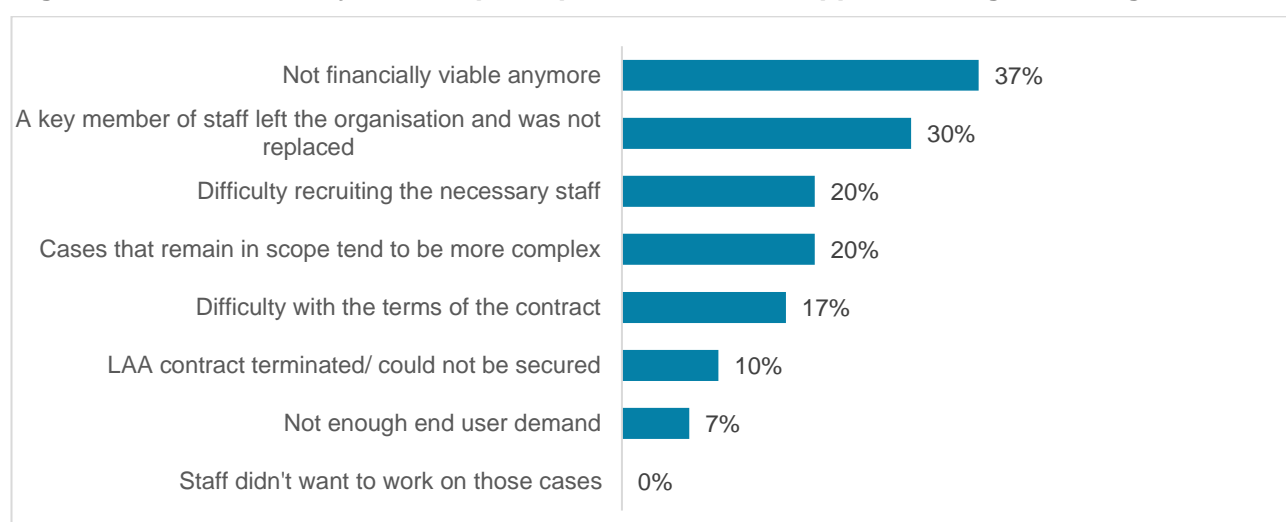
Provider reported profit-margin for civil legal aid

In terms of actual profit margin, firms willing to provide this information (n=45) reported a collective mean profit margin of 10%, while the median was 7%. As mentioned above, these results should be interpreted with caution given the different ways in which profitability may be measured by providers. Equally, the figures reported do not reflect a true, industry-wide average, as providers who chose not to answer this question could be more or less profitable than those who did answer.

Reasons for no longer holding civil legal aid contracts, amongst non-profit organisations

51% of participating non-profit organisations reported that they have stopped holding at least one civil legal aid category during their tenure. The top reason reported for no longer continuing with a civil legal aid category was that it was no longer financially viable (37%), however this reason was significantly less likely to be reported by non-profits, compared to private practice firms who had stopped holding a civil legal aid contract (see figures above). Other top reasons reported by non-profits for no longer holding civil legal aid contracts were workforce related – specifically, ‘not replacing a key member of staff’ (30%) and difficulty recruiting the necessary staff’ (20%).

Figure 6.3. Reasons why non-for-profit providers have stopped holding a civil legal aid contract

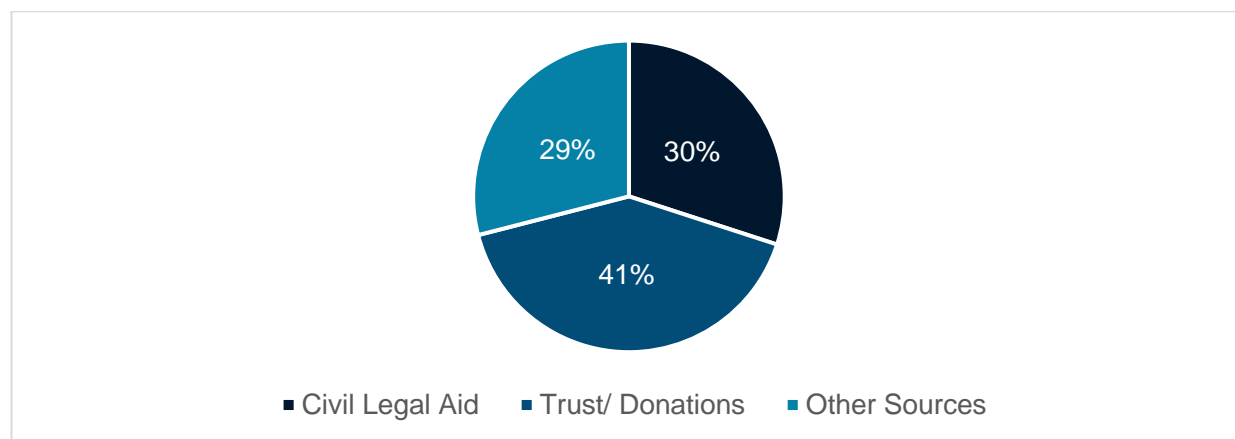


Source: Provider Survey, Q13: You mentioned earlier that your organisation has held the following civil legal aid contracts in the past but no longer does – Why is this? Base: All non-profit organisations who have previously held a civil legal aid contract but no longer do (n=30)

Sources of revenue, amongst non-for-profit organisations

The survey asked providers to indicate what proportion of their revenue comes from the different areas they operate in. Non-profit organisations reported that 30% of their revenue came from civil legal aid, while 41% was the result of charitable donations and 29% from other sources. This suggests that civil legal aid is being supported in part by goodwill for non-profit organisations.

Figure 6.4. Average proportion of revenue source, by non-profit organisations



Source:

Provider Survey, Q8: Approximately, what proportion of your organisation's overall revenue comes from the following areas (civil legal aid/ trusts or donations/ other sources)? Base: Non-profit organisations (n=39)

Likelihood to change the amount of civil legal aid service provision or leave the sector within different timeframes

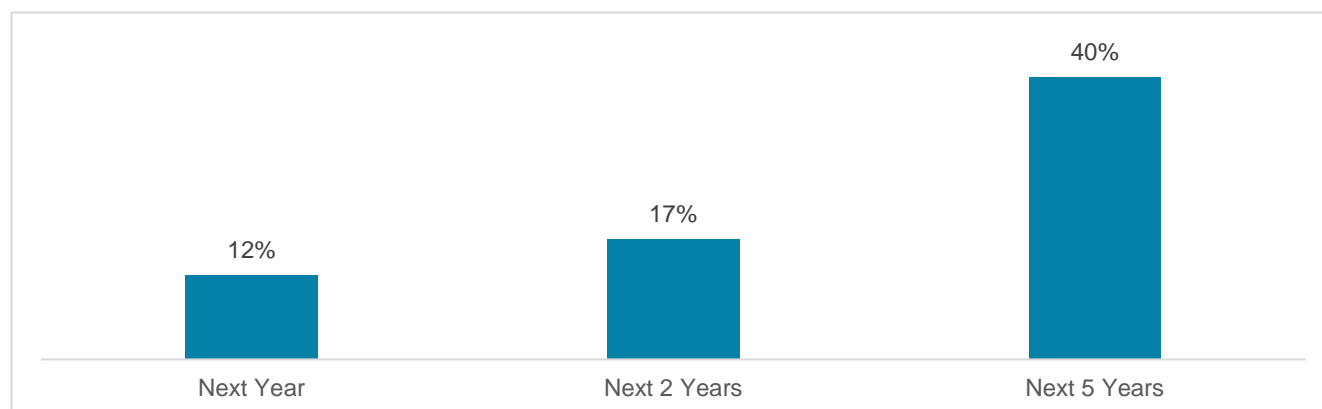
If nothing changes within the next year, 42% of all participating providers reported that they will decrease the volume of their provision or leave the civil legal aid market. However, 44% said they will keep their provision level the same while 15% reported that they will increase the volume of civil legal aid services they offer.

In the longer term, 40% said that they will leave the sector in the next 5 years if civil legal aid continues as it is. It is clear from the qualitative responses that leaving the market is viewed as a last-resort option for many providers who are committed to the cause of the work but may not be able to continue due to financial viability.

"We have always been committed to providing a civil legal aid service for the 26 years of the practice but it is becoming increasingly difficult to maintain without an increase in the price structure" Private practice organisation, South of England

"The Legal Aid system currently survives because there are people who are committed to the principle despite the challenges. The people who work in the sector at the moment will place their own wellbeing (generally and financially) to one side because of their personal commitment to the clients who need help through the system. The number of lawyers willing to do that are reducing weekly" Private practice organisation, South West

Figure 6.5. Proportion of participants who report they will leave the civil legal aid sector if it remains unchanged, over different timeframes



Source: Provider Survey, Q25: If the civil legal aid sector continues to operate in its current state (i.e. no changes are made), what action is your organisation most likely to take in the following time frames? Base: Total sample (n=227)

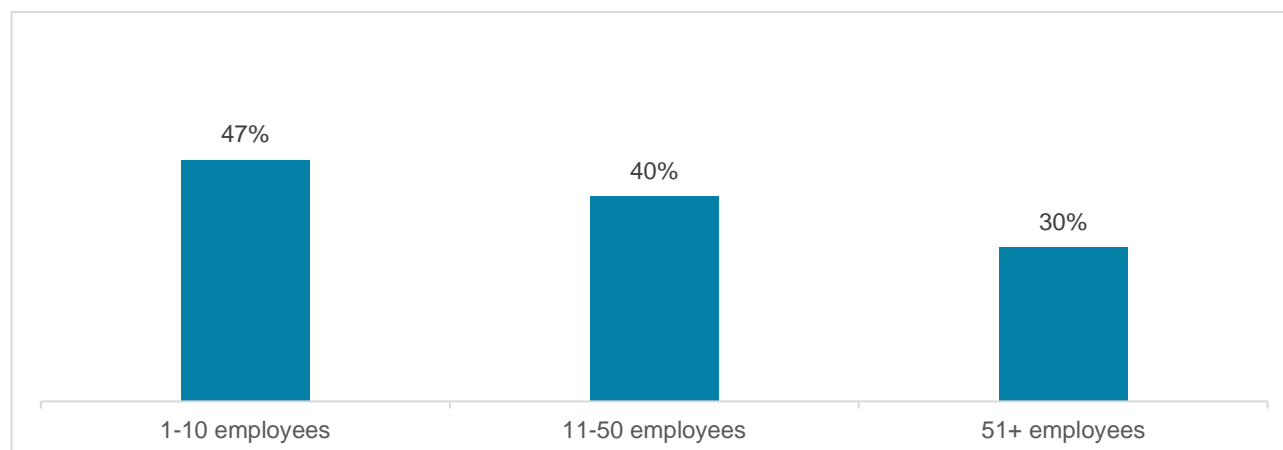
Smaller providers reported to be at a greater risk of leaving the sector than larger providers: 47% of providers with 10 employees or fewer stated they are likely to leave the sector in the next 5 years, compared to 40% of providers with between 11 and 50 employees and 30% of providers with more than 50 employees (see Figure 6.6).

Providers outside of London were significantly more likely to report that they would leave the sector in the next 5 years (45%), compared to providers in London (29%).

There were some significant differences by categories of law. For instance, Family legal aid providers were significantly less likely to report that they would leave the sector in the next 5 years (35%) compared to those who did not hold a Family contract (49%). This suggests that providers working in smaller categories of law may be more at risk of leaving the sector long term.

Providers who also hold a criminal legal aid contract expressed a lower (non-significant) likelihood to leave the sector (compared to the total sample), with 30% stating they were likely to leave in the next 5 years. However, within the participating sample, holders of both civil and criminal contracts were also more likely to be larger organisations (50+ employees) who generally hold more contracts and may be more likely to benefit from greater revenue diversification. Therefore, this difference may be the product of the larger organisation size, rather than a finding specifically linked to criminal contracts.

Figure 6.6. Proportion of participants who report they will leave the civil legal aid sector in the next 5 years if it remains unchanged, by organisation size



Source: Provider Survey, Q25: If the civil legal aid sector continues to operate in its current state (i.e. no changes are made), what action is your organisation most likely to take in the following time frames? Base: Providers with 1-10 employees (n=72), providers with 11-50 employees (n=100), providers with 51+ employees (n=56)

7 A deep dive analysis of the Welsh civil legal aid sector

7.1 Limitations of this analysis

While providers with office(s)¹⁹ in Wales made up 10% of the total survey sample, in practice this only reflects 23 completed surveys. This is a very low sample size, and it is therefore unadvisable to draw quantitative conclusions given the lack of statistical confidence and reliability. However, given wider reports around the Welsh civil legal aid sector²⁰, this report has set out an indicative analysis of the experiences and challenges facing Welsh providers specifically. This analysis does not include percentages, but draws indicative comparisons to the total sample and highlights the key challenges surfaced by Welsh providers. This analysis will be built upon, through stakeholder engagement with providers and representative bodies based in Wales, within the Final Report (see Section 8: Next steps).

7.2 The Welsh civil legal aid sector

Profile of Welsh providers: The majority of Welsh providers participating in the survey were private practices. The size of provider organisations was very similar to the total sample and included a reasonably even split between small, medium, and large providers. All categories of civil legal aid were included in the Welsh sample, except for Community Care.

The state of the Welsh civil legal aid market: Welsh providers reported high demand for civil legal aid services, with the majority reporting ‘very high’ demand. This is on a comparable level to English providers, but Welsh providers were more likely to say they have turned away a high number of cases in the last month (over 40 cases).

Welsh providers also reported slightly higher levels of dissatisfaction with the civil legal aid system as whole, compared to English providers. Welsh providers reported experiencing high dissatisfaction with the fee system, the way the LAA makes decisions and a system from which to build a quality legal workforce. This is a very similar pattern of response to the total sample.

Key reasons for offering civil legal aid were primarily moral in nature. The majority of Welsh providers stated that they offer civil legal aid because it is the right thing to do. This was followed by habit (provider has always offered civil legal aid), with business need and reliable/consistent source of income as tertiary reasons. This paints a very similar picture to the responses from providers based in England.

¹⁹ The survey asked participants to select all region where their organisation has office(s). Therefore the Welsh provider sample reflects those that have an office in Wales, and not providers who only operate in Wales.

²⁰ Welsh Government (Jan, 2022), retrieved from: <https://www.gov.wales/action-needed-to-tackle-legal-aid-crisis>

Top reasons for providing civil legal aid services, amongst Welsh providers:

1. Morally conscious
2. Organisation has always offered civil legal aid
3. Business need/ source of income
4. A reliable/ consistent source of income
5. Positive advertisement for the organisation

Source: Provider Survey, Q12: What are the most important reasons as to why your organisation offers civil legal aid services?

Challenges faced by Welsh civil legal aid providers: Similar to providers in England, fee levels was the top challenge faced by Welsh providers – in terms of how frequently they experienced the frustration, severity of frustration and likely impact on their continued service provision. The top five most frequently experienced pain points were the same as the total sample, covering issues around billing, managing the service user and admin related to the service user.

Top pain points experienced on a weekly basis, amongst Welsh providers:

1. Fees lower than required
2. Rigidity of fee structure
3. Spending excess time unable to bill for
4. Time needed to manage the service user
5. Admin related to the service user

Source: Provider Survey, Q16: On average, how often, if at all, does your organisation experience the following pain points/ frustrations when delivering civil legal aid provision (Experienced at least weekly)?

For pain point severity, fee related issues still ranked highly, but frustration with the LAA IT infrastructure also emerged as one of the top five most severe pain points. This pain point did not feature in the top 10 most severely felt issues by providers based in England.

Most severely experienced pain points, amongst Welsh providers:

1. Fees lower than required
2. Spending excess time unable to bill for
3. Rigidity of fee structure
4. Difficulty hiring experienced, quality lawyers*
5. LAA has fragile IT infrastructure*

*Source: Provider Survey, Q17a: With which pain points does your organisation feel the most frustration when delivering civil legal aid provision (Rank 1-5)? *Not featured in top 5 for the total sample*

When assessing the pain points that are most likely to impact Welsh providers continued service provision, delays in getting paid by the LAA came through as a strong cause of risk for Welsh providers' provision, more so than in the total provider sample. It ranked the third pain point most likely to impact

continued provision for providers based in Wales, while for the total sample it did not appear in the top five.

Pain points most likely to impact continued service provision, amongst Welsh providers:

1. Fees lower than required
2. Rigidity of fee structure
3. Delay in getting paid by the LAA*
4. Difficulty attracting junior lawyers into the profession*
5. Spending excess time unable to bill for

*Source: Provider Survey, Q18: For each pain point, if it were to continue being a frustration to your organisation, how likely or unlikely is it to prevent your organisation from continuing their civil legal aid services (T3B Likely)? Providers shown a 7-point scale. *Not featured in top 5 for the total sample*

The future of the Welsh civil legal aid market: Survey responses suggested that the civil legal aid providers in Wales undertake more private work than providers based in England. This may be a symptom of the finding that the providers based in Wales were more likely to state that their civil legal aid work is unprofitable or breaks even.

While the vast majority said that they will remain in the sector over the next year, almost half said that they will leave the market within the next five years if key issues are not addressed. This is a proportionally very similar response to English providers.

8 Conclusion and next steps

8.1 Conclusion

This report offers detailed quantitative and qualitative insight into the experiences and challenges faced by 228 civil legal aid providers currently operating across England and Wales. Where sample sizes allow, it offers a nuanced view as to how provider perceptions differ by category of law, geography, organisational size and type.

The evidence paints a stark picture of the challenges experienced by civil legal aid providers and responses indicate that there is notable cause for concern over the long-term sustainability of the civil legal aid sector. If the sector continues to operate in its current state, provider responses suggested that more providers will continue to leave the civil legal aid market over the next five years or reduce their level of provision. Smaller organisations, non-Family contract holders and providers outside of London reported higher levels of risk.

Providers reported relatively high levels of dissatisfaction with the sector and they suggested that demand for civil legal aid often surpasses supply. Against this backdrop, there are multiple, interlinked, frequently experienced pain points at play, ranging from frustrations with the fee system, billing, LAA infrastructure, systems and decision-making, building a quality workforce, managing the service user, and auditing and quality assurance processes.

The fee system was clearly the largest driver of dissatisfaction for responding providers, with the level of fees and structure of fees emerging as priority areas to be addressed. This was reported to be compounded by difficulties with getting paid (administrative costs and delays). Given financial viability was the main reason given for no longer holding specific contracts, and many providers reported not making a profit from civil legal aid, providers clearly perceive there to be unfavourable economic conditions within the sector. Similarly, for non-profits, there was strong reliance on trusts and charitable donations as the main source of revenue.

Providers voiced significant workforce-related concerns particularly based on the upcoming retirees in the workforce and the lack of young lawyers entering and being retained in the sector.

A final key theme reported to impact providers' continued service provision was the additional time needed to manage service users. Providers said that clients often required significant emotional support, which was then exacerbated when clients did not understand legal aid and its scope – and this additional time was not perceived to be accounted for within a fixed rate structure.

Despite all of the above, the majority of providers still perceive civil legal aid service provision as the right thing to do. They voiced a strong moral commitment to the sector and its cause, and leaving civil legal aid would be a difficult decision for them to make.

8.2 Next steps

This analysis provides one evidence input into the economic analysis workstream and the wider Review. As part of the economic analysis workstream, a final report will be published later in the year. The evidence base will be brought together with a broad range of other assessment methodologies, including a review of the literature, analysis of key existing data, workshop sessions with the MoJ and stakeholder discussions and roundtables. This report will assess how the civil legal aid market is working, will conduct a full assessment of the challenges and problems within the market, and will enable firmer and more definitive conclusions to be reached.

9 References

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[Access to Justice | en | OECD](#) (accessed 30th November 2023)

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10 Appendix

10.1 Appendix A - Survey

SECTION 1: ABOUT YOU/ YOUR FIRM

INTRO FOR CLOSED LINKS: Thank you for agreeing to take this research survey. On average, this survey takes approximately 20-30 minutes to complete, but could take longer depending on the detail of your answers. There may be a need to consult other individuals in the organisation for some answers – The link will automatically save all progress, so you can exit/ return to it as you please. Your thoughts and opinions as part of this survey will contribute towards the evidence base informing the Review of Civil Legal Aid (RoCLA).

The survey will start with a few questions about your organisation, before moving on to your organisation's experiences of operating in the civil legal aid sector.

Your responses will be representing the views and experiences of your organisation – if you feel you are unable to accurately do this then please forward the survey link to a senior decision-maker at your organisation.

Please note that this survey is being conducted by PA Consulting, an independent third party contracted by the Ministry of Justice. All data is anonymous, will be handled and analysed by PA Consulting, and treated with the utmost confidentiality. The MoJ will not see any individual responses.

We encourage you to be as honest and open as possible with your answers.

INTRO FOR OPEN LINK: PA Consulting is undertaking research to provide a robust evidence base for the Review of Civil Legal Aid (RoCLA). The Review of Civil Legal Aid is an official Government Review.

We would like to invite organisations that provide civil legal aid services to participate in an online research survey.

This aims to explore legal aid providers' experiences of the civil legal aid sector and how it operates. Your responses to this survey will be used as part of the evidence for the Review of the Civil Legal Aid and will shape policy development that aims to improve the long-term sustainability of the civil legal aid system. You can find out more about the Review through the following link: [Review of Civil Legal Aid](#)

On average, the survey takes approximately 20-30 minutes to complete, however it can take longer depending on the amount of detail you are able/ have time to give. Please take the time you need to complete it. There may be a need to consult other individuals in your organisation to answer some questions. The survey will close on Tuesday 17th October.

We would like the individual who answers this survey to be a senior decision-maker in their organisation, who can represent the views and experiences of their organisation as a whole – if you feel this isn't you then please forward the survey link to the appropriate decision-maker.

This survey is part of a wider programme of research.

To build on this survey, we will be working closely with The Law Society towards an in-depth analysis of the profitability associated with civil legal aid services. As a follow-up exercise, we may reach out to your organisation inviting you to answer some specific questions about your organisation's finances and the profitability of the civil legal aid services you offer (if you agree to do so at the end of the survey).

PA Consulting are an independent third-party with rigorous data protection policies.

PA Consulting are an independent contractor, commissioned by the MoJ to undertake this research. Any information you provide to us will be treated with the utmost confidentiality and processed in accordance with GDPR guidelines (see PA's [data privacy policy](#)). PA Consulting will handle the data processing and analysis, ensuring all outputs are reported anonymously. The MoJ will not have access to any individual responses.

Thank you again for taking this survey. We encourage you to be as honest and open as possible with your answers.

[NEW SCREEN]

SCRIPTOR NOTES:

- SHOW BACK BUTTON THROUGHOUT THE SURVEY
- SHOW TOTAL PROGRESS BAR THROUGHOUT THE SURVEY

INTRO: Let's start with some questions about your organisation.

FIRM NAME/ PROVIDER NUMBER

ASK ALL, OPEN TEXT BOX

Q1. Please enter the name and/or provider number of the organisation you represent. We are collecting this information to ensure we have one completed survey from each provider organisation, and this data will **not** be stored, analysed, or reported in any subsequent outputs.

Please type your answer in the box below

1. [OPEN BOX]

LOCATION OF ORGANISATION

ASK ALL, MULTI CODE

Q2. Where in England or Wales is your organisation based? If your organisation has more than one office, please select all regions that apply

Please select all that apply

England

1. North East
2. North West
3. Yorkshire and The Humber
4. East Midlands
5. West Midlands
6. East of England
7. London
8. South East
9. South West

Wales

10. North Wales
11. West Wales
12. Mid Wales
13. South Wales
99. None of the above

TYPE OF PROVIDER

ASK ALL, SINGLE CODE, RANDOMISE

Q3. Is your organisation ...

Please select the answer that best fits

1. A private practice providing **only legal aid** services (criminal or civil)
2. A private practice firm providing **both private and legal aid** services (criminal or civil)
3. A non-profit specialist advice provider

PROVIDER SIZE

ASK ALL, SINGLE CODE

Q4. And roughly, how many people work for/ are employed by your organisation?

Please select the answer that best fits

1. I'm the sole individual
2. 2-10
3. 11-20
4. 21-30
5. 31-50
6. 51-100
7. 101-250
8. 251-500
9. Over 500

CATEGORIES OF LAW

ASK ALL, GRID, MULTICODE PER COLUMN, RANDOMISE

Q5. In which of the below categories of law does your organisation provide the following types of legal services?

Please select all that apply

COLUMNS

1. Private legal services [SHOW IF CODE 1 OR 2 AT Q3]
2. Legal aid services

ROWS

1. Criminal
2. Claims against public authorities
3. Community care
4. Clinical negligence
5. Discrimination
6. Education
7. Family
8. Housing and Debt
9. Immigration and asylum

10. Mental health
11. Public law
12. Welfare benefits
13. Other privately paid work (please specify categories of law offered) [OPEN FIX – SHOW FOR COL 1](#)

LEGAL AID CONTRACTS CURRENTLY HOLD/ PREVIOUSLY HELD

ASK ALL, GRID, SINGLE CODE PER ROW, RANDOMISE ROWS

Q6. Which of the following best describes your organisation's relationship with each type of legal aid contract?

Please select one answer per legal aid contract

ROWS

1. Criminal
2. Claims against public authorities
3. Community care
4. Clinical negligence
5. Discrimination
6. Education
7. Family
8. Housing and Debt
9. Immigration and asylum
10. Mental health
11. Public law
12. Welfare benefits

COLUMNS

1. My organisation currently holds this legal aid contract and has provided services in this area in the last 12 months [\[SHOW ON RIGHT\]](#)
2. My organisation currently holds this legal aid contract but has **not** provided services in this area in the last 12 months
3. My organisation has previously held this legal aid contract, but no longer does so
4. My organisation has never held this legal aid contract [\[SHOW ON LEFT\]](#)

LENGTH OF TIME HOLDING CONTRACTS

ASK ALL, GRID, SINGLE CODE PER ROW, RANDOMISE ROWS

Q7. Approximately, how long has your organisation held the following types of legal aid contracts?

Please select one answer per contract

ROWS

1. [INSERT ROWS FROM Q6 THAT CODE COL 1 OR 2](#)

COLUMNS

1. Less than 6 months
2. 6 months – 1 year
3. 1 – 2 years
4. 3 – 5 years
5. 5 – 10 years

6. 10 – 20 years
7. Over 20 years

TIME STOPPED HOLDING CONTRACTS

ASK THOSE WHO CODE COL 3 AT Q6, GRID, SINGLE CODE PER ROW, RANDOMISE ROWS

Q7b. When did your organisation officially stop holding the following types of legal aid contract?

Please select one answer per contract

ROWS

1. INSERT ROWS FROM Q6 THAT CODE COL 3

COLUMNS

1. Within the last year
2. 1 – 3 years ago
3. 3 – 5 years ago
4. 5 – 10 years ago
5. 10 – 20 years ago
6. Over 20 years ago

TYPE OF CIVIL LEGAL AID WORK

ASK ALL, OPEN NUMERIC

Q7C. What proportion of your organisation's **civil legal aid work** is split between the following types of civil legal aid services? Please note that all your responses are anonymous and confidential

Please give you answer as a %. The total should sum to 100%. If you do not provide that type of civil legal aid work, please enter a '0'

1. Legal Help (i.e. providing initial legal advice and assistance) _____%
2. Legal Representation (i.e. providing legal representation at the court and a solicitor to prepare the case) _____%
3. Family Mediation (i.e. providing assistance with the costs of mediation in certain circumstances) _____%
4. Investigative Help _____%

PROPORTION OF WORK

ASK ALL, OPEN NUMERIC

Q8. Approximately, what proportion of your organisation's overall **revenue** comes from the following areas/ legal services?

Please give you answer as a %. The total should sum to 100%

1. Private legal services __OPEN NUMERIC__% SHOW IF CODE 1-2 AT Q3
2. Civil legal aid services __OPEN NUMERIC__% SHOW ALL
3. Criminal legal aid services __OPEN NUMERIC__% SHOW IF CODE ROW 1 FOR COL 2 AT Q5 OR COL 1 OR 2 AT ROW 1 AT Q6
4. Trusts and charitable donations __OPEN NUMERIC__% SHOW IF CODE 3 AT Q3
5. Other revenue sources __OPEN NUMERIC__% SHOW ALL

Q9. REMOVE

SHOW INTRO, Q10, AND Q11 AFTER Q25

INTRO: Please answer the next couple of questions thinking about yourself (rather than your organisation)...

INDIVIDUAL ROLE

ASK ALL, SINGLE CODE

Q10. Thinking about the company you work for, which of the below best reflects your current position/ rank?

Please select one answer

1. Administrative role (*please specify your job title*) **OPEN**
2. Paralegal
3. Trainee solicitor
4. Legal associate
5. Senior legal associate
6. Legal director
7. Partner
8. Senior partner
9. Business leader/ owner

CIVIL LEGAL AID TENANCY

ASK ALL, SINGLE CODE

Q11. Thinking more generally, how long have you been working in/ involved with **civil legal aid** (not just at your current organisation)?

Please select one answer

1. Less than 6 months
2. 6 months – 1 year
3. 1 – 2 years
4. 3 – 5 years
5. 5 – 10 years
6. 10 – 20 years
7. Over 20 years

SECTION 2: EXPLORING THE CIVIL LEGAL AID SECTOR

INTRO: Thank you for your answers so far. For the next set of questions, please think about the organisation you work for and the **civil legal aid** provision it currently offers. We encourage you to be as honest and open as possible when answering.

BENEFITS/ INCENTIVES OF OFFERING CIVIL LEGAL AID

ASK ALL, MULTICODE, RANDOMISE

Q12. What are the most important reasons as to why your organisation offers civil legal aid services?

Please select all that apply

1. Morally conscious / the right thing to do
2. Positive advertisement for the organisation
3. **DO NOT SHOW IF CODE 3 AT Q3** Creates a positive 'halo' on to private work / Helps increase amount of private work
4. Offers career development opportunities for staff
5. A good source of training/ learning for junior staff members
6. Attracts staff to the organisation
7. Helps with stability/ consistency of case load
8. Business need/ source of income
9. A reliable/consistent source of income
10. Believe there will be more incentives/benefits in the future
11. Organisation has always offered civil legal aid
12. **DO NOT SHOW IF CODE 4 AT Q3** It's profitable for the business
13. Other reason (please specify) **[OPEN, FIX]**
14. Other reason (please specify) **[OPEN, FIX]**
15. Other reason (please specify) **[OPEN, FIX]**

REASONS FOR LEAVING

ASK THOSE WHO CODE COL 3 AT Q6, GRID, MULTICODE PER COLUMN, RANDOMISE COLUMNS

Q13. You mentioned earlier that your organisation has held the following civil legal aid contracts in the past but no longer does – why is this?

Please select all that apply

COLUMNS

1. **INSERT CODES THAT CODE COL CODE 3 AT Q6**

ROWS

1. Not financially viable anymore
2. LAA contract terminated/ could not be secured
3. Staff didn't want to work on those cases
4. Not enough end user demand to warrant continuing
5. Difficulty recruiting the necessary staff
6. Cases that remain in scope of legal aid tend to be more complex/ take a longer time to complete
7. Difficulty with terms of the contract
8. A key member of staff providing civil legal aid left the business/ organisation, and they were not replaced
9. Other reason (please specify) **FIX, OPEN**
10. Other reason (please specify) **FIX, OPEN**
11. Other reason (please specify) **FIX, OPEN**

SATISFACTION

ASK ALL, CARD SORT, SINGLE CODE PER CARD, RANDOMISE

Q14. Thinking about the way the civil legal aid system operates, how satisfied or unsatisfied is your organisation with how well each of the following areas works?

Please think of all aspects of each area and how your organisation has experienced operating within it.

Note that when you have selected your answer, it will automatically move to the next card

Please select one answer

CARDS

1. The civil legal aid system as a whole [\[FIX FIRST CARD\]](#)
2. The fee system (e.g. fee structure (fixed fee, hourly rates), fee amount. Not including the billing process with the LAA, etc)
3. The billing process (through the LAA)
4. A system from which to build a quality legal workforce (e.g. hiring staff, retaining staff etc)
5. The contracting process (e.g. tendering, structure of contracts etc)
6. The way legal aid provision is audited and quality upheld (through the LAA)
7. Managing and contact with the service user (e.g. admin, frequency of contact, time/ effort to onboard them etc)
8. The way the LAA makes decisions (and how organisations can appeal those decisions)

SCALE

1. Completely satisfied
2. Satisfied
3. A little satisfied
4. Neither satisfied nor unsatisfied
5. A little unsatisfied
6. Unsatisfied
7. Completely unsatisfied

TOP OF MIND ISSUES

ASK THOSE WHO CODE 3-7 FOR ANY CARD AT Q14, OPEN END, DO NOT FORCE RESPONSE

Q15. We'd like to know about the different challenges your organisation may be experiencing with different areas of the civil legal aid system (if any at all).

Please use this space to surface any top-of-mind challenges, explaining what the problem(s) is and how it impacts your organisation in as much detail as possible.

Please write your response in the text box below

1. LARGE OPEN BOX

PAIN POINTS - FREQUENCY

ASK ALL, CARD SORT, SINGLE CODE PER CARD, RANDOMISE CARDS

Q16. We'd like to ask you about different frustrations your organisation may or may not have experienced when delivering civil legal aid services.

On average, how often (if at all) does your organisation experience the following pain points/ frustrations when delivering civil legal aid provision?

If one of the following pain points doesn't apply to your organisation then please select 'Never – my organisation has never experienced frustration with this'.

Please select one answer

CARDS

[FEES]

1. Rigidity of fee structure (i.e. fixed fees, hourly fees)
2. Fees lower than required
3. Spending excess time unable to bill for (e.g. excess admin. etc)

[BILLING]

4. Lag/ delay in getting paid by LAA
5. Admin related to getting paid
6. LAA has poor/ slow IT systems/ infrastructure (e.g. CCMS)
7. Unexpected costs (e.g. transaction costs, recoupment of fees following audit, etc)

[WORKFORCE]

8. Difficulty hiring experienced, quality lawyers
9. Difficulty attracting junior lawyers into the profession
10. High staff turnover rate
11. Lack of/ unsuitable training for legal aid professionals

[CONTRACTING]

12. Rigidity of contracts (i.e. siloed contract categories)
13. Admin/ time associated with tendering/ retendering for contracts
14. The regularity of having to retender for contracts

[QUALITY & CONTRACT MANAGEMENT AUDITING]

15. Peer review of quality of provision
16. Difficulties with auditing process/ contract management by the LAA (e.g. contract manager visits, file reviews, etc.)

[USER DIFFICULTIES]

17. Time needed to manage/ look after the service user/ their needs
18. Admin related to the service user

[OTHER FACTORS]

19. Difficulty with LAA decision-making for individual cases (e.g. difficulty appealing decisions, inefficiencies with the process etc)

SCALE

1. Daily
2. Weekly
3. Monthly
4. Every 2-3 months
5. Every 3-6 months
6. Every 6-12 months
7. Every 1- 3 years
8. Less often
9. Never – my organisation has never experienced frustration with this

PAIN POINTS – SEVERITY

ASK ALL, RANK, DRAG AND DROP, RANDOMISE ROWS

Q17. With which pain points does your organisation feel the **most** frustration when delivering civil legal aid provision?

Please rank up to 10 of your top pain points, with #1 being the most frustrating. Drag and drop your selected pain points into the relevant ranks

OPTIONS

1. INSERT ALL CODES THAT SCALE 1-8 FROM Q16

RANK

1. RANK TOP 10 PAIN POINTS

[IF ONLY SCALE 1-8 FOR ONE CODE AT Q16, AUTOCODE RANK 1]

PAIN POINTS – FUTURE IMPACT (CURRENT PROVIDERS ONLY)

ASK CURRENT, CARD SORT, SINGLE CODE PER CARD, RANDOMISE CARDS

Q18. For each of the following pain points, if it were to continue being a frustration to your organisation, how likely or unlikely is it to prevent your organisation from continuing their civil legal aid services?

Please select one answer

CARDS

1. INSERT ALL CODES THAT SCALE 1-8 FROM Q16

SCALE

1. Very likely
- 2.
- 3.
4. Neither likely nor unlikely
- 5.
- 6.
7. Very unlikely

OTHER PAIN POINTS

ASK ALL, OPEN END, DO NOT FORCE RESPONSE

Q19. Thinking about the different pain points/ frustrations you have just seen, did you want to elaborate on the challenges your organisation faces in these areas any further?

Please use this space to also surface any additional pain points/ frustrations your organisation has experienced that haven't yet been mentioned

Please explain them below giving as much detail as possible. Otherwise please leave the box blank and click 'continue'.

Please write your response in the box below

Fees

1. LARGE OPEN END BOX

Billing

2. LARGE OPEN END BOX

Workforce recruitment/ retention

3. LARGE OPEN END BOX

Contracting process and structure

4. LARGE OPEN END BOX

Quality and contract management auditing

5. LARGE OPEN END BOX

Working with and managing the service user

6. LARGE OPEN END BOX

Other factors/ areas you would like to mention

7. LARGE OPEN END BOX

WORKFORCE PAIN POINTS REASONS

ASK THOSE WHO CODE SCALE 1-8 WITH CODES 8-11 (WORKFORCE) AT Q16, OPEN END

Q20. You mentioned previously that your organisation has experienced frustration with recruiting and/ or retaining staff to complete civil legal aid work – what are the reasons for this?

Please write your response in the box below

1. LARGE OPEN END

FEE CIRCUMSTANCES

ASK ALL, OPEN END, DO NOT FORCE RESPONSE

Q21. We'd like to know a little more about your opinions on the fee system for civil legal aid. Please can you describe the situation/ circumstances where fixed fees are more favourable, and when hourly fees are preferred?

Please give as much detail as possible in the box below

1. LARGE OPEN BOX

MONITORING PROVISION

ASK ALL, OPEN END, DO NOT FORCE RESPONSE

Q22. Thinking about the civil legal aid services your organisation provides to your clients - if you had the time/ resources made available to your organisation, what more (if anything) would you be doing for your clients?

Please detail the types of actions you would be doing and what impact you think this would have.

Please write your answer in the box below

1. LARGE OPEN END

SECTION 3: FUTURE OF THE CIVIL LEGAL AID SECTOR

INTRO: And just a few final questions to finish off with...

PROFITABILITY OF DIFFERENT AID AREAS

ASK PROFIT-MAKING FIRMS (CODE 1-2 AT Q3), GRID, SINGLE CODE PER ROW, RANDOMISE ROWS

Q23. Thinking about the last financial year, how profitable or unprofitable are the different areas of legal aid your organisation operates in?

Please select one answer for each type of legal aid

ROWS

1. [CURRENT]: SHOW LAW CATEGORIES THAT CODE 3-7 AT Q7 (HELD FOR A YEAR+)

COLUMNS

1. 7 - Comparable to other profitable work/ average market rates [SHOW ON RIGHT]

2. 6

3. 5

4. 4. Break-even
5. 3
6. 2
7. 1. Loss-making for us [\[SHOW ON LEFT\]](#)

CIVIL LEGAL AID PROFIT MARGIN

ASK PROFIT-MAKING FIRMS (CODE 1-2 AT Q3), OPEN NUMERIC

Q23B. Thinking about your organisation's civil legal aid work in total, what is the approximate profit-margin? 'Profit margin' refers to your-organisation's net profit for civil legal aid work divided by total fee income for civil legal aid work for your organisation's last accounting period. If your organisation experienced a loss, please place a negative sign ("-") in front of your answer.

Please type your answer as a % in the box below

1. OPEN NUMERIC ____%
98. I do not know this information
99. I do not want to provide this information

DEMAND FOR DIFFERENT AID AREAS

ASK ALL, GRID, SINGLE CODE PER ROW, RANDOMISE ROWS

Q24. For each legal aid area your organisation operates in, how much demand is your organisation currently experiencing for that service? By 'demand' we mean requests for legal aid by those eligible for civil legal aid services.

Please select one answer for each type of legal aid

ROWS

1. [\[INSERT PROVISIONS FROM Q6 \[LEGAL AID CONTRACTS HELD \(COL 1 OR 2\)\]](#)

COLUMNS

1. 7 - Overwhelming/ very high level of demand [\[SHOW ON RIGHT\]](#)
2. 6
3. 5
4. 4 - Standard/ moderate level of demand
5. 3
6. 2
7. 1 - Very low level of demand [\[SHOW ON LEFT\]](#)

CASES TURNED AWAY

ASK THOSE WHO CODE 1-3 FOR ANY ROWS AT Q24, OPEN NUMERIC

Q24B. You mentioned that your organisation was experiencing a high level of demand for at least one type of civil legal aid service. In total, approximately, how many eligible cases have you had to turn away in the last month (if any at all)?

Please type your answer in the box below

1. OPEN NUMERIC

LIKELIHOOD TO REMAIN

ASK ALL, CARD SORT, SINGLE CODE PER CARD

Q25. If the civil legal aid sector continues to operate in its current state (i.e. no changes are made), what action is your organisation most likely to take in the following time frames?

Please select one answer

CARDS – DO NOT RANDOMISE

1. Next year
2. Next two years
3. Next 5 years

SCALE

1. **Remain** in the sector, and **increase** your amount of civil legal aid provision
2. **Remain** in the sector, and your organisation's amount of civil legal aid provision **stays the same**
3. **Remain** in the sector, but **decrease** your amount of civil legal aid provision
4. **Leave** the civil legal aid sector [CLOSE QUESTION ONCE SELECTED. AUTOCODE 4 (LEAVE) FOR REMAINING CARD(S)]

FINAL THOUGHTS

ASK ALL, OPEN END, DO NOT FORCE RESPONSE

Q26. We are nearly at the end of the survey. Please use this space to surface anything else about the civil legal aid system and the challenges your organisation faces that you would like known.

Please write your answer in the box below

1. LARGE OPEN END

QX. Thank you very much for your participation in this survey.

As mentioned previously, PA Consulting are building a robust evidence base to inform the Review of Civil Legal Aid, and this survey is one input.

In collaboration with The Law Society, further in-depth research will be developed from November specifically regarding the profitability associated with civil legal aid work and financial strain on providers. This research will collect information from providers on their organisation's finances including those related to legal aid services. This data is highly important to the Review and will play a key role in shaping policy development. The data would be completely anonymous and aggregated.

If you would be open to receiving more information about this financial analysis, please tick the box below and enter a contact email address. Otherwise click 'next'.

TICK BOX: I would be willing to be recontacted by a representative at PA Consulting or The Law Society about providing financial/profitability information related to my organisation.

Enter your contact email address here: **OPEN**

If you have any further questions about the wider economic review of civil legal aid, please contact rocla@justice.gov.uk.

If you any specific questions about this survey or its findings please contact

[REDACTED]

[CLOSE]

10.2 Appendix B – Email invitation to providers

Subject: Invitation to participate in online research exploring Provider's experiences of the Civil Legal Aid system

Dear [INSERT NAME],

PA Consulting is undertaking research to provide a robust evidence base for the Review of Civil Legal Aid (RoCLA). The Review of Civil Legal Aid is an official Government Review.

We would like to invite your organisation to participate in an online research survey.

This aims to explore legal aid providers' experiences of the civil legal aid sector and how it operates. Your responses to this survey will be used as part of the evidence for the Review of the Civil Legal Aid and will shape policy development that aims to improve the long-term sustainability of the civil legal aid system. You can find out more about the Review through the following link: [Review of Civil Legal Aid](#)

On average, the survey takes approximately 20-30 minutes to complete, however it can take longer depending on the amount of detail you are able/ have time to give. Please take the time you need to complete it. There may be a need to consult other individuals in your organisation to answer some questions – all survey progress will be saved automatically, so you can exit and return to it as you please. The survey will close on Tuesday 17th October.

We would like the individual who answers this survey to be a senior decision-maker in their organisation, who can represent the views and experiences of their organisation as a whole – if you feel this isn't you then please forward this email to the appropriate decision-maker.

This survey is part of a wider programme of research.

To build on this survey, we will be working closely with The Law Society towards an in-depth analysis of the profitability associated with civil legal aid services. As a follow-up exercise, we may reach out to your organisation inviting you to answer some specific questions about your organisation's finances and the profitability of the civil legal aid services you offer (if you agree to do so at the end of the survey).

PA Consulting are an independent third-party with rigorous data protection policies.

PA Consulting are an independent contractor, commissioned by the MoJ to undertake this research. Any information you provide to us will be treated with the utmost confidentiality and processed in accordance with GDPR guidelines (see PA's [data privacy policy](#)). PA Consulting will handle the data processing and analysis, ensuring all outputs are reported anonymously. The MoJ will not have access to any individual responses.

Please click here to take the online survey (or copy and paste into your browser): [SURVEY LINK]

Please note, this survey is separate to the Legal Aid Agency's 2024 Standard Civil Contract tender.

If you have any immediate questions about this research, please contact [REDACTED]

Thank you in advance for your valuable time and input.

Kind regards,

PA Consulting

paconsulting.com



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10.3 Appendix C – Survey data

Included as a supplementary document.

10.4 Appendix D – Sub-group confidence intervals

Sub-groups highlighted in grey indicate sub-groups that have low base size (number of survey responses) and/ or a wide confidence interval, meaning it is unadvisable to draw quantitative conclusions about these groups.

Regions where have office(s)	Number of survey responses	Population size (total number within market)	Confidence interval
NET: England	205	1163	±6%
NET: North	68	340	±11%
North East	18	80	±20%
North West	31	160	±16%
Yorkshire and Humber	31	125	±15%
NET: Midlands	37	307	±15%
East of England	8	103	±33%
East Midlands	12	88	±26%
West Midlands	20	136	±20%
NET: South	115	592	±8%
London	72	395	±10%
South East	34	142	±15%
South West	26	98	±17%
NET: Wales	23	100	±18%

Source: Provider Survey, Q2: Where in England or Wales is your organisation based? Providers were asked to select all locations in which they hold an office, and hence the total adds to >100%. Base: Total sample (n=228).

NET = refers to the proportion that have selected at least one response that falls within a specified grouping.

*Market representation are figures from the LAA Database.

Type of organisation	Number of survey responses	Population size (total number within market)	Confidence interval
Private practice	189	1162	±7%
Non-profit	39	84	±12%

Source: Provider Survey, Q3: Is your organisation...? Base: Total sample (n=228). *Market representation are figures from the LAA Database <https://www.gov.uk/government/publications/directory-of-legal-aid-providers> Accessed: 18th September 2023.

Categories of civil legal aid operate in	Number of survey responses	Population size (total number within market)	Confidence interval
Family	141	910	±8%
NET: Not Family	87	336	±9%
Housing & Debt	65	249	±10%
Public Law	41	62	±9%
Immigration & Asylum	36	150	±14%

Mental Health	24	100	±18%
Community Care	21	62	±18%
Clinical Negligence	19	37	±16%
Claims against public authorities	18	62	±20%
Discrimination	11	12	±9%
Welfare Benefits	11	12	±9%
Education	3	12	±51%

Source: Provider Survey, Q6: Which of the following best describes your relationship with each type of legal aid contract? Providers could select all contracts that they currently hold and hence % sum to >100%. Base: Total sample (n=228). *Market representation are figures from the LAA Database. <https://www.gov.uk/government/publications/directory-of-legal-aid-providers> Accessed: 18th September 2023.



About PA.

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As strategies, technologies, and innovation collide, we create opportunity from complexity.

Our diverse teams of experts combine innovative thinking and breakthrough technologies to progress further, faster. Our clients adapt and transform, and together we achieve enduring results.

We are over 4,000 strategists, innovators, designers, consultants, digital experts, scientists, engineers, and technologists. And we have deep expertise in consumer and manufacturing, defence and security, energy and utilities, financial services, government and public services, health and life sciences, and transport.

Our teams operate globally from offices across the UK, Ireland, US, Nordics, and Netherlands.

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