

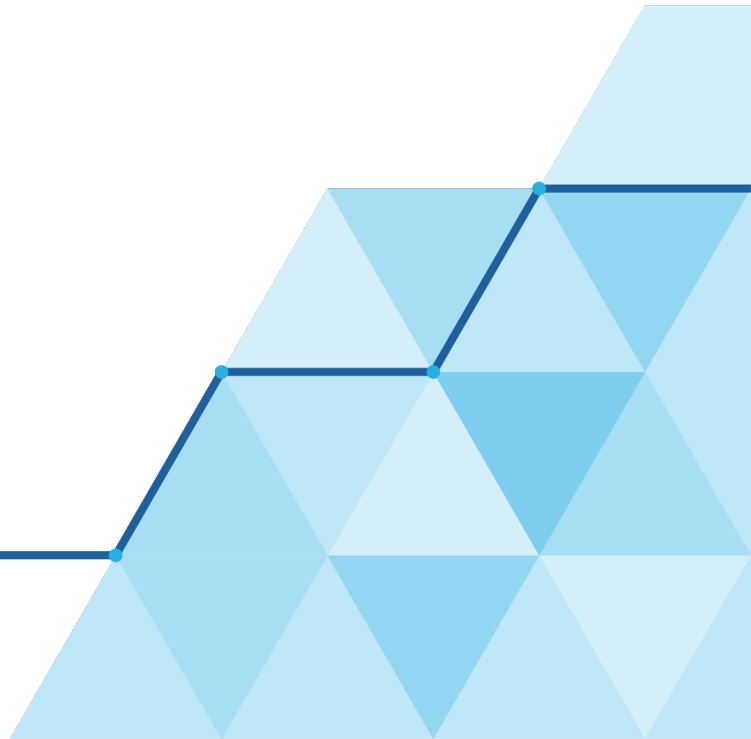


Ministry
of Justice

Review of Civil Legal Aid Data Publication Series

Clinical negligence deep dive

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Introduction

Background and purpose of this publication

1. This report is part of the Data Publication Series workstream within the Review of Civil Legal Aid (RoCLA). The Data Publication Series is a result of two data sharing agreements, one between the Ministry of Justice (MoJ) and the Law Society (LS) and another between the MoJ and the Bar Council (BC). The aim of these publications is to summarise key descriptive information about solicitors and barristers who do civil legal aid to inform the policy-making emerging from RoCLA.
2. More information about the review, including the Data Publications Overview Report which is also part of the Data Publication series, can be found at the following link: <https://www.gov.uk/guidance/civil-legal-aid-review>.
3. This document follows the same structure and definitions as the Overview Report, but mostly focuses on the providers who undertake clinical negligence legal aid work, except where other providers are included in the tables to set the clinical negligence providers in context.

Notes on understanding the data

4. The document is intended to provide context for policy-making and does not draw any conclusions from the data shown.
5. The intention of this publication is to describe the provider experience of doing legal aid work, so we have chosen a provider-centric view. In this publication, “provider” means solicitor, solicitor firm or other organisation, barrister, or all of these, depending on the context. For instance, where multiple providers are involved in a case, then each will show the case in their reported caseload, so aggregating over the cases implied in the following tables may overstate the total number of cases. The same occurs where this publication looks at overlapping groups of providers, where there is no double-counting within groups but adding them together would cause some entities to be counted twice. This is different from other ways of presenting legal aid statistics, such as the Legal Aid Statistics Quarterly,¹ which are concerned with the overall system.

¹ Available at <https://www.gov.uk/government/collections/legal-aid-statistics>

6. Figures presented throughout this data compendium may not add up precisely to the totals provided and percentages may not precisely reflect the absolute figures due to rounding. All counts have been rounded to the nearest 10. Counts below 10 and percentages based on counts below 10 have been suppressed and are shown as '~'. In addition, to make sure the suppressed figure cannot be derived by subtraction, secondary suppression has been applied whereby the next smallest figure has been suppressed and is also marked as '~'. There are some exceptions to this. Firstly, where the only suppressed value relates to a missing or undisclosed information category. As no sensitive information about individuals can potentially be linked to these individuals, secondary suppression is not applied. Secondly, where applying the secondary suppression would lead to too much data being omitted. In these cases, alternative approaches have been used to avoid disclosure and these are explained in the relevant tables. In some cases, additional values have also been suppressed where otherwise zeros would allow the identification of a maximum or minimum value for a reported value for the total turnover of a solicitor firm or total gross income of a barrister.
7. Where the total for a row is 0, any row-wise percentages for that row are marked as '.' to indicate that percentages cannot be calculated for this row.
8. In order to maintain readability in this report, not all the tables considered are shown here, including cases where the underlying data shows no particular trend or difference to other data already shown. However, all the tables are published in the accompanying data tables spreadsheet which can be found on Gov.UK.
9. Please also note further information about the quality of the data matching in the annexes at the end of the report, this includes further detail about the coverage and limitation of the data sources, as well as quantification of the match rates.

Solicitor firms

Additional methodological details for solicitor firm statistics

10. In this chapter, the term “firms” can include other organisations as well as solicitor firms. Further details on the different types of organisations, as well as details on which types have been matched to LS data, can be found in Annex I – Data matching rates, in the Solicitor Datashare Annex.
11. In this chapter the firms considered are “active clinical negligence legal aid firms”. These are firms that both submitted at least one final clinical negligence bill in the year shown and held a clinical negligence legal aid contract at the end of the year. This approach removes firms that were billing for work started while they held a contract but were not able to take on new legal aid work, as well as removing firms that held a contract but were billing no work. In this chapter, unless otherwise specified, only income and claims from clinical negligence legal aid are shown for active clinical negligence firms. Each table also shows only the income relevant to the firms in the cohort relevant to that table, so the income received by firms in years in which they were out of contract is also not included in this publication (with the exception of the initial tables in the overview section where the total income for all firms is shown for context).
12. This definition of “active civil legal aid firms” allows us to create a picture of the current civil legal aid providers that are likely to be affected by future policy changes. This is in line with the intent to make this a “firm-centric” publication, which sits alongside the MoJ’s “system-centric” published statistics. Using the end-of-year timing method to identify firms which have a contract aligns with the approach used in the published statistics. The impact of this choice is demonstrated at the start of the following section.
13. There are alternative possibilities to define an “active” provider, either a firm or an office, which would highlight other features of the legal aid system. For instance, using matter starts, instead of billing, to identify when an office is “active” would highlight a view of the legal aid system which focusses on accessibility. In this case we are using billing data because we are focussed on the characteristics of a firm, such as legal aid income, and using firms (rather than offices) because this is the level at which we can report characteristics such as turnover. In some cases, firms stop taking on new work before leaving their contracts, so in these cases there would be fewer “active” firms under the starts-based definition than are shown here.

14. The income from civil legal aid work shown in the following tables includes all the income arising from the main civil legal aid schemes which is paid to solicitor firms, which is intended to align most closely to the turnover reported by firms (from the LS dataset and includes all legal aid income and private work). For this reason, VAT has been excluded from all the figures shown in this chapter,² and disbursements (excluding VAT) are included. Total disbursements made up between 12% and 14% of the total civil legal aid fee income in each year shown. This measure of civil legal aid income includes payments from the Legal Aid Agency (LAA) as well as the value of inter partes costs³ which providers report to the LAA, however further information about these costs is shown in Annex II.
15. It is worth reiterating that the coverage of the LAA data does not align perfectly with the LS data. The LAA data is on a financial year basis and as such covers the period April – March, whereas the LS data cover the period August – July with the data extracted as at July. MoJ and LS agreed the best approach to use when combining these datasets. Taking the year 2015-16 as an example, it was decided that the LAA April 2015 – March 2016 yearly file would be best aligned with the LS August 2015 – July 2016 yearly file. A key reason for this is because in the LS datasets, turnover is most likely to be reported in October as part of the annual renewal process. Thus for 2015-16, the turnover in the LS datasets would be as reported in October 2015. It was assumed that the turnover would be that of the financial year in which it was reported, which would be the same as the LAA data – April to March. However, this alignment is not exact as some providers' financial information in the LS datasets might refer to a slightly different period of time. This might help explain some of the small time-inconsistencies between the LAA and the LS data. As a result, care must be taken when interpreting this analysis.
16. The tables describing firm composition show all active firms where the only data used is from within the LAA, but where data from the LS datashare is used then only matched firms are shown (as there is no data for the non-matched firms). The tables showing only matched firms have “matched” in the table heading.
17. Where “claims” are referred to in this section, this refers to both final bills from civil representation certificates and all controlled work claims.

² For payments made by the LAA the VAT can be identified and removed, however VAT is not recorded on inter partes costs, so the relevant VAT rate is imputed from LAA payments on the same claim and applied to inter partes costs.

³ These are costs awarded by the court to a party (usually after a successful case). These costs are paid by the other party at rates agreed by the court.

Clinical negligence solicitor firm overview

Key information

- The number of active clinical negligence legal aid firms has more than halved, decreasing from 130 in FY2014-15 to 60 in FY2021-22.
- Claim volume and income from clinical negligence legal aid have decreased between FY2014-15 and FY2021-22.
- In each year between FY2014-15 and FY2021-22, the majority of active clinical negligence legal aid firms were also active in other civil legal aid categories.
- In FY2021-22, 45% of clinical negligence legal aid firms received 80% or more of their income from civil legal aid from clinical negligence work and a further 36% received less than 20% from clinical negligence.

Clinical negligence firms in the context of all legal aid providers

18. This section looks at how clinical negligence firm numbers and firm income have changed over the duration of the datashare period, within the context of legal aid providers as a whole. In this section, all active clinical negligence firms and their clinical negligence income are shown, not just the matched firms, to give the most accurate impression of the overall system within which firms operate. The initial two tables also show the firms which have had billing activity in the period and do not meet our definition of “active” – these are referred to as “out of contract billing firms”.
19. Tables 1.1.1 and 1.1.2 show that there was a large proportion of clinical negligence firms (18% to 35% each year) that did not have a contract at the end of the year in which they billed, however they accounted for a smaller proportion (5% to 24%) of the total income from clinical negligence legal aid for all firms.
20. For transparency, there is more detail on the composition of the “out of contract billing firms” in an annex of the accompanying spreadsheet, but otherwise the remaining tables in this publication exclude these firms. Including these firms in the tables of this publication would give the appearance of there being a larger proportion of firms completing small amounts of civil legal aid work than the “active” definition used – this choice is explained in the methodological section preceding this.

Table 1.1.1: Clinical negligence legal aid firms by contract status and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
In contract billing firms	82%	65%	74%	70%	65%	75%	74%	70%
Out of contract billing firms	18%	35%	26%	30%	35%	25%	26%	30%
Total	160	150	130	130	120	110	70	90

Table 1.1.2: Income from clinical negligence legal aid (£m) for clinical negligence legal aid firms, by contract status and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
In contract billing firms	95%	91%	93%	86%	83%	89%	76%	85%
Out of contract billing firms	5%	9%	7%	14%	17%	11%	24%	15%
Total	£50.3	£53.5	£51.5	£44.9	£48.9	£53.2	£30.0	£41.6

21. In tables 1.1.3 to 1.1.5, “all active firms” refers to firms that both submitted at least one final bill in the year shown and held a civil legal aid contract at the end of the year in the relevant category of law. The number of claims and legal aid income reported for these firms includes all claims, and income from those claims, completed by the firm in the relevant financial year. This differs from the number of claims and legal aid income for active clinical negligence firms, where only the clinical negligence claims, and income from those claims, completed by the firm in the relevant financial year are reported.
22. In this section, percentages are based on unrounded values so may not reflect the rounded values seen in the tables.
23. Table 1.1.3 shows the number of active civil legal aid firms, by area of civil legal aid work and by year. In FY2021-22, 5% of active civil legal aid firms completed clinical negligence legal aid work.
24. The number of active clinical negligence legal aid firms over the period has seen a reduction, with an overall decrease of 50% seen between FY2014-15 to FY2021-22. This is larger than the overall decrease of 22% for all active civil legal aid firms.

Table 1.1.3: Number of active civil legal aid firms by area of civil legal aid work and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Clinical negligence	130	100	100	90	80	80	50	60
Year on year change		-26%	-1%	-6%	-13%	6%	-34%	19%
All active firms	1,570	1,490	1,390	1,330	1,310	1,340	1,280	1,230

25. Table 1.1.4 shows the claim volume of active civil legal aid firms, by area of civil legal aid work and by year. In FY2021-22, less than 1% of all civil legal aid claims completed by active firms were clinical negligence claims.

26. The number of clinical negligence legal aid claims has decreased over the period, with an overall decrease of 83% seen between FY2014-15 and FY2021-22. This is larger than the overall decrease of 32% for all active civil legal aid firms.

Table 1.1.4: Claim volume for active civil legal aid firms by area of civil legal aid work and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Clinical negligence	2,040	1,160	940	740	630	560	250	350
Year on year change		-43%	-19%	-22%	-15%	-10%	-56%	42%
All active firms	331,160	279,910	273,540	272,050	264,000	266,710	198,540	224,400

27. Table 1.1.5 shows the income from civil legal aid for active civil legal aid firms, by area of civil legal aid work and by year. In FY2021-22, 6% of all income from civil legal aid for active firms was from clinical negligence work.

28. There has generally been a decrease in the income from clinical negligence legal aid over the period, with an overall decrease of 26%. This is in contrast to the overall increase of 4% for all income from civil legal aid for active civil legal aid firms.

Table 1.1.5: Income from civil legal aid (£m) for active firms by area of civil legal aid work and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Clinical negligence	£48.0	£48.4	£47.7	£38.6	£40.5	£47.3	£22.7	£35.4
Year on year change		1%	-2%	-19%	5%	17%	-52%	56%
All active firms	£581.7	£503.9	£503.3	£520.2	£529.8	£573.4	£522.6	£602.6

Composition of work completed by clinical negligence firms

29. Table 1.1.6 shows the civil legal aid categories that active clinical negligence legal aid firms were active in, by year. Suppression has not been applied to this table. Each year, over half of clinical negligence legal aid firms were also active in another civil legal aid category, with 44% of clinical negligence firms completing family legal aid work in FY2021-22.
30. In FY2021-22, the mean number of categories that an active clinical negligence legal aid firm was active in was two, including clinical negligence as one of those categories.

Table 1.1.6: Active contracts for active clinical negligence legal aid firms, by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Total	130	100	100	90	80	80	50	60
Clinical negligence only	47%	45%	41%	39%	39%	45%	43%	42%
Clinical negligence +	53%	55%	59%	61%	61%	55%	57%	58%
Claims against public authorities	12%	17%	19%	25%	22%	20%	31%	22%
Community care	11%	13%	14%	17%	10%	16%	19%	11%
Discrimination	0%	0%	0%	0%	0%	1%	4%	5%
Education	0%	0%	0%	0%	0%	1%	2%	3%
Family	46%	46%	45%	47%	49%	44%	46%	44%
Housing & debt	15%	15%	16%	18%	17%	12%	11%	9%
Immigration	6%	4%	5%	6%	5%	5%	4%	3%
Mental health	11%	9%	9%	12%	10%	9%	9%	6%
Miscellaneous and other	19%	23%	25%	27%	22%	26%	19%	19%
Public law	10%	14%	17%	19%	16%	16%	17%	11%
Welfare benefits	1%	1%	1%	2%	4%	1%	2%	2%
Mean number of active categories per firm	2	2	3	3	3	2	3	2

Percentages are calculated using the total number of active firms in a year completing clinical negligence legal aid work. Percentages will not sum to 100% due to some firms completing legal aid work in two or more categories.

The “Miscellaneous and other” area of work includes consumer, employment, personal injury and miscellaneous legal aid work.

For the mean number of active categories, categories are defined using the groupings seen in this table, including clinical negligence as one of the categories.

31. Table 1.1.7 shows the proportion of income from civil legal aid that active clinical negligence legal aid firms received from clinical negligence legal aid work, by year. Most firms either received a lot or a little of their income from civil legal aid from clinical negligence legal aid work, with 45% of firms in FY2021-22 receiving 80% or more of their income from civil legal aid from clinical negligence work, and a further 36% receiving less than 20% from clinical negligence work.

Table 1.1.7: Active clinical negligence legal aid firms, by percent of income from civil legal aid through clinical negligence work, and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Less than 20% clinical negligence	26%	24%	22%	28%	26%	29%	37%	36%
20-40% clinical negligence	16%	11%	17%	13%	14%	12%	~	~
40-60% clinical negligence	~	~	~	~	~	~	~	~
60-80% clinical negligence	~	~	~	~	~	~	~	~
80% and over clinical negligence	46%	47%	46%	44%	36%	48%	41%	45%
Income from civil legal aid is blank or zero	0%	0%	0%	0%	0%	0%	0%	0%
Total	130	100	100	90	80	80	50	60

32. Table 1.1.8 shows the split of income from clinical negligence legal aid between civil representation and controlled work, for clinical negligence legal aid firms, by year. Where unsuppressed, almost all clinical negligence legal aid firms received 80% or more of their income from clinical negligence legal aid through civil representation, at 100% of firms in FY2021-22.

Table 1.1.8: Active clinical negligence legal aid firms, by percent of income from clinical negligence legal aid through civil representation or controlled work, and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Less than 20% civil representation, 80% and over controlled work	~	0%	0%	~	0%	~	~	0%
20-40% civil representation, 60-80% controlled work	0%	0%	0%	0%	0%	0%	0%	0%
40-60% civil representation, 40-60% controlled work	0%	0%	0%	0%	0%	0%	0%	0%
60-80% civil representation, 20-40% controlled work	~	0%	0%	0%	0%	0%	0%	0%
80% and over civil representation, less than 20% controlled work	97%	100%	100%	~	~	~	~	100%
Income from civil legal aid is blank or zero	0%	0%	0%	0%	~	0%	0%	0%
Total	130	100	100	90	80	80	50	60

Firm composition

Key information

- Between FY2014-15 and FY2021-22, there has been a shift to clinical negligence firms receiving higher incomes from clinical negligence legal aid, and a shift to a higher proportion of firms completing fewer claims. In FY2014-15, 60% of clinical negligence firms completed 1 to 10 claims, compared to 88% in FY2021-22.
- In both FY2014-15 and FY2021-22, for the majority of active clinical negligence legal aid firms, income from clinical negligence legal aid made up less than 20% of the firm's total turnover, at 92% of firms in FY2021-22.

33. This section focuses on how the composition of active clinical negligence legal aid firms has changed, by looking at the first and last year in the timeseries; FY2014-15 and FY2021-22. In these tables, the bottom row shows the total number of clinical negligence legal aid firms, or total income from that category received by those firms. The columns above this then show what proportion of these totals were received by the firms in each row grouping, within the year of the spanning header.
34. Table 1.2.1 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid, by their income from clinical negligence legal aid band, in FY2014-15 and FY2021-22. There has been a shift to clinical negligence firms receiving higher incomes from clinical negligence legal aid. Around 67% of firms had incomes from clinical negligence legal aid of £250k or less in FY2014-15, while this proportion decreased to around 57% in FY2021-22.

Table 1.2.1: Active clinical negligence legal aid firms, by income from clinical negligence legal aid and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Blank or zero	0%	0%	0%	0%
£100k or less	36%	4%	30%	2%
£100k to £250k	31%	14%	27%	8%
£250k to £500k	12%	12%	~	~
£500k to £1m	11%	20%	16%	20%
£1m and over	9%	50%	~	~
Total	130	£48.0	60	£35.4

35. Table 1.2.2 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid, by clinical negligence claim volume, in FY2014-15 and FY2021-22. There has been a shift to a higher proportion of firms completing fewer claims. In FY2014-15, 60% of clinical negligence firms completed 1 to 10 claims, compared to 88% in FY2021-22.

Table 1.2.2: Active clinical negligence legal aid firms, by clinical negligence legal aid claim volume and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
1 to 10 claims	60%	23%	88%	51%
11 to 50 claims	33%	41%	~	28%
51 to 100 claims	~	21%	~	21%
101 to 200 claims	~	15%	0%	0%
201 claims +	0%	0%	0%	0%
Total	130	£48.0	60	£35.4

36. Table 1.2.3 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid, by total turnover bands, in FY2014-15 and FY2021-22. The proportion of firms with total turnovers of £1m to £5m has decreased, while the proportion of firms with total turnovers of £5m or more has increased.

Table 1.2.3: Matched active clinical negligence legal aid firms, by total turnover and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Unknown	~	0%	~	1%
£250k or less	~	1%	0%	0%
£250k to £500k	~	0%	0%	0%
£500k to £1m	~	2%	~	2%
£1m to £5m	28%	11%	19%	10%
£5m and over	60%	86%	69%	87%
Total	120	£41.9	60	£35.4

37. Table 1.2.4 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid, by the proportion of a firm's total turnover which came from income from clinical negligence legal aid, in FY2014-15 and FY2021-22. There are timing differences in the datasets used to calculate this

proportion, which are described in the “Additional methodological details for solicitor firm statistics” section, which mean this table should be treated with some caution. However, it does show the overall shape of the changing composition of providers’ income and is the best available proxy for firms’ reliance on clinical negligence legal aid income as part of their business model.

38. For the majority of active clinical negligence legal aid firms in both years, income from clinical negligence legal aid made up less than 20% of the firm’s total turnover, at 92% of firms in FY2021-22.

Table 1.2.4: Matched active clinical negligence legal aid firms, by percentage of turnover as a result of clinical negligence legal aid work and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Less than 20%	91%	88%	92%	94%
20-40%	~	10%	~	2%
40-60%	~	1%	0%	0%
60-80%	0%	0%	0%	0%
More than 80%	~	0%	~	4%
Firm turnover is unknown	~	0%	~	1%
Total	120	£41.9	60	£35.4

Please note that fewer than 10 firms reported a total turnover that was lower than their civil legal aid income in 2014-15 and fewer than 10 firms reported a total turnover that was lower than their civil legal aid income in 2021-22.

39. Table 1.2.5 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid, by the number of partners (and partner equivalents in companies), in FY2014-15 and FY2021-22. This is an alternative metric for firm size. The proportion of firms with 5-25 partners decreased from 57% in FY2014-15 to 38% in FY2021-22.

Table 1.2.5: Matched active clinical negligence legal aid firms, by number of partners and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Very small (0-1 partner)	~	5%	~	4%
Small (2-4 partners)	21%	6%	~	16%
Medium (5-25 partners)	57%	41%	38%	20%
Large (26 partners and over)	~	48%	33%	61%
Total	120	£41.9	60	£35.4

40. Table 1.2.6 shows the proportion of active clinical negligence legal aid firms and income from clinical negligence legal aid by region, in FY2014-15 and FY2021-22. Please note that the region is derived from the region of the firm's head office – these firms may have done civil legal aid work in more regions than shown in the tables.
41. In both FY2014-15 and FY2021-22, 17% of clinical negligence firms were based in London, although in FY2021-22, firms based in the West Midlands received a slightly higher proportion of income from clinical negligence than firms in London. It is difficult to comment further on trends due to high levels of suppression in this table.

Table 1.2.6: Matched active clinical negligence legal aid firms, by region and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
East Midlands	~	4%	~	4%
East of England	10%	4%	~	2%
London	17%	34%	17%	28%
North East	~	2%	~	2%
North West	11%	11%	~	7%
South East	12%	8%	~	6%
South West	10%	9%	~	8%
Wales	~	5%	~	4%
West Midlands	~	11%	~	29%
Yorkshire and the Humber	15%	11%	~	11%
Total	120	£41.9	60	£35.4

Firm joiners and leavers

Key information

- For clinical negligence legal aid, there were more leaver firms than joiner firms between FY2014-15 and FY2021-22.
- Firms that have left the clinical negligence legal aid system between FY2014-15 and FY2020-21 have mostly been larger firms with higher turnovers; 50% of firms that left had a turnover of £5m or over and a further 41% had a turnover of between £1m to £5m.
- The majority of firms that have left clinical negligence legal aid between FY2014-15 and FY2020-21 have had between five and twenty-five partners.

42. This section focuses on how the composition of firms which have joined or left the clinical negligence legal aid system has changed over the duration of the datashare period. Firms are classified as joiner firms in the first year that they received clinical negligence legal aid payments and held a clinical negligence legal aid contract in the

datashare period. Firms are classified as leaver firms in the last year that they received clinical negligence legal aid payments and held a clinical negligence contract in the datashare period.

43. Table 1.3.1 shows firms by the number of years they were active in, between FY2014-15 and FY2021-22.

Table 1.3.1: Number of years each clinical negligence firm was active between 2014-15 and 2021-22

	Number of firms
1 year	30
2-4 years	30
5-7 years	40
8 years	40
Total	140

44. Table 1.3.2 shows a summary of the number of clinical negligence joiners and leavers, by year. Numbers of leaver firms over the period were higher than numbers of joiner firms. It is difficult to comment on trends due to high levels of suppression in this table.

Table 1.3.2: Joiner and leaver active clinical negligence firms by year

	Number of firms	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Joiners	~		~	~	~	0	~	0	~
Leavers	70	30	~	~	10	~	10	10	

45. The numbers of clinical negligence firms joining and leaving in each year are generally too small to break down into smaller groups, so the following tables show the firms which joined or left at any point through the period. For joiners, the characteristics shown in the below tables are the characteristics of the firm in the first year it received clinical negligence legal aid payments and held a clinical negligence contract, and for leavers, the characteristics of the firm in the last year it received clinical negligence legal aid payments and held a clinical negligence contract.
46. Table 1.3.3 shows the civil legal aid categories that joiner clinical negligence legal aid firms were active in, in the first year they were active clinical negligence legal aid firms. It also shows the civil legal aid categories that leaver clinical negligence legal aid firms were active in, in the last year they were active clinical negligence legal aid firms. Suppression has not been applied to this table. A higher proportion of joiners

also completed civil legal aid work in another category, at 67%, compared to leavers at 41%. For joiners, 56% also completed family legal aid work, and for leavers, 39% also completed family work.

47. The mean number of categories that an active clinical negligence firm was active in was three for joiners and two for leavers, including clinical negligence as one of those categories.

Table 1.3.3: Active contracts for active clinical negligence legal aid firms, for joiners and leavers

	Joiners	Leavers
Total	~	70
Clinical negligence only	33%	59%
Clinical negligence +	67%	41%
Claims against public authorities	22%	9%
Community care	33%	9%
Discrimination	0%	0%
Education	0%	0%
Family	56%	39%
Housing & debt	22%	8%
Immigration	11%	4%
Mental health	22%	8%
Miscellaneous and other	22%	11%
Public law	22%	4%
Welfare benefits	11%	0%
Mean number of active categories per firm	3	2

Percentages are calculated using the total number of joiner and leaver firms in a year completing clinical negligence legal aid work. Percentages will not sum to 100% due to some firms completing legal aid work in two or more categories.

The “Miscellaneous and other” area of work includes consumer, employment, personal injury and miscellaneous legal aid work.

For the mean number of active categories, categories are defined using the groupings seen in this table, including clinical negligence as one of the categories.

48. Table 1.3.4 shows the proportion of clinical negligence joiner and leaver firms by total turnover band. Half of leavers had a total turnover of £5m and over, and a further 41% had a total turnover of £1m-£5m.

Table 1.3.4: Matched joiner and leaver active clinical negligence firms by total turnover, 2014-15 to 2021-22

	Joiners	Leavers
Unknown	~	~
£250k or less	~	~
£250k to £500k	~	0%
£500k to £1m	~	~
£1m to £5m	~	41%
£5m and over	~	50%
Total	~	70

49. Table 1.3.5 shows the proportion of clinical negligence joiner and leaver firms by the number of partners. Over half of leavers had 5-25 partners.

Table 1.3.5: Matched joiner and leaver active clinical negligence firms by number of partners, 2014-15 to 2021-22

	Joiners	Leavers
Very small (0-1 partner)	0%	~
Small (2-4 partners)	~	29%
Medium (5-25 partners)	~	57%
Large (26 partners and over)	~	~
Total	~	70

50. Table 1.3.6 shows the proportion of clinical negligence joiner and leaver firms by region. Around 15% of leavers were based in each of the East of England, London, North West and Yorkshire and the Humber regions.

Table 1.3.6: Matched joiner and leaver active clinical negligence firms by region, 2014-15 to 2021-22

	Joiners	Leavers
East Midlands	0%	~
East of England	~	15%
London	0%	15%
North East	0%	~
North West	~	15%
South East	~	~
South West	~	~
Wales	0%	~
West Midlands	~	~
Yorkshire and the Humber	~	16%
Total	~	70

Solicitors

51. This chapter concentrates on solicitors who worked for active clinical negligence legal aid firms in the years the firm received clinical negligence legal aid payments. This includes all matched solicitors in England and Wales who reported working for these firms, **regardless of whether they worked on the cases that received civil legal aid funding**, as the data does not allow for this distinction.

Solicitor composition

Key information

- The number of solicitors working in active clinical negligence legal aid firms has decreased to the same extent as the number of active firms, from FY2014-15 to FY2021-22.
- The age proportions of solicitors working in active clinical negligence legal aid firms have remained broadly similar between FY2014-15 and FY2021-22.

52. This section focuses on how the numbers and characteristics of these solicitors working in active clinical negligence legal aid firms have changed over the duration of the datashare period.
53. Table 2.1.1 shows the number of solicitors working in active clinical negligence legal aid firms, by year. The number of solicitors working in active clinical negligence legal aid firms has varied over the period, with an overall decrease of 10%, which is smaller than the 50% decrease in the number of firms.

Table 2.1.1: Solicitors working in matched active clinical negligence legal aid firms by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Number of solicitors	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

54. Table 2.1.2 shows the proportion of solicitors working in active clinical negligence legal aid firms, by gender and year. Over the period, the proportion of female solicitors remained broadly consistent, and there was a decrease in the proportion of male solicitors. However, it is worth noting that there was also an increase in the proportion of solicitors whose gender is unknown.

Table 2.1.2: Solicitors working in matched active clinical negligence legal aid firms by gender and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Female	56%	56%	56%	56%	59%	60%	59%	56%
Male	44%	44%	43%	42%	40%	39%	37%	36%
Unknown	0%	0%	1%	1%	1%	1%	4%	8%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

55. Table 2.1.3 shows the proportion of solicitors working in active clinical negligence legal aid firms, by age and year. Proportions have remained fairly consistent across the period.

Table 2.1.3: Solicitors working in matched active clinical negligence legal aid firms by age and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Under 35	30%	29%	29%	30%	29%	29%	29%	27%
35-44	32%	33%	34%	33%	34%	34%	35%	34%
45-54	23%	22%	22%	21%	22%	21%	21%	22%
55-64	12%	12%	12%	12%	12%	13%	13%	13%
65+	~	~	~	3%	3%	3%	~	~
Unknown	~	~	~	0%	0%	0%	~	~
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

56. Table 2.1.4 shows the proportion of solicitors working in active clinical negligence legal aid firms, by ethnic group and year. The majority of solicitors were from the White ethnic group, and this proportion decreased from 84% in FY2014-15 to 68% in FY2021-22. It is worth noting that an increase is seen in the proportions of solicitors whose ethnic group is unknown.

Table 2.1.4: Solicitors working in matched active clinical negligence legal aid firms by ethnic group and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Asian or Asian British	6%	6%	6%	6%	6%	5%	6%	6%
Black, Black British, Caribbean or African	1%	1%	1%	1%	1%	1%	1%	1%
Mixed or multiple ethnic groups	1%	1%	1%	1%	1%	1%	1%	1%
White	84%	82%	79%	76%	73%	70%	71%	68%
Other ethnic group	1%	1%	1%	1%	1%	1%	1%	1%
Unknown	8%	10%	13%	16%	18%	22%	20%	23%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

57. Table 2.1.5 shows the proportion of solicitors working in active clinical negligence legal aid firms, by years since admission to the profession and year. There has been a slight decrease in the proportion of solicitors with 8-12 years since admission to the profession, and a slight increase in the proportion of those with 18-22 years since admission to the profession.

Table 2.1.5: Solicitors working in matched active clinical negligence legal aid firms by years since admission to the profession and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
0-2	10%	10%	10%	11%	11%	11%	10%	10%
3-7	22%	22%	21%	20%	20%	21%	21%	21%
8-12	18%	18%	18%	17%	18%	17%	17%	16%
13-17	15%	15%	15%	15%	15%	15%	15%	15%
18-22	11%	11%	11%	11%	12%	12%	13%	13%
23-27	8%	8%	8%	8%	8%	9%	9%	9%
28 +	14%	14%	14%	14%	14%	14%	13%	14%
Unknown	2%	2%	2%	2%	2%	1%	2%	1%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

58. Table 2.1.6 shows the proportion of solicitors working in active clinical negligence legal aid firms, by position in the firm and year. Each year, between 22% and 28% of solicitors were partners.

Table 2.1.6: Solicitors working in matched active clinical negligence legal aid firms by position in firm and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Other	72%	72%	73%	73%	76%	72%	78%	76%
Partners	28%	28%	27%	27%	24%	28%	22%	24%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

59. Table 2.1.7 shows the proportion of solicitors working in active clinical negligence legal aid firms, by region of their firm and by year. As previously mentioned, please note that the region is derived from the region of the firm's head office – these firms may have done civil legal aid work in more regions than shown in the tables.

60. Proportions of solicitors working in firms based in London, the East Midlands and Yorkshire and the Humber decreased between FY2014-15 and FY2021-22, while proportions of solicitors working in firms based in the North West and West Midlands increased. It is worth noting that there was a decrease in the absolute numbers of solicitors working in firms based in all regions, from FY2014-15 to FY2021-22.

Table 2.1.7: Solicitors working in matched active clinical negligence legal aid firms by region and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
East Midlands	7%	7%	7%	7%	3%	3%	1%	1%
East of England	3%	3%	3%	3%	2%	3%	3%	2%
London	27%	24%	26%	26%	19%	19%	18%	22%
North East	1%	1%	1%	2%	2%	1%	1%	2%
North West	7%	5%	7%	8%	12%	12%	13%	10%
South East	17%	17%	17%	18%	21%	18%	18%	17%
South West	12%	10%	10%	10%	9%	10%	12%	13%
Wales	5%	3%	4%	4%	4%	4%	5%	4%
West Midlands	13%	20%	18%	19%	21%	23%	24%	25%
Yorkshire and the Humber	9%	8%	7%	6%	7%	7%	6%	4%
Unknown	0%	0%	1%	0%	0%	0%	0%	0%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

61. Table 2.1.8 shows the proportion of solicitors working in active clinical negligence legal aid firms, by their firm's number of partners and year. The proportion of solicitors working in firms with 2-4 or 26 partners or more has increased over the period, while the proportion of solicitors working in firms with 0-1 or 5-25 partners has decreased over the period.

Table 2.1.8: Solicitors working in matched active clinical negligence legal aid firms by number of partners and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Very small (0-1 partner)	2%	2%	3%	2%	~	1%	1%	1%
Small (2-4 partners)	5%	3%	4%	8%	~	7%	7%	14%
Medium (5-25 partners)	38%	30%	29%	29%	31%	32%	30%	19%
Large (26 partners and over)	56%	65%	64%	61%	58%	60%	61%	66%
Unknown	0%	0%	1%	0%	0%	0%	0%	0%
Total	7,700	7,560	7,860	7,700	6,820	7,570	6,660	6,950

Solicitor joiners and leavers

Key information

- Between FY2014-15 and FY2020-21, there has been an increase in the proportion of leavers aged under 45. Age proportions of joiners have remained similar between FY2015-16 and FY2021-22.
- Proportions of leaver solicitors increased between FY2015-16 and FY2020-21 across all age groups, and across most years since admission to the profession groups.

62. This section focuses on how the numbers and characteristics of solicitors who have joined or left the clinical negligence legal aid market have changed over the duration of the datashare period.
63. Joiner solicitors are defined as having not worked for an active clinical negligence legal aid firm in the previous year. This includes two types of joiner solicitors:
- New joiners, who had not previously worked in an active clinical negligence legal aid firm in the datashare period;

- Returning solicitors, who had previously worked in an active clinical negligence legal aid firm in the datashare period, just not in the previous year.
64. Leaver solicitors are defined as having not worked for an active clinical negligence legal aid firm in the subsequent year. This includes two types of leaver solicitors:
- Full leavers, who did not work in an active clinical negligence legal aid firm again within the datashare period;
 - Temporary leavers, who went on to work in an active clinical negligence legal aid firm again in the datashare period, just not in the subsequent year.
65. When a solicitor has joined or left the clinical negligence legal aid market, this can be because of two reasons:
- Firstly, the firm a solicitor worked for started or stopped receiving clinical negligence legal aid payments and/or started or stopped holding a clinical negligence contract;
 - Secondly, the solicitor joined or left a firm which was receiving clinical negligence legal aid payments.
66. This includes all matched solicitors in England and Wales who reported working for these firms, **regardless of whether they worked on the cases that received clinical negligence legal aid funding**, as the data does not allow for this distinction.

Joiners and leavers timeseries

67. This section looks at solicitors joining and leaving the clinical negligence legal aid market. Table 2.2.1 shows the total number of clinical negligence joiner solicitors between FY2015-16 and FY2021-22, and of these, how many were returners. Returner solicitors are defined as having previously worked in an active clinical negligence legal aid firm in the datashare period, just not in the previous year. Please note that there are no returner solicitors in FY2015-16 as the earliest year covered in the datashare was FY2014-15, therefore it would not be possible to be classified as a returner in FY2015-16.
68. The number of joiner solicitors has varied across this period, with similar numbers seen in FY2015-16 and FY2021-22.

Table 2.2.1: Total number of joiner and returner solicitors working in matched active clinical negligence legal aid firms by year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Total number of joiners	1,720	1,660	1,380	1,580	1,870	1,250	1,730
of whom were returners	-	200	140	340	630	180	640

69. Table 2.2.2 shows the total number of clinical negligence leaver solicitors between FY2014-15 and FY2020-21, and of these, how many left temporarily. Temporary leaver solicitors are defined as having gone on to work in an active clinical negligence legal aid firm again in the datashare period, just not in the subsequent year. Please note that there are no temporary leaver solicitors in FY2020-21 as the latest year covered in the datashare was FY2021-22, therefore it would not be possible to be classified as a temporary leaver in FY2020-21.
70. The number of leaver solicitors has varied across this period, with a high of 2,460 seen in FY2017-18, which coincides with the LAA procurement round in the subsequent year.

Table 2.2.2: Total number of leaver and temporary leaver solicitors working in matched active clinical negligence legal aid firms by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total number of leavers	1,860	1,360	1,530	2,460	1,120	2,150	1,440
of whom left temporarily	380	260	260	600	80	560	-

71. Table 2.2.3 shows the proportion of joiners by the reason they were considered as clinical negligence joiners, from FY2015-16 to FY2021-22. As mentioned at the start of this section, a solicitor could be considered a joiner for one of two reasons; firstly, the firm a solicitor worked for became an active clinical negligence legal aid firm, or secondly, the solicitor joined an active clinical negligence legal aid firm.
72. This table shows that the majority of solicitors were classified as joiners because the solicitor joined a firm completing clinical negligence legal aid claims, although this proportion varied throughout the period.

Table 2.2.3: Joiner solicitors working in matched active clinical negligence legal aid firms by the reason they were considered as joiners, by year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Firm started being an active clinical negligence legal aid firm	21%	19%	10%	25%	38%	5%	39%
Solicitor joined active clinical negligence legal aid firm	79%	81%	90%	75%	62%	95%	61%
Total	1,720	1,660	1,380	1,580	1,870	1,250	1,730

73. Table 2.2.4 shows the proportion of clinical negligence leavers by the reason they were considered as leavers, from FY2014-15 to FY2020-21. As mentioned at the start of this section, a solicitor could be considered a leaver for one of two reasons; firstly, the firm a solicitor worked for stopped being an active clinical negligence legal aid firm, or secondly, the solicitor left an active clinical negligence legal aid firm.
74. This table shows that proportions varied from year to year, with no clear trends over time.

Table 2.2.4: Leaver solicitors working in matched active clinical negligence legal aid firms by the reason they were considered as leavers, by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Firm stopped being an active clinical negligence legal aid firm	53%	21%	25%	69%	25%	63%	31%
Solicitor left active clinical negligence legal aid firm	47%	79%	75%	31%	75%	37%	69%
Total	1,860	1,360	1,530	2,460	1,120	2,150	1,440

75. Table 2.2.5 shows the proportion of clinical negligence joiner solicitors by gender, from FY2015-16 to FY2021-22. The majority of joiner solicitors were female in all years aside from FY2021-22. It is worth noting that the proportion of solicitors whose gender is unknown was higher in FY2020-21 and FY2021-22 than in FY2015-16, making it hard to comment further on trends.

Table 2.2.5: Joiner solicitors working in matched active clinical negligence legal aid firms by gender and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Female	58%	62%	60%	61%	62%	52%	48%
Male	42%	36%	37%	38%	37%	31%	30%
Unknown	0%	2%	3%	1%	1%	18%	22%
Total	1,720	1,660	1,380	1,580	1,870	1,250	1,730

76. Table 2.2.6 shows the proportion of clinical negligence leaver solicitors by gender, from FY2014-15 to FY2020-21. The largest proportion of leaver solicitors in all years were female.

Table 2.2.6: Leaver solicitors working in matched active clinical negligence legal aid firms by gender and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Female	59%	58%	59%	52%	59%	58%	59%
Male	41%	42%	40%	46%	40%	41%	35%
Unknown	0%	0%	2%	2%	2%	1%	6%
Total	1,860	1,360	1,530	2,460	1,120	2,150	1,440

77. Table 2.2.7 shows the proportion of clinical negligence joiner solicitors by age, from FY2015-16 to FY2021-22. In each year, between 41% and 55% of joiners were aged under 35.

Table 2.2.7: Joiner solicitors working in matched active clinical negligence legal aid firms by age and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Under 35	44%	48%	55%	45%	41%	47%	42%
35-44	28%	28%	24%	27%	30%	26%	29%
45-54	16%	15%	14%	17%	17%	15%	16%
55-64	10%	7%	6%	9%	10%	9%	10%
65+	2%	2%	2%	2%	2%	2%	3%
Unknown	0%	0%	0%	0%	0%	0%	0%
Total	1,720	1,660	1,380	1,580	1,870	1,250	1,730

78. Table 2.2.8 shows the proportion of clinical negligence leaver solicitors by age, from FY2014-15 to FY2020-21. The proportion of leavers aged 44 and under increased over the period, while the proportion of leavers aged 45-64 decreased.

Table 2.2.8: Leaver solicitors working in matched active clinical negligence legal aid firms by age and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Under 35	32%	33%	36%	31%	30%	30%	37%
35-44	29%	31%	31%	32%	31%	32%	33%
45-54	22%	19%	18%	20%	21%	20%	16%
55-64	13%	12%	11%	12%	13%	14%	11%
65+	4%	4%	3%	5%	5%	5%	3%
Unknown	0%	0%	0%	0%	0%	0%	0%
Total	1,860	1,360	1,530	2,460	1,120	2,150	1,440

79. Table 2.2.9 shows the proportion of clinical negligence joiner solicitors by years since admission to the profession, from FY2015-16 to FY2021-22. Proportions have varied over the period, with no clear trends over time.

Table 2.2.9: Joiner solicitors working in matched active clinical negligence legal aid firms by years since admission to the profession and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
0-2	25%	26%	34%	25%	24%	28%	23%
3-7	20%	21%	17%	18%	17%	17%	20%
8-12	14%	15%	11%	15%	13%	12%	12%
13-17	11%	10%	11%	11%	13%	10%	12%
18-22	8%	7%	6%	8%	10%	9%	10%
23-27	6%	5%	4%	6%	7%	6%	6%
28 +	11%	7%	7%	10%	11%	9%	11%
Unknown	5%	8%	10%	7%	5%	10%	5%
Total	1,720	1,660	1,380	1,580	1,870	1,250	1,730

80. Table 2.2.10 shows the proportion of clinical negligence leaver solicitors by years since admission to the profession, from FY2014-15 to FY2020-21. The proportion of leaver solicitors with 0-2 years since admission to the profession has increased in FY2020-21, while the proportion of leaver solicitors with 28 or more years since admission to the profession decreased in FY2020-21.

Table 2.2.10: Leaver solicitors working in matched active clinical negligence legal aid firms by years since admission to the profession and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
0-2	11%	12%	14%	12%	12%	12%	16%
3-7	24%	24%	25%	21%	22%	22%	25%
8-12	18%	18%	18%	16%	16%	15%	17%
13-17	12%	13%	13%	14%	15%	14%	12%
18-22	10%	9%	7%	11%	11%	10%	9%
23-27	8%	8%	7%	7%	7%	9%	6%
28 +	15%	14%	13%	15%	16%	17%	12%
Unknown	2%	1%	2%	4%	2%	1%	3%
Total	1,860	1,360	1,530	2,460	1,120	2,150	1,440

81. Table 2.2.11 shows the proportion of clinical negligence joiner solicitors by region of their firm, from FY2015-16 to FY2021-22. As previously mentioned, please note that the region is derived from the region of the firm's head office – these firms may have done civil legal aid work in more regions than shown in the tables.
82. The largest proportions of joiner solicitors' firms were located in London and the West Midlands.

Table 2.2.11: Joiner solicitors working in matched active clinical negligence legal aid firms by region and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
East Midlands	5%	6%	6%	5%	1%	2%	2%
East of England	4%	2%	2%	1%	8%	2%	2%
London	16%	26%	24%	16%	14%	22%	29%
North East	1%	1%	4%	1%	1%	3%	5%
North West	8%	11%	10%	12%	12%	12%	8%
South East	14%	17%	15%	17%	10%	19%	12%
South West	7%	12%	12%	10%	10%	8%	15%
Wales	2%	4%	3%	3%	2%	4%	2%
West Midlands	37%	13%	18%	25%	35%	24%	22%
Yorkshire and the Humber	5%	5%	4%	11%	7%	3%	4%
Unknown	0%	2%	0%	0%	0%	0%	0%
Total	1,720	1,660	1,380	1,580	1,870	1,250	1,730

83. Table 2.2.12 shows the proportion of clinical negligence leaver solicitors by region of their firm, from FY2014-15 to FY2020-21. As previously mentioned, please note that the region is derived from the region of the firm's head office – these firms may have done civil legal aid work in more regions than shown in the tables.
84. The largest proportions of leaver solicitors' firms were located in London, the West Midlands and the North West.

Table 2.2.12: Leaver solicitors working in matched active clinical negligence legal aid firms by region and year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
East Midlands	4%	4%	7%	17%	3%	6%	2%
East of England	5%	2%	2%	5%	~	4%	8%
London	27%	21%	23%	27%	15%	24%	13%
North East	2%	1%	2%	1%	3%	4%	1%
North West	15%	6%	5%	8%	12%	9%	17%
South East	12%	18%	14%	7%	23%	19%	12%
South West	13%	12%	17%	11%	8%	12%	10%
Wales	9%	2%	2%	1%	~	2%	5%
West Midlands	6%	25%	14%	16%	28%	11%	20%
Yorkshire and the Humber	8%	10%	14%	6%	5%	9%	11%
Unknown	0%	0%	0%	0%	0%	0%	0%
Total	1,860	1,360	1,530	2,460	1,120	2,150	1,440

Joining and leaving rates

85. This section presents an alternative view of clinical negligence joiner and leaver solicitors, by looking at the joining and leaving rates of solicitors who worked for an active clinical negligence legal aid firm, as a proportion of those sharing a characteristic. This section reports this by age and years since admission to the profession, as these metrics are particularly important for understanding dynamics in the workforce.
86. Each table reports the “continuation status” of solicitors, which is split into four categories:
- Joiner solicitors: solicitors who worked for active clinical negligence legal aid firms in the given and subsequent year, but did not work for an active clinical negligence legal aid firm in the prior year.
 - Joiner and leaver solicitors: solicitors who worked for active clinical negligence legal aid firms in the given year, but did not work for such a firm in the prior and subsequent year.
 - Leaver solicitors: solicitors who worked for active clinical negligence legal aid firms in the prior and given year, but did not work for an active clinical negligence legal aid firm in the subsequent year.
 - Continuing solicitors: solicitors who worked for active clinical negligence legal aid firms in the prior, given and subsequent year.

87. Tables 2.3.1 and 2.3.2 show the proportion of solicitors working in active clinical negligence legal aid firms in each of these continuation groups, within each age band, in FY2015-16 and FY2020-21. Proportions of leaver solicitors were higher in FY2020-21 than FY2015-16 for all age groups, while proportions of joiner solicitors were lower.
88. In both years, a larger proportion of solicitors aged under 35 were joiners, compared to other age groups.

Table 2.3.1: Solicitors working in matched active clinical negligence legal aid firms by age and continuation status, 2015-16

	Under 35	35-44	45-54	55-64	65+	Unknown
Joiner solicitors	27%	15%	12%	14%	10%	~
Joiner and leaver solicitors	7%	4%	4%	4%	5%	~
Leaver solicitors	13%	12%	11%	14%	19%	0%
Continuing solicitors	53%	69%	72%	68%	66%	0%
Total	2,200	2,520	1,690	940	210	~

Table 2.3.2: Solicitors working in matched active clinical negligence legal aid firms by age and continuation status, 2020-21

	Under 35	35-44	45-54	55-64	65+	Unknown
Joiner solicitors	21%	10%	10%	10%	9%	~
Joiner and leaver solicitors	10%	4%	3%	3%	8%	0%
Leaver solicitors	18%	16%	13%	16%	20%	0%
Continuing solicitors	52%	69%	74%	70%	63%	~
Total	1,910	2,340	1,410	830	180	~

89. Tables 2.3.3 and 2.3.4 show the proportion of solicitors working in active clinical negligence legal aid firms in each of these continuation groups, by years since admission to the profession, in FY2015-16 and FY2020-21. Proportions of leaver solicitors were higher in FY2020-21 than FY2015-16 for almost all years since admission to the profession groups, while proportions of joiner solicitors were lower.

90. In both years, a larger proportion of solicitors with 0-2 years since admission to the profession were joiners, compared to other years since admission to the profession groups.

Table 2.3.3: Solicitors working in matched active clinical negligence legal aid firms by years since admission to the profession and continuation status, 2015-16

	0-2	3-7	8-12	13-17	18-22	23-27	28 +	Unknown
Joiner solicitors	46%	16%	13%	13%	13%	12%	13%	56%
Joiner and leaver solicitors	12%	5%	4%	3%	3%	4%	5%	~
Leaver solicitors	10%	15%	14%	12%	12%	13%	13%	~
Continuing solicitors	33%	64%	68%	71%	72%	71%	69%	31%
Total	750	1,640	1,370	1,150	820	630	1,070	120

Table 2.3.4: Solicitors working in matched active clinical negligence legal aid firms by years since admission to the profession and continuation status, 2020-21

	0-2	3-7	8-12	13-17	18-22	23-27	28 +	Unknown
Joiner solicitors	32%	11%	9%	10%	10%	10%	9%	57%
Joiner and leaver solicitors	17%	4%	4%	3%	3%	2%	3%	30%
Leaver solicitors	15%	21%	17%	15%	12%	14%	17%	~
Continuing solicitors	36%	64%	70%	72%	74%	74%	70%	~
Total	700	1,430	1,130	990	840	570	860	140

Barristers

Additional methodological details for barrister statistics

91. The barrister data presented here should be read with the data limitations noted in the introduction in mind, as well as the issues specific to this chapter noted here.
92. There are two metrics for barrister income shown in this chapter: “gross civil legal aid fee income” and “self-reported total gross income”. The former of these is the payments, exclusive of VAT, from the LAA to matched barristers on a closed case basis,⁴ and includes disbursements (such as travel expenses). Disbursement data can only be identified on cases recorded on a new case management and payment system, which was made mandatory for cases started after 1st April 2016, and so cannot be removed from all cases across the timeseries shown here. In cases where disbursements can be identified they amount to less than 1% of the total fees, so the decision was taken to maintain consistency, but note these slightly overstate income. These fees also do not include inter partes costs (where the court awards these to be paid by an opposing party) as we cannot identify which barrister received these payments in our data. Generally in areas other than family and tribunal work, inter partes costs can be considerable. Furthermore, the gross civil legal aid fee income is civil representation work only because only work billed by barristers who are directly paid by the LAA is able to be matched. This is because the matching process requires the name of the barrister to be recorded on both LAA and BC systems, and this is not possible with controlled work.
93. Where “clinical negligence gross civil legal aid fee income” is mentioned, this only refers to income that barristers have received from clinical negligence legal aid work, and not income from legal aid work in other categories of law.
94. The second metric, “self-reported total gross income”, is what barristers report to the BC at the end of each financial year and includes their income from both legal aid and private practice for the prior calendar year. This also excludes VAT, however, it is on an accruals basis so will include interim payments of legal aid fees rather than the closed case basis. The two metrics are therefore not directly comparable due to timing differences. In many instances the closed case basis will average out to the

⁴ The whole value of payments made during a case are allocated to the year in which the case finishes. This is consistent with how legal aid expenditure is reported in the Quarterly Legal Aid Statistics, which can be found at <https://www.gov.uk/government/collections/legal-aid-statistics>

same as the self-reported value but for other barristers, such as where a barrister does a small number of high-value cases, then larger differences may arise.

95. Barristers also self-report the proportion of their income which comes from legal aid. This metric is reported here, instead of computing the ratio of gross civil legal aid fee income and self-reported total gross income because of the timing issues described above. This metric includes all legal aid income, including criminal as well as civil, which cannot be distinguished so should be treated with caution. This information is only available for the last three years in the datashare.
96. This publication looks at self-employed barristers, which make up around 80% of all barristers.⁵ As these barristers are self-employed, the income reported here should not be considered directly comparable to a salary. On top of the additional costs that arise in all self-employment (such as professional insurance, pension savings and provision for periods of leave), barristers additionally pay the costs of their chambers, which the Criminal Legal Aid Review estimated as an average of 29% of gross income for criminal barristers.⁶
97. In this chapter, the first section shows all barristers, and the subsequent sections show all barristers completing clinical negligence legal aid cases. This approach first provides context on the work being undertaken by these barristers and then provides the reader a sense of what it is like to undertake work of this nature.
98. Each barrister characteristic includes a chart which displays a comparison of civil legal aid fee distributions for each of the groups in that characteristic. Here a dot represents 10 barristers⁷ and is placed at the average fee value of those barristers. While the dots give a direct illustration of the number of barristers in each characteristic and their distribution, a box is also shown as a guide for the eye. The box contains the middle half of barristers, with the left end being the lower quartile, the line contained by the box being the median civil legal aid fee income, and the higher end of the box being the upper quartile.
99. For further information on the suppression strategy and symbols used in this chapter, please refer to the notes on understanding the data at the beginning of this publication.

⁵ Derived from <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/practising-barristers.html>. Accessed 9th May 2024.

⁶ Further details can be found at <https://www.gov.uk/government/groups/independent-review-of-criminal-legal-aid>. Accessed 9th May 2024.

⁷ Except one dot per group in the lower quartile which represents up to 19 if the number of barristers is not equally divisibly by 10.

Additional sources of information

100. This chapter covers information from the datashare, including information on the characteristics and practising details for barristers who completed civil legal aid work. Further information on the barrister population as a whole is produced by the BC,⁸ and information about wider trends in civil legal aid outside of barristers can be found in the solicitor section of this publication, and in the Quarterly Legal Aid Statistics.⁹

Barristers completing clinical negligence legal aid work in context

Key information

- The number of barristers who completed clinical negligence legal aid cases has declined between FY2015-16 and FY2022-23. There has also been a decrease in clinical negligence legal aid case volumes and clinical negligence gross civil legal aid fee income.
- In each year between FY2015-16 and FY2022-23, the majority of clinical negligence legal aid barristers only completed legal aid work in clinical negligence.
- In FY2022-23, 82% of clinical negligence legal aid barristers received 80% and over of their gross civil legal aid fee income from clinical negligence work.

101. Tables 3.1.1 to 3.1.3 show the number of barristers, case volume and gross civil legal aid fee income for clinical negligence legal aid, as well as for other civil legal aid and all civil legal aid. In these tables, “Other civil legal aid” refers to non-family legal aid categories (including clinical negligence), and “All civil legal aid” refers to all civil legal aid categories.

102. In this section, percentages are based on unrounded values so may not reflect the rounded values seen in the tables.

103. Table 3.1.1 shows the number of civil legal aid barristers, by area of civil legal aid work and by year. In FY2022-23, clinical negligence legal aid barristers made up 2% of all civil legal aid barristers.

104. The number of clinical negligence legal aid barristers has fallen over the period, with an overall decrease of 47%. This is larger than the overall decrease of 11% for other

⁸ Statistics on the barrister population as a whole can be found at <https://www.barcouncil.org.uk/policy-representation/dashboards/demographics-dashboard.html>

⁹ The Quarterly Legal Aid Statistics can be found at <https://www.gov.uk/government/collections/legal-aid-statistics>

civil legal aid barristers, and in contrast to the overall increase of 16% for all civil legal aid barristers.

Table 3.1.1: Number of barristers by area of civil legal aid work and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Clinical negligence legal aid	170	140	110	90	100	40	70	90
Other civil legal aid	1,390	1,270	1,220	1,260	1,270	1,040	1,160	1,240
All civil legal aid	3,930	3,840	3,920	4,080	4,230	3,820	4,290	4,560

105. Table 3.1.2 shows the case volume of civil legal aid barristers, by area of civil legal aid work and by year. In FY2022-23, less than 1% of all civil legal aid cases completed were clinical negligence cases.

106. There has generally been a decrease in the number of clinical negligence legal aid cases completed by barristers over the period, with an overall decrease of 61%. This is larger than the overall decrease of 1% for other civil legal aid barrister cases, and in contrast to the overall increase of 40% for all civil legal aid barrister cases.

Table 3.1.2: Barrister case volume by area of civil legal aid work and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Clinical negligence legal aid	320	260	230	170	140	60	100	120
Other civil legal aid	7,740	7,370	7,520	8,040	8,560	7,450	6,950	7,660
All civil legal aid	69,800	69,870	79,210	82,770	88,900	76,990	80,810	97,530

107. Table 3.1.3 shows the gross civil legal aid fee income of barristers completing clinical negligence legal aid cases, by area of civil legal aid work and by year. In FY2022-23, less than 1% of all gross civil legal aid fee income for barristers was from clinical negligence legal aid work.

108. The gross civil legal aid fee income from clinical negligence legal aid cases for barristers decreased over the period, with an overall decrease of 72%. This in contrast with the overall increase of 13% for gross civil legal aid fee income for other civil legal aid cases for barristers, and the overall increase of 75% for all gross civil legal aid fee income for barristers.

Table 3.1.3: Gross civil legal aid fee income (£m) by area of civil legal aid work and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Clinical negligence legal aid	£1.3	£0.6	£0.6	£0.4	£0.3	£0.1	£0.4	£0.4
Other civil legal aid	£12.2	£11.8	£11.1	£11.6	£12.7	£10.8	£11.9	£13.8
All civil legal aid	£105.2	£104.4	£113.3	£115.4	£133.4	£128.7	£142.5	£183.9

109. Table 3.1.4 shows the civil legal aid categories that clinical negligence legal aid barristers were active in, by year. Suppression has not been applied to this table. In each year, between 9% and 22% of clinical negligence legal aid barristers also did civil legal aid work in another civil legal aid category.

110. In FY2022-23, 13% of clinical negligence barristers also completed claims against public authorities legal aid work.

Table 3.1.4: Areas of legal aid work for barristers completing clinical negligence legal aid work, by year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Total	170	140	110	90	100	40	70	90
Clinical negligence only	88%	88%	87%	90%	91%	85%	88%	78%
Clinical negligence +	12%	12%	13%	10%	9%	15%	12%	22%
Claims against public authorities	4%	4%	4%	2%	2%	8%	4%	13%
Community care	0%	2%	2%	2%	2%	5%	3%	3%
Discrimination	0%	0%	0%	0%	0%	0%	0%	0%
Education	0%	1%	0%	0%	0%	0%	0%	0%
Family	2%	1%	4%	1%	2%	3%	1%	1%
Housing & debt	1%	1%	0%	0%	1%	0%	0%	3%
Immigration	1%	0%	0%	0%	0%	0%	0%	2%
Mental health	1%	4%	4%	3%	1%	5%	3%	4%
Miscellaneous and other	7%	2%	5%	2%	0%	0%	3%	8%
Public law	1%	1%	1%	1%	1%	3%	3%	3%
Welfare benefits	0%	0%	0%	0%	0%	0%	0%	0%

Percentages are calculated using the total number of barristers in a year completing clinical negligence legal aid work. Percentages will not sum to 100% due to some barristers completing legal aid work in two or more categories.

The “Miscellaneous and other” area of legal aid work includes consumer, employment, personal injury and miscellaneous legal aid work.

111. Table 3.1.5 shows the proportion of gross civil legal aid fee income that clinical negligence legal aid barristers received from clinical negligence legal aid work, by year. Each year, between 82% and 93% of clinical negligence barristers received 80% or more of their gross civil legal aid fee income from clinical negligence work.

Table 3.1.5: Distribution of barristers completing clinical negligence legal aid work, by proportion of gross civil legal aid fee income from clinical negligence legal aid work and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Less than 20%	~	~	~	~	~	~	0%	~
20-40%	~	~	~	~	~	0%	0%	~
40-60%	~	~	~	0%	~	~	~	~
60-80%	~	~	~	~	~	~	~	~
80% and over	91%	90%	87%	93%	93%	85%	93%	82%
Gross civil legal aid income is blank or zero	0%	0%	0%	0%	0%	0%	0%	0%
Total	170	140	110	90	100	40	70	90

Clinical negligence barristers

Overview

Key information

- In each year between FY2015-16 and FY2022-23, the majority of clinical negligence barristers did small amounts of clinical negligence legal aid work, receiving £5,000 or less in clinical negligence gross civil legal aid fee income and completing 2 or fewer cases.
- In the period FY2020-21 to FY2022-23, between 40% and 46% of barristers completing clinical negligence legal aid work self-reported that legal aid income made less than 20% of their income.

112. This section relates to barristers who have completed clinical negligence legal aid work. The gross civil legal aid fee income discussed in this section only includes fees from clinical negligence legal aid work and not fees from other legal aid work.

113. Table 4.1.1 shows the proportion of barristers who completed clinical negligence legal aid work by clinical negligence gross civil legal aid fee income and financial year. In each year, where unsuppressed, between 70% and 83% of barristers had clinical negligence gross civil legal aid fee incomes of £5,000 or less.

Table 4.1.1: Distribution of barristers completing clinical negligence legal aid work by clinical negligence gross civil legal aid fee income bands and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
£5,000 and less	74%	77%	70%	72%	83%	~	75%	81%
£5,001 to £30,000	21%	~	~	~	~	~	22%	19%
£30,001 to £60,000	~	~	~	~	~	0%	~	0%
£60,001 to £90,000	0%	0%	0%	0%	0%	0%	0%	0%
£90,001 to £150,000	~	0%	0%	0%	0%	0%	~	0%
£150,001 and over	~	0%	0%	0%	0%	0%	0%	0%
Total	170	140	110	90	100	40	70	90

114. Table 4.1.2 shows the proportion of barristers who completed clinical negligence legal aid work by their self-reported total gross income band and by financial year. In most years aside from FY2018-19 and FY2021-22, the majority of clinical negligence barristers had self-reported total gross incomes of £240,001 or more.

115. Comparing tables 4.1.1 and 4.1.2, for barristers who completed clinical negligence legal aid work, a higher proportion had self-reported total gross incomes of £30,001 and over, compared to the proportion who had clinical negligence gross civil legal aid fee incomes of £30,001 and over. This difference would indicate that many clinical negligence barristers received income in addition to clinical negligence gross civil legal aid fee income.

Table 4.1.2: Distribution of barristers completing clinical negligence legal aid work by self-reported total gross income bands and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
£30,000 and less	~	~	~	~	~	~	~	~
£30,001 to £60,000	~	~	~	0%	~	~	~	~
£60,001 to £90,000	~	~	~	~	0%	~	~	~
£90,001 to £150,000	10%	~	12%	13%	12%	~	14%	~
£150,001 to £240,000	23%	21%	15%	20%	17%	~	~	19%
£240,001 and over	58%	60%	61%	38%	61%	60%	42%	55%
Unknown	~	~	~	27%	~	~	25%	11%
Total	170	140	110	90	100	40	70	90

116. Table 4.1.3 shows the proportion of barristers who completed clinical negligence legal aid work by the self-reported proportion of income from legal aid and by financial year. Between 40% and 46% of clinical negligence barristers reported that legal aid made up less than 20% of their income.

Table 4.1.3: Distribution of barristers completing clinical negligence legal aid work by self-reported proportion of income from legal aid and year

	2020-21	2021-22	2022-23
Less than 20%	43%	46%	40%
20-40%	~	~	13%
40-60%	~	~	~
60-80%	0%	~	~
80% and over	0%	~	~
Unknown	33%	33%	37%
Total	40	70	90

The unknown category includes barristers whose self-reported proportion of income from legal aid was 0 or missing.

117. Table 4.1.4 shows the proportion of barristers who completed clinical negligence legal aid work by clinical negligence legal aid case volume and by financial year. In all years, all clinical negligence barristers completed 15 or fewer cases. Where unsuppressed, around 80% of barristers completed 1 to 2 clinical negligence cases, with a further around 20% completing 3 to 15 cases.

Table 4.1.4: Distribution of barristers completing clinical negligence legal aid work by volume of clinical negligence cases and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
1 to 2 cases	80%	79%	79%	80%	~	~	~	~
3 to 15 cases	20%	21%	21%	20%	~	~	~	~
16 to 30 cases	0%	0%	0%	0%	0%	0%	0%	0%
31 to 45 cases	0%	0%	0%	0%	0%	0%	0%	0%
46 cases +	0%	0%	0%	0%	0%	0%	0%	0%
Total	170	140	110	90	100	40	70	90

118. Table 4.1.5 shows the median clinical negligence gross civil legal aid fee income for clinical negligence barristers, by clinical negligence legal aid case volume and year.

In FY2022-23, barristers who completed 1 to 2 clinical negligence legal aid cases had a median clinical negligence gross civil legal aid fee income of £2,500.

Table 4.1.5: Median clinical negligence gross civil legal aid fee income for clinical negligence barristers, by volume of clinical negligence cases and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
1 to 2 cases	£1,400	£1,700	£2,300	£1,700	£1,900	£2,200	£2,300	£2,500
3 to 5 cases	£6,100	£5,500	£6,600	£6,800	~	~	~	~
6 to 10 cases	~	~	~	~	.	~	~	~
11 to 15 cases	~	.	~	~	.	.	.	.
16 or more cases	.	.	.	.	.	.	.	.

119. Table 4.1.6 shows the proportion of barristers who completed clinical negligence legal aid work, by the number of years they completed clinical negligence cases in the datashare period. Proportions in the column titled “Over all years” refer to the entire cohort of barristers who worked at any point between FY2015-16 and FY2022-23, whilst proportions in the individual year columns only relate to the barristers working in that particular year.

120. When looking at the entire cohort of barristers over the period as a whole, 46% submitted cases in one year, with a further 38% submitting cases in 2 to 4 years, suggesting that for most barristers who did some clinical negligence legal aid work this was not a regular part of their practice.

Table 4.1.6: Distribution of barristers completing clinical negligence legal aid work over the period and in each year, by the number of years between 2015-16 and 2022-23 that the barrister has completed clinical negligence legal aid work

	Over all years	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
1 year	46%	27%	~	~	~	~	~	~	~
2-4 years	38%	46%	51%	48%	37%	32%	30%	49%	36%
5-7 years	~	~	30%	37%	43%	43%	40%	35%	36%
8 years	~	~	~	~	~	~	~	~	~
Total	340	170	140	110	90	100	40	70	90

121. Table 4.1.7 shows the proportion of barristers who completed clinical negligence legal aid work by region and by financial year. In all years, the region accounting for the majority of clinical negligence barristers was London, and this proportion broadly

increased over time. The proportion of barristers in the North broadly decreased over the period. Due to high levels of suppression in this table, it is difficult to comment further on trends.

Table 4.1.7: Distribution of barristers completing clinical negligence legal aid work by region and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
London	51%	52%	57%	61%	56%	65%	59%	60%
Midlands	~	~	~	~	~	~	~	~
North	25%	24%	23%	20%	22%	~	17%	21%
South	~	~	~	~	~	0%	0%	~
Wales	~	~	0%	0%	0%	0%	~	0%
Unknown	14%	13%	12%	11%	12%	~	~	11%
Total	170	140	110	90	100	40	70	90

122. Table 4.1.8 shows the proportion of clinical negligence gross civil legal aid fee income for barristers who completed clinical negligence legal aid work, by region and by financial year. Following a similar trend to the number of barristers, in all years, the region accounting for the majority of clinical negligence gross civil legal aid fee income was London, and this proportion broadly increased over the period.

Table 4.1.8: Distribution of clinical negligence gross civil legal aid fee income for barristers completing clinical negligence work by region, by year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
London	52%	59%	75%	69%	55%	68%	75%	62%
Midlands	7%	3%	2%	4%	4%	7%	4%	2%
North	11%	22%	13%	14%	21%	17%	12%	15%
South	8%	2%	1%	1%	0%	0%	0%	0%
Wales	0%	1%	0%	0%	0%	0%	0%	0%
Unknown	23%	13%	9%	13%	19%	8%	9%	20%
Total	£1.3m	£0.6m	£0.6m	£0.4m	£0.3m	£0.1m	£0.4m	£0.4m

Protected characteristics

Key information

- Around three quarters of barristers completing clinical negligence legal aid work were male.
- The proportion of clinical negligence barristers aged 45-54 has decreased over the period, and the proportion of clinical negligence barristers aged 55-64 has increased.
- The other characteristics in the datashare have very high levels of unknown responses in the data, making it difficult to draw inferences. The tables relating to these characteristics are shown in the accompanying spreadsheet.

Gender

123. Table 4.2.1 shows the proportion of barristers who completed clinical negligence legal aid work by gender and financial year. Male barristers made up the largest gender group in all years between FY2015-16 and FY2022-23.

Table 4.2.1: Distribution of barristers completing clinical negligence legal aid work by gender and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Female	25%	30%	25%	28%	21%	28%	25%	25%
Male	74%	67%	74%	72%	79%	68%	74%	75%
Non-binary	0%	0%	0%	0%	0%	0%	0%	~
Other gender group	~	~	~	0%	0%	~	~	~
Unknown	~	~	~	0%	0%	~	~	~
Total	170	140	110	90	100	40	70	90

124. Table 4.2.2 shows the proportion of barristers who completed clinical negligence legal aid work in FY2022-23, by gender and by their clinical negligence gross civil legal aid fee income band. Due to high levels of suppression in this table, it is difficult to comment on trends.

Table 4.2.2: Number of barristers completing clinical negligence legal aid work and their distribution by gender and clinical negligence gross civil legal aid fee income bands, in 2022-23

	Number of barristers	Female	Male	Non-binary	Other gender group	Unknown	Total
£5,000 and less	70	28%	72%	~	~	~	100%
£5,001 to £30,000	20	~	88%	~	~	~	100%
£30,001 to £60,000	0	.	.	.	.	.	100%
£60,001 to £90,000	0	.	.	.	.	.	100%
£90,001 to £150,000	0	.	.	.	.	.	100%
£150,001 and over	0	.	.	.	.	.	100%
All	90	25%	75%	~	~	~	100%

125. In the following chart, the box represents the interquartile range and the median with each dot representing 10 barristers. This chart shows the clinical negligence gross civil legal aid fee income distribution by gender for barristers who completed clinical negligence legal aid work in FY2022-23. The median for female barristers at £2,700 was slightly higher than the median for male barristers at £2,400.

Clinical negligence gross civil legal aid fee income distribution by gender for clinical negligence barristers for 2022-23



Each point represents 10 barristers' mean clinical negligence gross civil legal aid fee income.

126. Table 4.2.3 (see attached spreadsheet) shows a statistical breakdown providing the clinical negligence gross civil legal aid fee income value, mean, lower quartile, median, and upper quartile of the gender of barristers who completed clinical negligence legal aid work in FY2022-23. The mean clinical negligence gross civil legal aid fee income for male barristers at £4,500 was higher than the mean clinical negligence gross civil legal aid fee income for female barristers, at £3,100.
127. Tables 4.2.4 to 4.2.6 can be found in the accompanying spreadsheet. Due to high levels of suppression in these tables, it is difficult to comment on trends. These tables show the gender of barristers who work in clinical negligence legal aid by:
- Self-reported total gross income,
 - Self-reported proportion of income from legal aid, and
 - The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Age

128. Table 4.3.1 shows the proportion of barristers who completed clinical negligence legal aid work by age and by financial year. The proportion of barristers aged 45-54 has decreased over the period, and the proportion of barristers aged 55-64 has increased. Due to high levels of suppression in this table, it is difficult to comment further on trends.
129. The mean age of a barrister completing clinical negligence legal aid work has risen by 4 years, from 50 in FY2015-16 to 54 in FY2022-23 (see table 6.1.1 in attached spreadsheet).

Table 4.3.1: Distribution of barristers completing clinical negligence legal aid work by age and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Under 35	~	~	~	~	~	~	0%	~
35-44	17%	16%	15%	11%	15%	~	~	~
45-54	38%	33%	33%	32%	32%	28%	26%	22%
55-64	19%	20%	25%	32%	28%	25%	36%	31%
65+	~	~	~	~	~	~	16%	12%
Unknown	17%	21%	19%	19%	18%	~	~	18%
Total	170	140	110	90	100	40	70	90

130. Table 4.3.2 shows the proportion of barristers who completed clinical negligence legal aid work in FY2022-23, by age and by their clinical negligence gross civil legal

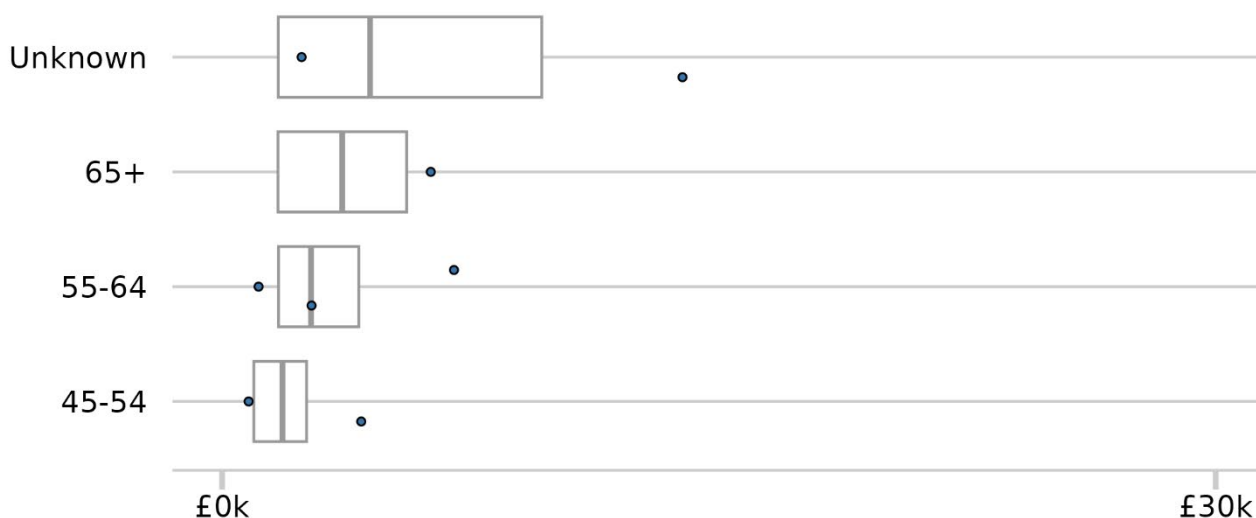
aid fee income band. Due to high levels of suppression in this table, it is difficult to comment on trends.

Table 4.3.2: Number of barristers completing clinical negligence legal aid work and their distribution by age and clinical negligence gross civil legal aid fee income bands, in 2022-23

	Number of barristers	Under 35	35-44	45-54	55-64	65+	Unknown	Total
£5,000 and less	70	~	~	25%	32%	~	14%	100%
£5,001 to £30,000	20	~	~	~	~	~	~	100%
£30,001 to £60,000	0	.	.	.	.	.	.	100%
£60,001 to £90,000	0	.	.	.	.	.	.	100%
£90,001 to £150,000	0	.	.	.	.	.	.	100%
£150,001 and over	0	.	.	.	.	.	.	100%
All	90	~	~	22%	31%	12%	18%	100%

131. In the following chart, the box represents the interquartile range and the median with each dot representing 10 barristers. This chart shows the clinical negligence gross civil legal aid fee income distribution by age band for barristers who completed clinical negligence legal aid work in FY2022-23. Of the unsuppressed age bands, median clinical negligence gross civil legal aid fee income increased as age increased.

Clinical negligence gross civil legal aid fee income distribution by age for clinical negligence barristers for 2022-23



Each point represents 10 barristers' mean clinical negligence gross civil legal aid fee income.

132. Table 4.3.3 (see attached spreadsheet) shows a statistical breakdown providing the clinical negligence gross civil legal aid fee income value, mean, lower quartile, median, and upper quartile of the age band of barristers who completed clinical negligence legal aid work in FY2022-23. Of the unsuppressed age bands, mean clinical negligence gross civil legal aid fee income increased as age increased.

133. Tables 4.3.4 to 4.3.6 can be found in the accompanying spreadsheet. Due to high levels of suppression in these tables, it is difficult to comment on trends. These tables show the age group of barristers who work in clinical negligence legal aid by:

- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Ethnicity

134. Table 4.4.1 shows the proportion of barristers who completed clinical negligence legal aid work by ethnicity and by financial year. Barristers from the White ethnic group were the largest ethnic group, at between 89% and 96% of barristers each year. Due to high levels of suppression in this table and subsequent tables, it is difficult to comment on trends for some ethnic groups.

Table 4.4.1: Distribution of barristers completing clinical negligence legal aid work by ethnicity and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Asian or Asian British	~	~	~	~	~	~	~	~
Black, Black British, Caribbean or African	~	~	~	~	~	0%	~	~
Mixed or multiple ethnic groups	~	0%	0%	0%	0%	0%	0%	~
White	93%	94%	95%	96%	92%	93%	96%	89%
Other ethnic group	~	0%	0%	0%	~	0%	0%	~
Unknown	~	~	~	0%	~	~	~	~
Total	170	140	110	90	100	40	70	90

135. Table 4.4.2 shows the proportion of barristers who completed clinical negligence legal aid work in FY2022-23, by ethnicity and by their clinical negligence gross civil legal aid fee income band.

Table 4.4.2: Number of barristers completing clinical negligence legal aid work and their distribution by ethnicity and clinical negligence gross civil legal aid fee income bands, in 2022-23

	Number of barristers	Asian or Asian British	Black, Black British, Caribbean or African	Mixed or multiple ethnic groups	White	Other ethnic group	Unknown	Total
£5,000 and less	70	~	~	~	86%	~	~	100%
£5,001 to £30,000	20	~	~	~	100%	~	0%	100%
£30,001 to £60,000	0	.	.	.	.	.	.	100%
£60,001 to £90,000	0	.	.	.	.	.	.	100%
£90,001 to £150,000	0	.	.	.	.	.	.	100%
£150,001 and over	0	.	.	.	.	.	.	100%
All	90	~	~	~	89%	~	~	100%

136. Tables 4.4.2 to 4.4.6 can be found in the accompanying spreadsheet. Due to high levels of suppression in these tables, it is difficult to comment on trends. These tables show the ethnicity of barristers who work in clinical negligence legal aid by:

- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Religion

137. Tables 4.5.1 to 4.5.6 can be found in the accompanying spreadsheet. This characteristic has between 33% and 46% of clinical negligence barristers each year where the response is unknown; owing to this high level of unknown data we will not be providing any commentary in this document. These tables show the religion of barristers who work in clinical negligence legal aid by:

- Financial year,
- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Disability

138. Tables 4.6.1 to 4.6.6 can be found in the accompanying spreadsheet. This characteristic has a high proportion of clinical negligence barristers each year where the response is unknown; owing to this high level of unknown data we will not be providing any commentary in this document. These tables show the disability of barristers who work in clinical negligence legal aid by:

- Financial year,
- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Sexual Orientation

139. Tables 4.7.1 to 4.7.6 can be found in the accompanying spreadsheet. This characteristic has between 30% and 42% of clinical negligence barristers each year where the response is unknown; owing to this high level of unknown data we will not be providing any commentary in this document. These tables show the sexual orientation of barristers who work in clinical negligence legal aid by:

- Financial year,
- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Other characteristics

Key information

- The proportion of clinical negligence barristers with 28 or more years of practice has broadly increased over the period, from 20% in FY2015-16 to 62% in FY2022-23.
- An increasing proportion of barristers completing clinical negligence legal aid work were King's Counsel, increasing from 28% in FY2015-16 to 47% in FY2022-23.
- The other characteristics in the datashare have very high levels of unknown responses in the data, making it difficult to draw inferences. The tables relating to these characteristics are shown in the accompanying spreadsheet.

Years of practice

140. Table 5.1.1 shows the proportion of barristers who completed clinical negligence legal aid work by years of practice and by financial year. The proportion of clinical negligence barristers with 28 or more years of practice has broadly increased over the period, and where unsuppressed, the proportions of barristers with 18-27 years of practice decreased.

Table 5.1.1: Distribution of barristers completing clinical negligence legal aid work by years of practice and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
0-2	0%	0%	0%	0%	0%	~	0%	~
3-7	~	~	~	~	~	~	0%	~
8-12	~	~	~	~	~	~	~	~
13-17	11%	9%	9%	~	~	~	~	~
18-22	24%	20%	23%	16%	13%	~	~	~
23-27	34%	20%	19%	22%	23%	~	14%	~
28 +	20%	40%	41%	47%	51%	48%	61%	62%
Total	170	140	110	90	100	40	70	90

141. Tables 5.1.2 to 5.1.6 can be found in the accompanying spreadsheet. Due to high levels of suppression in these tables, it is difficult to comment on trends. These tables show the years of practice of barristers who work in clinical negligence legal aid by:

- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,

- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Socio-economic background

142. Tables 5.2.1 to 5.2.6 can be found in the accompanying spreadsheet. This characteristic has between 33% and 53% of clinical negligence barristers each year where the response is unknown; owing to this high level of unknown data we will not be providing any commentary in this document. These tables show the socio-economic background of barristers who work in clinical negligence legal aid by:

- Financial year,
- Clinical negligence gross civil legal aid fee income,
- Mean and quartiles breakdown,
- Self-reported total gross income,
- Self-reported proportion of income from legal aid, and
- The number of years barristers completed clinical negligence legal aid cases in the datashare period.

Advocate type

143. Table 5.3.1 shows the proportion of barristers who completed clinical negligence legal aid work by advocate type and by financial year. The majority of barristers completing clinical negligence legal aid work were Juniors, although this proportion decreased from 72% in FY2015-16 to 53% in FY2022-23. An increasing proportion of barristers completing clinical negligence legal aid work were King's Counsel, increasing from 28% in FY2015-16 to 47% in FY2022-23.

Table 5.3.1: Distribution of barristers completing clinical negligence legal aid work by advocate type and year

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
KC	28%	32%	34%	38%	42%	48%	49%	47%
Junior	72%	68%	66%	62%	58%	53%	51%	53%
Total	170	140	110	90	100	40	70	90

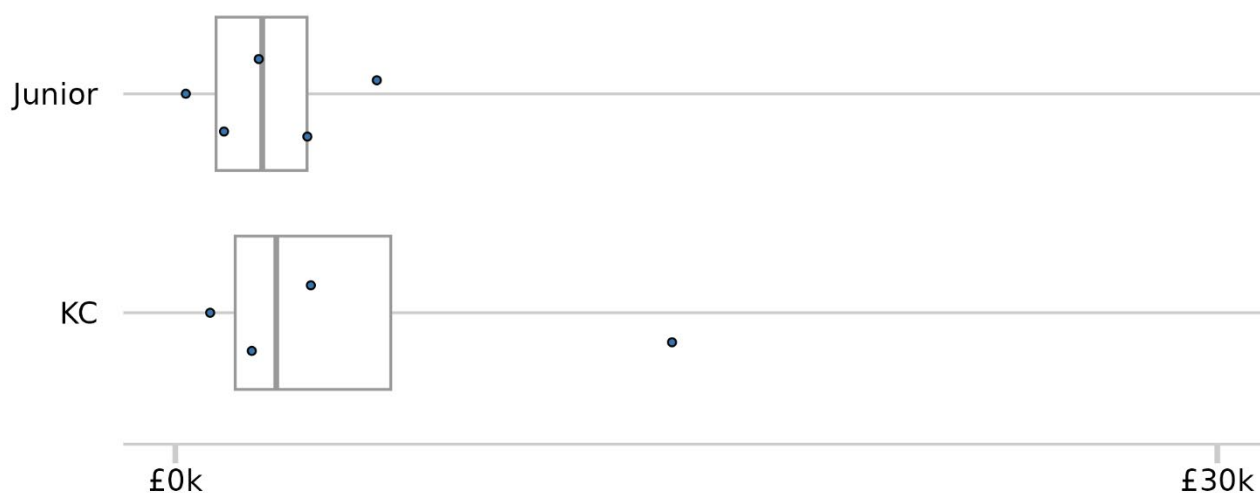
144. Table 5.3.2 shows the proportion of barristers who completed clinical negligence legal aid work in FY2022-23, by advocate type and by their clinical negligence gross civil legal aid fee income band. Due to high levels of suppression in this table, it is difficult to comment on trends.

Table 5.3.2: Number of barristers completing clinical negligence legal aid work and their distribution by advocate type and clinical negligence gross civil legal aid fee income bands, in 2022-23

	Number of barristers	KC	Junior	Total
£5,000 and less	70	40%	60%	100%
£5,001 to £30,000	20	~	~	100%
£30,001 to £60,000	0	.	.	100%
£60,001 to £90,000	0	.	.	100%
£90,001 to £150,000	0	.	.	100%
£150,001 and over	0	.	.	100%
All	90	47%	53%	100%

145. In the following chart, the box represents the interquartile range and the median with each dot representing 10 barristers. This chart shows the clinical negligence gross civil legal aid fee income distribution by advocate type for barristers who completed clinical negligence legal aid work in FY2022-23. Junior barristers had a smaller median clinical negligence gross civil legal aid fee income at £2,500, than KC barristers at £2,900.

Clinical negligence gross civil legal aid fee income distribution by advocate type for clinical negligence barristers for 2022-23



Each point represents 10 barristers' mean clinical negligence gross civil legal aid fee income.

146. Table 5.3.3 (see attached spreadsheet) shows a statistical breakdown providing the clinical negligence gross civil legal aid fee income value, mean, lower quartile, median, and upper quartile of the advocate type of barristers who completed clinical negligence legal aid work in FY2022-23. Junior barristers had a smaller mean clinical negligence gross civil legal aid fee income at £2,600, than KC barristers at £5,800.
147. Tables 5.3.4 to 5.3.9 can be found in the accompanying spreadsheet. Due to high levels of suppression in these tables, it is difficult to comment on trends. These tables show the advocate type of barristers who work in clinical negligence legal aid by:
- Self-reported total gross income,
 - Self-reported proportion of income from legal aid,
 - The number of years barristers completed clinical negligence legal aid cases in the datashare period,
 - Gender,
 - Age, and
 - Ethnicity.

Annex – Solicitor Datashare

Annex I – Data matching rates

148. The below tables show the match rates between LAA data and the LS data. There are three metrics presented in this table:
149. Matched – any year: active clinical negligence firms receiving clinical negligence legal aid payments that were successfully matched across any of the LS data years. For instance, a firm that could only be matched to a specific year would still be counted across all the other years it received civil legal aid payments;
150. Matched – specific year: active clinical negligence firms receiving clinical negligence legal aid payments that were successfully matched to the LS data for that year;
151. Non-SRA: organisations receiving clinical negligence legal aid payments that appear to be not for profit or have been identified as other Alternative Business Structures (ABSs), and not matched with SRA data. Note that this designation has been made using where firms are recorded as not for profit in LAA contract data and some additional manual checking on firm websites. It is not possible to be completely confident that these firms are all ABSs and that there are no ABSs in the unmatched group, however this is shown as it explains most of the variation in match rate between different groups.
152. Table A1.1 shows the match rate for active clinical negligence legal aid firms, by year.

Table A1.1: Active clinical negligence legal aid firm match rate by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Firms in group	130	100	100	90	80	80	50	60
Matched – any year	98%	99%	98%	98%	99%	100%	100%	100%
Matched – specific year	89%	92%	92%	93%	95%	96%	100%	100%
Non-SRA	0%	0%	0%	0%	0%	0%	0%	0%

153. Table A1.2 shows the match rate of income from clinical negligence legal aid for active clinical negligence legal aid firms, by year.

Table A1.2: Income from clinical negligence legal aid in matched active clinical negligence legal aid firms by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Income from clinical negligence legal aid (£m)	£48.0	£48.4	£47.7	£38.6	£40.5	£47.3	£22.7	£35.4
Matched – any year	99%	100%	99%	99%	100%	100%	100%	100%
Matched – specific year	87%	95%	93%	96%	97%	98%	100%	100%
Non-SRA	0%	0%	0%	0%	0%	0%	0%	0%

154. Table A1.3 shows the match rate for the solicitor data for active clinical negligence firms, by year.

Table A1.3: Clinical negligence solicitor match rate by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Firms in group	130	100	100	90	80	80	50	60
Has solicitor data – any year	94%	97%	97%	97%	99%	99%	100%	98%
Has solicitor data – specific year	88%	92%	93%	93%	95%	95%	96%	97%
Non-SRA	0%	0%	0%	0%	0%	0%	0%	0%

155. Table A1.4 shows the match rate for income from clinical negligence legal aid in active clinical negligence legal aid firms with matched solicitor data, by year.

Table A1.4: Income from clinical negligence legal aid in active clinical negligence firms with matched solicitor data, by year

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Income from clinical negligence legal aid (£m)	£48.0	£48.4	£47.7	£38.6	£40.5	£47.3	£22.7	£35.4
Has solicitor data – any year	97%	98%	99%	97%	100%	100%	100%	99%
Has solicitor data – specific year	87%	95%	96%	96%	97%	98%	98%	97%
Non-SRA	0%	0%	0%	0%	0%	0%	0%	0%

Annex II – Income from inter partes costs

156. The tables in this annex show some further information on inter partes costs as a part of income from clinical negligence legal aid for firms. The columns titled “Income from clinical negligence legal aid (£m)” show income from clinical negligence legal aid including inter partes costs, as shown in the main solicitor section.

157. Table A2.1 shows the proportion of active clinical negligence firms and income from clinical negligence legal aid, by income from clinical negligence legal aid excluding inter partes costs band, in FY2014-15 and FY2021-22.

Table A2.1: Active clinical negligence legal aid firms by income from clinical negligence legal aid excluding inter partes costs, and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Blank or zero	~	~	25%	21%
£100k or less	82%	49%	67%	47%
£100k to £250k	9%	22%	~	~
£250k to £500k	~	~	~	~
£500k to £1m	~	~	0%	0%
£1m and over	~	~	0%	0%
Total	130	£48.0	60	£35.4

158. Table A2.2 shows the proportion of active clinical negligence firms and income from clinical negligence legal aid, by income from inter partes costs only, in FY2014-15 and FY2021-22.

Table A2.2: Active clinical negligence legal aid firms by income from clinical negligence inter partes costs, and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Blank or zero	15%	1%	22%	1%
£100k or less	30%	7%	~	~
£100k to £250k	26%	14%	25%	8%
£250k to £500k	12%	13%	16%	11%
£500k to £1m	8%	15%	~	~
£1m and over	9%	50%	~	~
Total	130	£48.0	60	£35.4

159. Table A2.3 shows the proportion of active clinical negligence firms and income from clinical negligence legal aid, by the proportion of income from clinical negligence legal aid from inter partes costs, in FY2014-15 and FY2021-22.

Table A2.3: Active clinical negligence legal aid firms by proportion of inter partes costs within clinical negligence legal aid income, and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Less than 20%	16%	1%	22%	1%
20-40%	~	~	~	~
40-60%	~	~	~	~
60-80%	20%	19%	~	~
More than 80%	49%	73%	69%	95%
Income from civil legal aid is blank or zero	0%	0%	0%	0%
Total	130	£48.0	60	£35.4

Annex III – Out of Contract Billing Firms

160. The tables in this annex show some further information on the firms that are billing out of contract.

161. Table A3.1 shows the proportion of clinical negligence firms and income from clinical negligence legal aid, by income from clinical negligence legal aid, in FY2014-15 and FY2021-22.

Table A3.1: Out of contract billing clinical negligence legal aid firms by income from clinical negligence legal aid and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Blank or zero	0%	0%	~	~
£100k or less	69%	18%	37%	4%
£100k to £250k	~	~	~	~
£250k to £500k	~	~	~	~
£500k to £1m	~	~	~	~
£1m and over	0%	0%	0%	0%
Total	30	£2.4	30	£6.2

162. Table A3.2 shows the proportion of clinical negligence firms and income from clinical negligence legal aid, by clinical negligence legal aid claim volume, in FY2014-15 and FY2021-22.

Table A3.2: Out of contract billing clinical negligence legal aid firms by clinical negligence claim volume and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
1 to 10 claims	~	93%	100%	100%
11 to 50 claims	~	7%	0%	0%
51 to 100 claims	0%	0%	0%	0%
101 to 200 claims	0%	0%	0%	0%
201 claims +	0%	0%	0%	0%
Total	30	£2.4	30	£6.2

163. Table A3.3 shows the proportion of matched clinical negligence firms and income from clinical negligence legal aid, by total turnover, in FY2014-15 and FY2021-22.

Table A3.3: Matched out of contract billing clinical negligence legal aid firms by total turnover and year

	2014-15		2021-22	
	Number of firms	Income from clinical negligence legal aid (£m)	Number of firms	Income from clinical negligence legal aid (£m)
Unknown	~	1%	~	15%
£250k or less	0%	0%	0%	0%
£250k to £500k	0%	0%	0%	0%
£500k to £1m	0%	0%	~	0%
£1m to £5m	~	57%	50%	44%
£5m and over	~	42%	~	42%
Total	20	£1.3	20	£5.4

Annex – Barrister Datashare

Match rates

164. Table A4.1 shows the value of work matched for this publication. Only civil representation work undertaken by barristers who are directly paid by the LAA is able to be matched because the matching process requires the name of the barrister to be recorded on both LAA and BC systems. There are three categories of work where we cannot identify the advocate:

- Controlled work (where relevant, i.e. immigration and mental health tribunal work)
- Cases where the solicitor firm claims the advocacy fee and pays it on to an advocate (whether barrister or another profession)
- Where licenced work is paid directly to an advocate who is not a barrister

165. Two match rates are shown: one against all civil representation advocacy done in clinical negligence, and another against only the work identified as being paid directly to an advocate. The latter of these match rates is high and shows that most advocacy work in this category is paid directly to a barrister and the matching process is able to identify almost all of these. The former is also high and shows that most advocacy work in this category is undertaken by barristers (and not other professions).

Table A4.1: Match rate by value of clinical negligence civil representation legal aid work (exclusive of VAT)

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Civil representation advocacy work (£m)	£1.5	£0.6	£0.6	£0.4	£0.4	£0.2	£0.4	£0.4
Advocacy work paid directly (£m)	£1.5	£0.6	£0.6	£0.4	£0.3	£0.1	£0.4	£0.4
Matched advocacy work (£m)	£1.3	£0.6	£0.6	£0.4	£0.3	£0.1	£0.4	£0.4
Matched against all advocacy work	87%	97%	94%	93%	95%	79%	99%	91%
Matched against advocacy work paid directly	87%	97%	94%	94%	98%	99%	100%	93%

Annex – Coverage and limitation of data sources

166. The coverage and limitations of the data sources in this report are the same as those in the Overview Report, and so the following paragraphs in this annex are repeated from the Overview Report and should be considered alongside the report-specific match rates in the earlier annexes.
167. The LAA data includes billing information from the main civil legal aid schemes – Legal Help, Controlled Legal Representation, the Housing Possession Court Duty Scheme¹⁰ and Civil Representation. The data covers the relevant periods described in the following paragraphs, relevant to each of the two data sharing agreements.
168. The LS data contains separate sets of information on legal firms and individual solicitors. This is gathered by the Solicitors Regulation Authority (SRA) and covers the period August 2015–July 2016 to August 2021–July 2022. The data provided by the LS is a snapshot of the SRA data as per July of the relevant year. The firm datasets provide information on, among other things, the number of partners and solicitors, and turnover. The individual solicitor datasets contain information on age, gender, and year of admission to the roll. More detail on the match rate is shown in Annex I – Data matching rates, within the Solicitor Datashare annex.
169. The LS data contains only data on Law Society member firms and does not include Alternative Business Structures such as Not for Profit provision or charities. These providers are generally not included in the LS data share data, and so are not included here – this affects some categories of law more than others, so caution should be used when making comparisons between different categories of law.
170. BC data on barristers is gathered by the BC and the Bar Standards Board and covers the period April 2015–March 2016 to April 2022–March 2023. It includes information on barristers’ characteristics and practising details. The characteristics include the barristers’ age, gender, ethnicity, sexual orientation, religion, disability, socio-economic background, and whether they are a KC or junior. The barristers’ practising details include length of practice, declared total income band, declared proportion of total income which came from criminal work, and whether they belong to a Chambers or another organisation type.

¹⁰ This scheme has now been replaced by the Housing Loss Prevention Advice Service, however this happened after the time period referenced in the data publications here.

171. The Ministry of Justice sent data on all payments to advocates for civil legal aid (family and other civil) from financial year (FY) 2013–14 to FY 2022–23 to the BC. The records held by the BC were sufficient to match to the eight financial years from 2015–16 to 2022–23, the results of which are shown here. The fees data file from MoJ contained payments for 8,663 advocates and the BC matched 8,397 of them (97%) with their barrister records. Of those, 708 (8%) do not appear in the overall dataset, the majority of these because they received fee payments in 2015–16 or later for work carried out before 2015–16. More detail on the match rate for barristers doing clinical negligence work specifically is shown in the Barrister Datashare match rate annex.
172. When matching the data some pragmatic decisions were made. For instance, the data matching showed that a small number of solicitors' firms had changed their constitution type (and, therefore, their SRA registration number) but their characteristics had remained largely unchanged. In these cases, for analytical purposes, these providers were treated as being the same throughout the period. It was also assumed that all providers' self-reported financial information in the LS datasets refer to the same time period, however, it is possible that some providers' financial information might refer to a slightly different period of time. This might help explain some of the small time-inconsistencies between the LAA and the LS data. As a result, care must be taken when interpreting the analysis in this data publication.



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