



Ministry
of Justice



Legal Aid
Agency

Legal Aid Statistics in England and Wales

April to June 2015

**Ministry of Justice
Statistics bulletin**

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Introduction

Legal Aid Statistics in England and Wales is published every quarter, presenting the key statistics on activity in the legal aid system. This edition comprises the first release of official statistics for the three month period from January to March 2015 and also provides the latest statement of all figures for previous periods and longer term trends.

The statistical release consists of a set of documents:

- This bulletin, which provides key figures, graphs, explanation and commentary.
- A Guide to Legal Aid Statistics, which gives information on legal aid and recent changes, information on data quality and sources and a glossary of key terms used in this bulletin.
- A set of main tables, provided as spreadsheets, which give more detailed figures and full time-series for each area.
- A more detailed set of underlying data, provided in the form of a CSV (comma separated variables) file to facilitate detailed analysis using pivot tables, and re-use of the data using a variety of software packages.
- Anonymised provider office level data, provided in the form of a CSV file available in a downloadable zip file to allow further analysis on the number of provider offices to complete work in a period, the amount of work completed and the expenditure associated with this work.
- Guidance on how to use the CSV data files is also provided alongside them.

Activity in the legal aid system can be expressed in terms of workload and expenditure. See the section below on measuring activity in the legal aid system for more detail on how each is measured in these statistics.

We encourage feedback from users on the format and content of the Legal Aid Statistics, and we can be contacted via the contact details shown in Annex A at the end of this bulletin or follow this link to complete the user survey: <http://www.smartsurvey.co.uk/s/6U58M>

The next edition of Legal Aid Statistics will be published on Thursday 17 December 2015.

Measuring activity in the legal aid system

Workload

The legal aid system involves a diverse range of activities and services, from relatively quick, lower-cost events such as the provision of pre-charge advice in a police station to a complex, relatively high-cost court case. Therefore, the units in which workload can be measured differ across the system.

Additionally, the basis on which volumes are measured varies between different types of legal aid due to the data available. For example, crime lower volumes are based on outcomes, which relate to the end of activity on a case, whereas for other legal aid areas volumes are based on case starts - the beginning of activity on a case.

For some areas, such as legal help and civil representation, measures of workload at both the start and completion stages are presented in this publication.

It is therefore difficult to summarise workload for the system overall within a single number and users are advised to look at trends in workloads for each area of legal aid separately.

Expenditure

This bulletin presents expenditure in terms of the total value of payments made to legal aid providers in relation to pieces of work, or cases, that are completed in the period. Presenting expenditure data on this 'closed-case' basis means that it can be shown alongside the work to which it relates, and to the same level of detail.

This is different from the way expenditure figures are presented for budgeting and accounting purposes, such as those in the Legal Aid Agency's (LAA) Annual Report and Accounts, which are presented on an accruals basis (meaning that they report the value of the work done in the period). There are important differences between these two measures of value which mean that they are not directly comparable. These differences include timing:

- For more complex work, for example many crime higher and civil representation cases, a portion of the work on a case that is completed and paid for in a given period may have taken place over previous periods, but on the closed-case basis its entire value will be included within the expenditure figures for the period in which the case closes.
- Similarly, the value of any work that is done in a given period on cases that have not yet been completed or paid for will not be included in the closed-case expenditure figures for that period.

The combined effect is that expenditure figures on the closed-case basis lag behind those presented on an accruals basis (such as those in the LAA's Annual Report and Accounts), so any trends in expenditure will emerge later, particularly for more complex areas of legal aid work.

Another important difference is that the figures in this bulletin do not take account of income received in the period or bad debt expenditure (to illustrate, the LAA's income in 2014-15 was £198m and bad debt expenditure was £22m, out of total net programme expenditure (that is, excluding administration costs) of £1,586m).

Key findings

Criminal legal aid

1. The gradual decline of recent years in **crime lower** workloads has continued in the context of falling overall crime rates, and the latest quarter saw a 7% fall in completed work compared to the same period in the previous year (see figure 3).
2. Expenditure on crime lower has declined more than workloads, down 10% compared to the same period of the previous year (see figure 4). This reflects the introduction in March 2014 of a reduction of 8.75% to the fees paid for most crime lower legal aid work.
3. The volume of work completed in **crime higher** in the last quarter was similar to the same period of the previous year (down 1%, see figure 9). This workload (and the associated expenditure) is influenced in the short-term less by overall crime rates and more by the number of sitting days in Crown Courts across England and Wales, which are in turn managed in response to workloads currently in the criminal justice system.

Civil legal aid

4. The implementation of the LASPO Act in April 2013 resulted in large reductions in **legal help** workload but trends have since levelled out overall at around one-third of pre-LASPO levels. In the last quarter new matter starts were 1% lower than in the same period of 2014
5. Workloads in **civil representation** also fell substantially following the LASPO Act, though by a smaller proportion than legal help. They now appear to be stable overall at around two-thirds of pre-LASPO levels. The number of certificates granted in the last quarter was up 3% compared to the same period of the previous year.
6. After sharp falls following LASPO, over the last year the number of **mediation** assessments has stabilised at around half of pre-LASPO levels (see figure 16). Starts have recovered more strongly than assessments, and were 33% up in the latest quarter compared to the same period of the previous year.

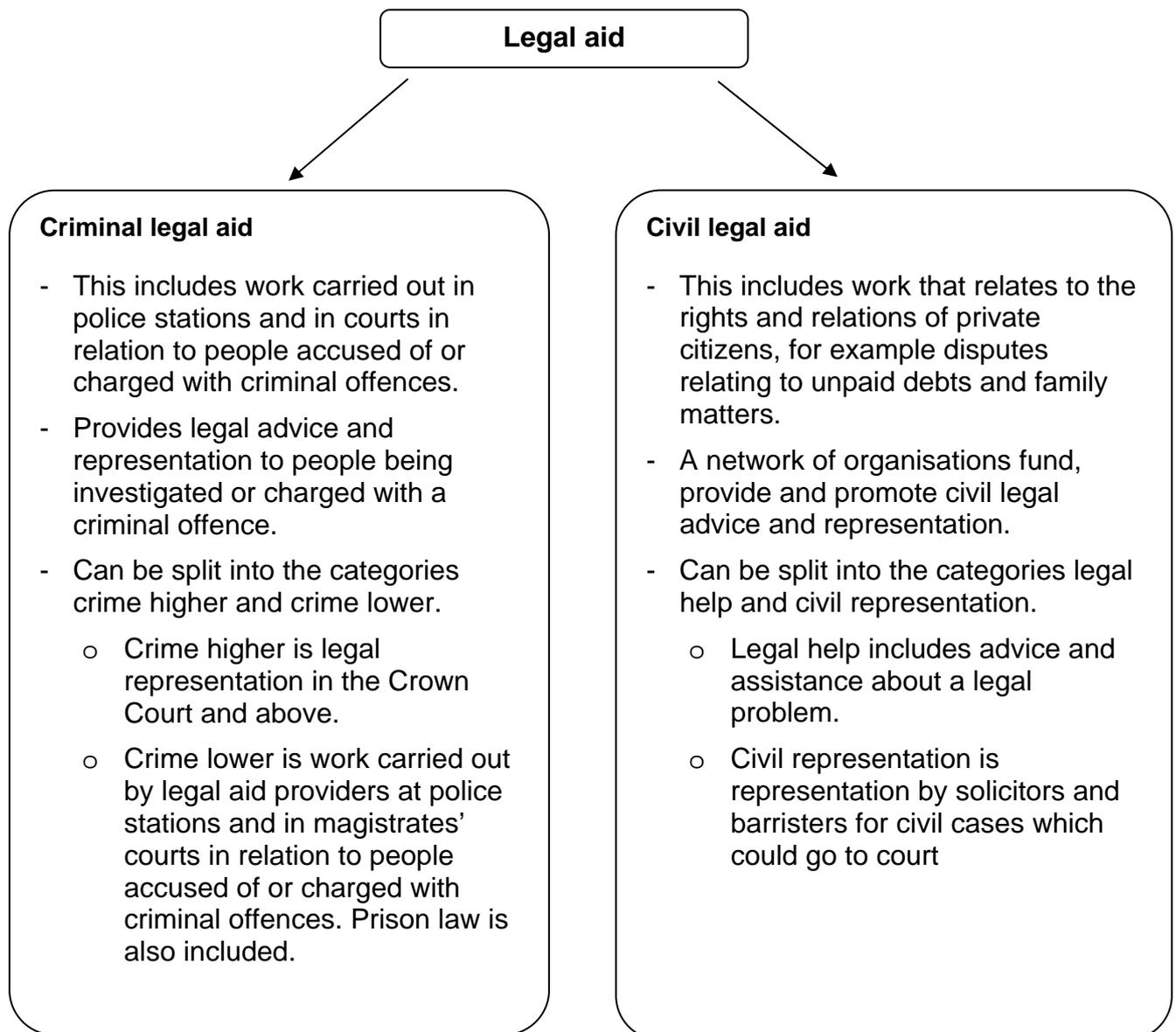
Exceptional Case Funding

7. The number of **ECF** applications received this quarter was 29% higher than the same period the previous year. Excluding those awaiting a decision, more than a third were granted; this is the highest number and proportion of grants since the scheme began.

Analysis and commentary

Summary

Legal aid workload can be broken down into two main justice areas, criminal and civil:



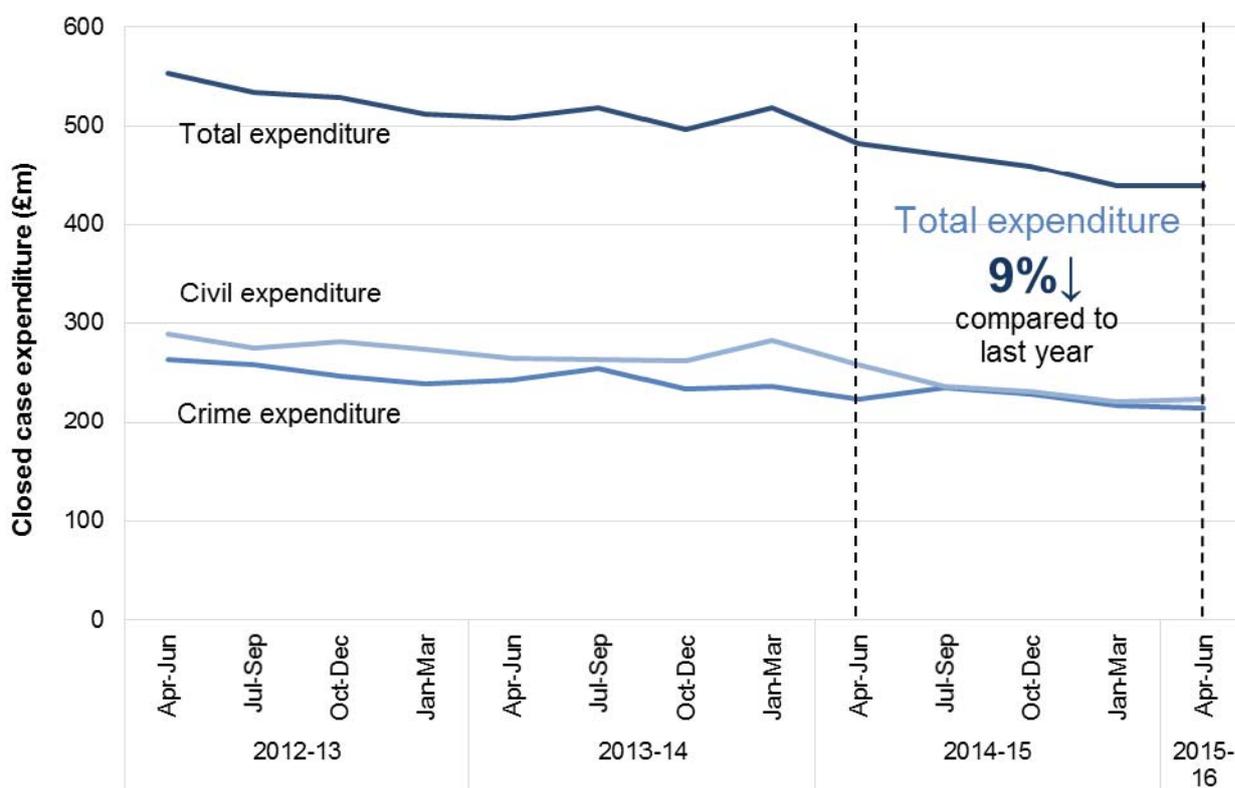
It is difficult to summarise workloads across the legal aid system meaningfully within a single number because of the diversity of services being provided, so users of these statistics are best advised to look at trends in workload for each area of legal aid separately.

Perhaps the best way to summarise the entire system in a broad sense is to look at expenditure. These statistics present expenditure in terms of the value of payments made to legal aid providers for work completed in each period, which is different from the way expenditure figures are presented for budgeting and accounting purposes (see page 4 for further explanation).

On this 'closed-case' basis, expenditure on cases completed between April and June 2015 was just over £438m¹, a 9% reduction on the same quarter of 2014 and a 21% reduction on the same quarter of 2012 (see figure 1).

As shown in Figure 1 below, in the last few quarters this expenditure has been divided evenly between criminal legal aid and civil legal aid. However, prior to July to September 2014 civil expenditure was generally higher than crime.

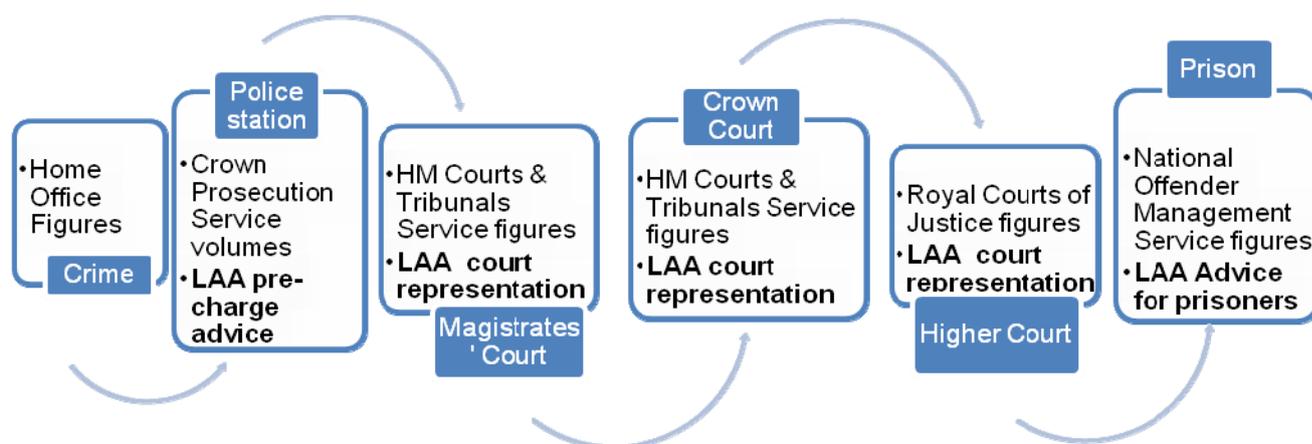
Figure 1: Value of payments made for cases completed in April 2012 to June 2015, by legal aid scheme



¹ Data on the value of completed cases are provisional and subject to change. Figures include mediation but not higher courts.

Criminal legal aid

The diagram below shows the availability of legal aid flows (in bold) throughout the Criminal Justice System with legal services touching on the system from start to finish.



All criminal cases are potentially within the scope of the criminal legal aid scheme, subject to the Interests of Justice test and the means test operating to exclude some cases.

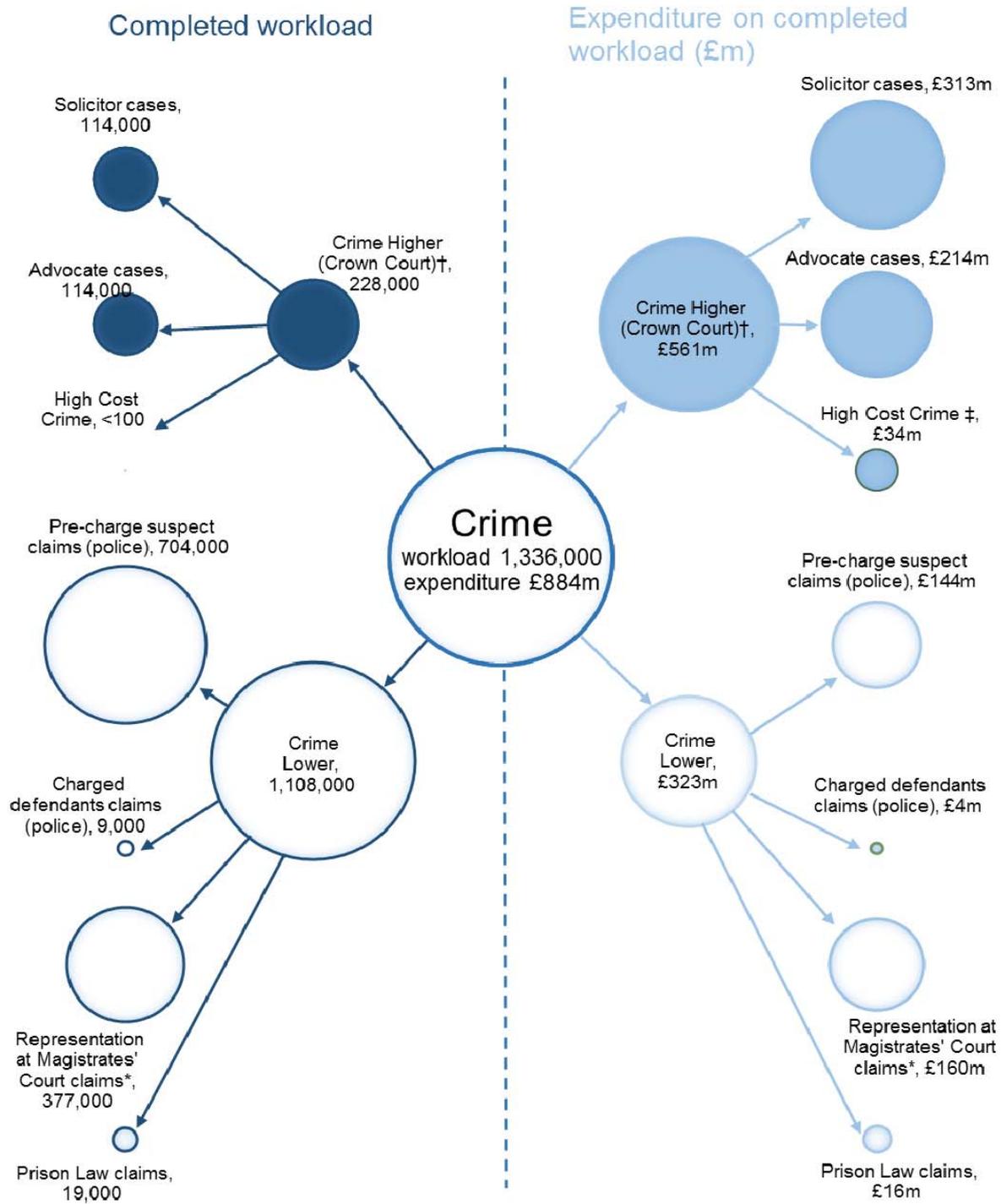
Figures are given in this report for each of the areas above and are categorised into Crime Lower and Crime Higher. Figure 2 below shows the relative size of each category and area both in terms of workload volumes and expenditure.

Crime Lower includes work at the pre-charge and police station stage, the early court system (including magistrates' courts) and prison assistance. These are the relatively higher volume, lower cost units of criminal legal aid work. For more detailed figures on Crime Lower, see tables 2.1 to 3.1 of the Main Tables published alongside this report.

Crime Higher includes work in the Crown Courts and Higher Courts. This relates to more serious criminal matters only and involves the relatively lower volume, higher cost units of criminal legal aid work. Most cases within the Crown Court have both a litigator (solicitor) and an advocate (barrister or higher solicitor advocate). A small proportion of the most complex Crown Court cases are categorised by the LAA as Very High Cost Cases (VHCCs) and managed differently. For more detailed figures on Crime Higher, see tables 3.2 to 4.4 of the Main Tables published alongside this report.

Workload in the wider criminal justice system has fallen in the last few years and some areas of criminal legal aid have also fallen gradually over this period. The largest reduction in workload within criminal legal aid between April and June 2015 and the same period in the previous year was for pre-charge suspects, which has fallen by around 9,500 cases (5%).

Figure 2: Volumes and expenditure within criminal legal aid area, July 2014 to June 2015



* includes court duty solicitor sessions

† This total does not include the higher courts

‡ The spend for high cost crime is the on-going spend for the last 12 months, not closed case spend

Figures are for the 12 months to June 2015

Note: figures have been rounded so may not sum to totals

Crime lower

The gradual decline in crime lower workloads in recent years has continued in the context of falling overall crime rates, and the latest quarter saw a 7% fall in completed work compared to the same period in the previous year (see figure 3).

Expenditure on crime lower has declined more than workloads, down 10% compared to the same period of the previous year (see figure 4). This reflects the introduction in March 2014 of a reduction of 8.75% to the fees paid for most crime lower legal aid work.

Figure 3: Number of cases completed within crime lower, Apr-Jun 2012 to Apr-Jun 2015

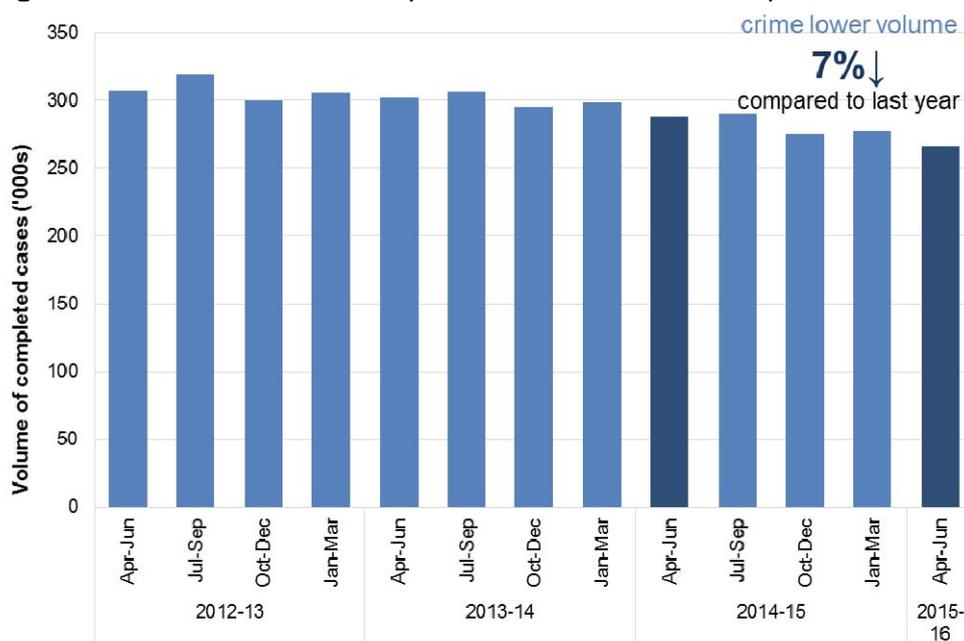
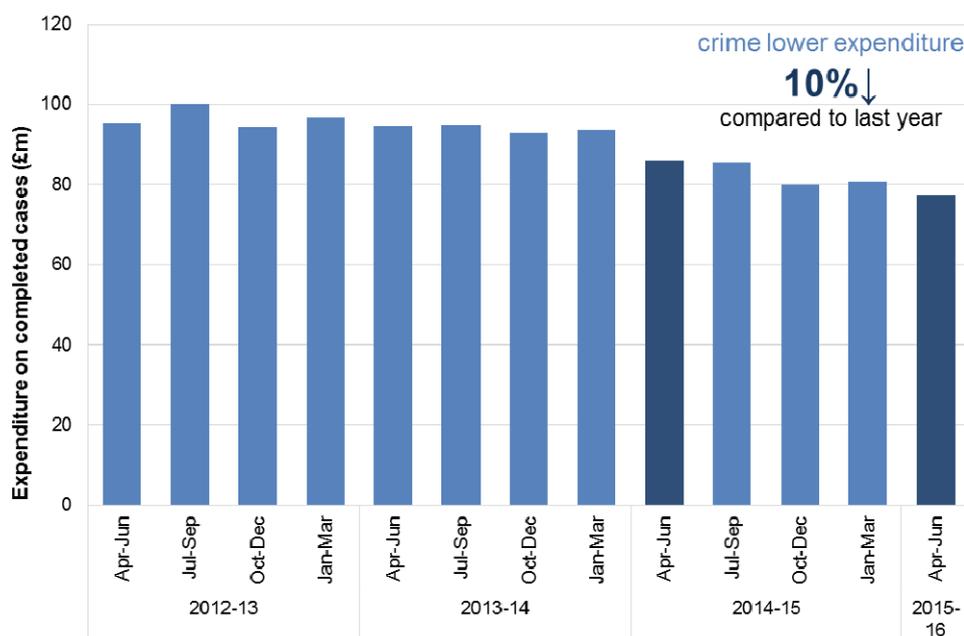


Figure 4: The value of completed crime lower cases, Apr-Jun 2012 to Apr-Jun 2015



Note: Data on the value of completed cases are provisional and subject to change

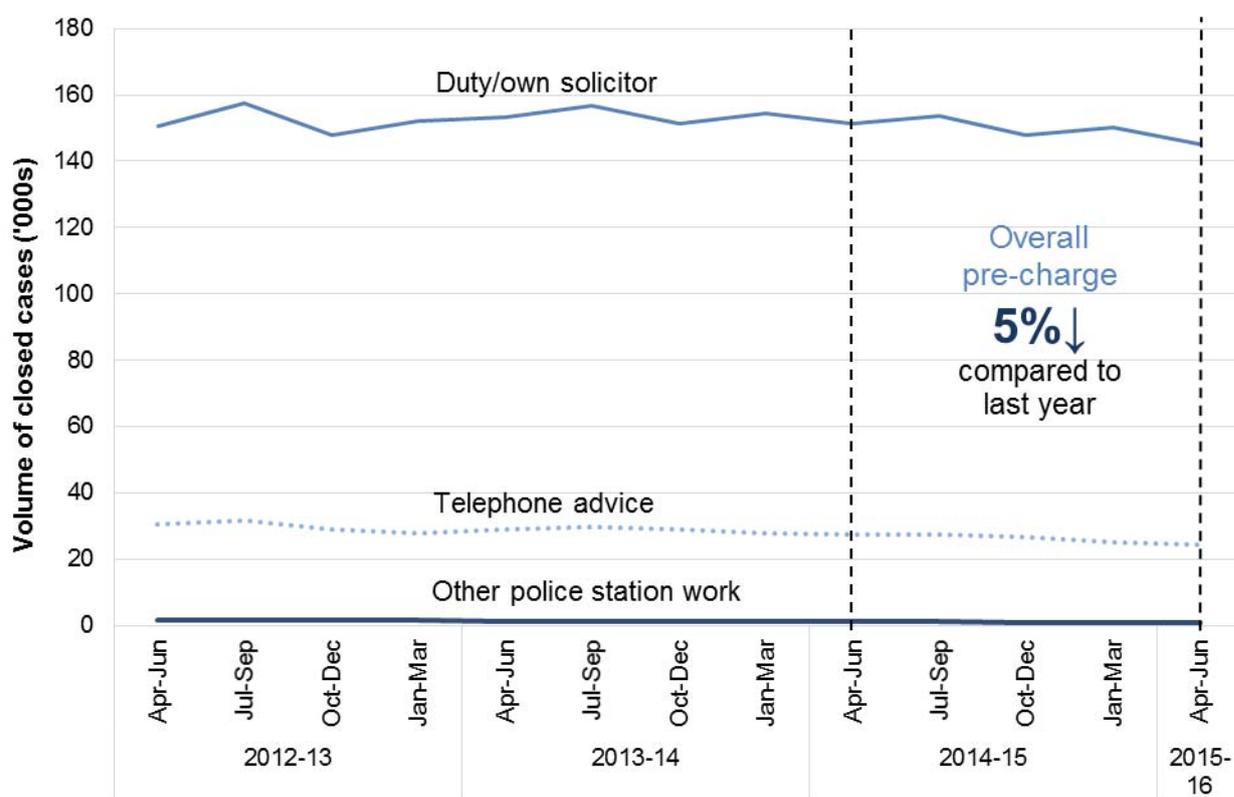
Pre-charge suspects (Table 2.1 and 2.2)

Pre-charge work made up almost two-thirds of the crime lower workload between April and June 2015 but less than half of crime lower expenditure. Anyone in England and Wales who is interviewed by the police or attends a police station can receive advice funded by legal aid either on the telephone or by a solicitor in attendance with the suspect. The LAA has limited control over the volume of police station claims. Changes to police numbers and priorities will lead to changes in the number of arrests, charges and cautions.

Pre-charge legal aid workload between April and June 2015 fell by 5% compared to the previous year (see figure 5). Over the last three years the trend has been gradually downward, but not by as much as overall police recorded crime figures².

The majority of the pre-charge workload (85% in April to June 2015) consists of suspects receiving legal help with a solicitor in attendance at the police station; this has remained stable over the last year.

Figure 5: Workload with pre-charge suspects, Apr-Jun 2012 to Apr-Jun 2015



Magistrates' court (Table 2.1 and 2.2)

Orders for legally-aided representation in the magistrates' court comprised around one-third of the crime lower workload between April and June 2015 and around half of crime lower expenditure. The number of orders granted fell by 10% in this quarter when compared to the

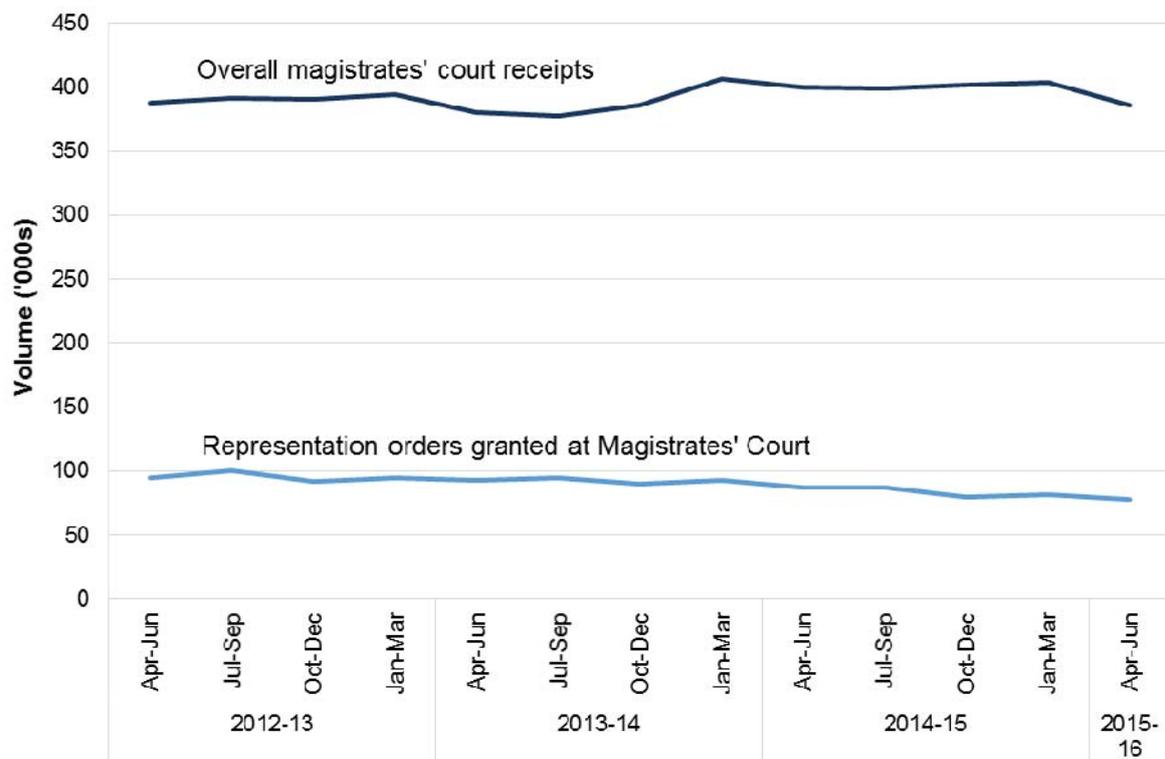
²<http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-september-2014/stb-crime-in-england-and-wales--year-ending-september-2014.html>

previous year, continuing recent trends, while the overall number of receipts in the magistrates' court³ (including those not involving legal aid) fell by 4%. Figure 6 shows the overall number of receipts and the number of representation orders granted in the period.

Receipts in the magistrates' court include triable-either-way and indictable trials, summary motoring, summary non-motoring and breach cases. The overall number of receipts is much greater than the numbers of legal aid representation orders granted because applications for legal aid are not submitted for many of the less serious (summary) offences as the circumstances will not meet the criteria set out in the Interests of Justice test.

The Interests of Justice test considers the merits of a case (for example a person's previous convictions, the nature of the offence and the risk of custody) to determine if an applicant qualifies for legal aid. The more serious the charge or possible consequences for the defendant, the more likely that the case will qualify for legal aid.

Figure 6: Magistrates' court trends - representation orders granted and receipts, Apr-Jun 2012 to Apr-Jun 2015



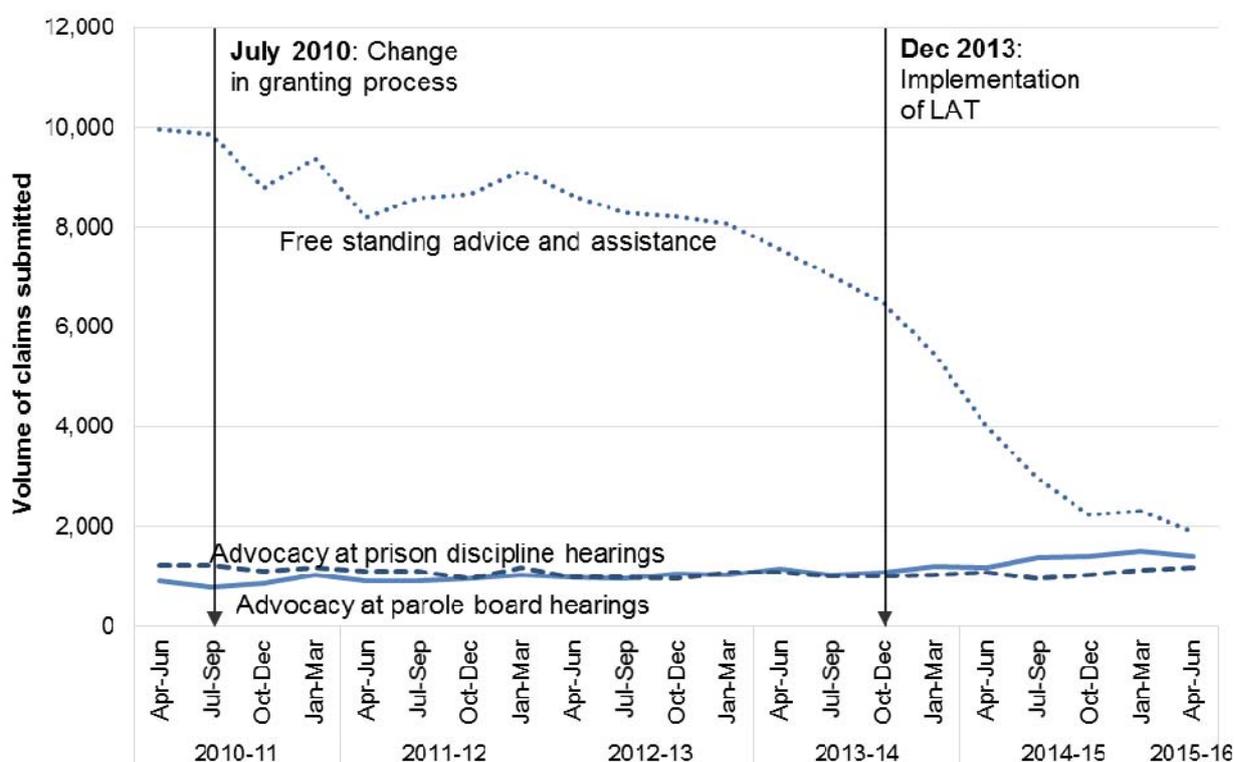
³ Source: <https://www.gov.uk/government/collections/criminal-court-statistics>

Prison Law (Table 2.1 and 2.2)

Prison law made up less than 2% of the crime lower workload between April and June 2015, but around 5% of expenditure. Since the change in July 2010 whereby legal aid providers had to apply to the LAA for prior approval before starting work on treatment cases, Prison law workload has generally been decreasing (see figure 7). However, from December 2013, under the Legal Aid Transformation (LAT) programme, there were changes to the scope of legal aid available for prison law⁴.

These changes appear to have led to larger falls, with a 29% fall in April to June 2015 compared to the same period the previous year. This fall has been driven by a reduction of over 2,000 free standing advice and assistance cases (a fall of 53%) but, because it has been partially offset by an 18% increase in the relatively more costly claims for assistance at parole board hearings over the same period, expenditure on prison law has fallen by 6%.

Figure 7: Volume of workload within prison law, Apr-Jun 2010 to Apr-Jun 2015



Crime higher

Representations at Crown Court (Table 3.2)

The workload in the Crown Court can be broadly split into the following categories:

Either way offence: An offence which can be tried either before the magistrates' court or the Crown Court.

⁴ <http://www.justice.gov.uk/offenders/parole-board>

Indictable offence: A criminal offence that can only be tried in the Crown Court.

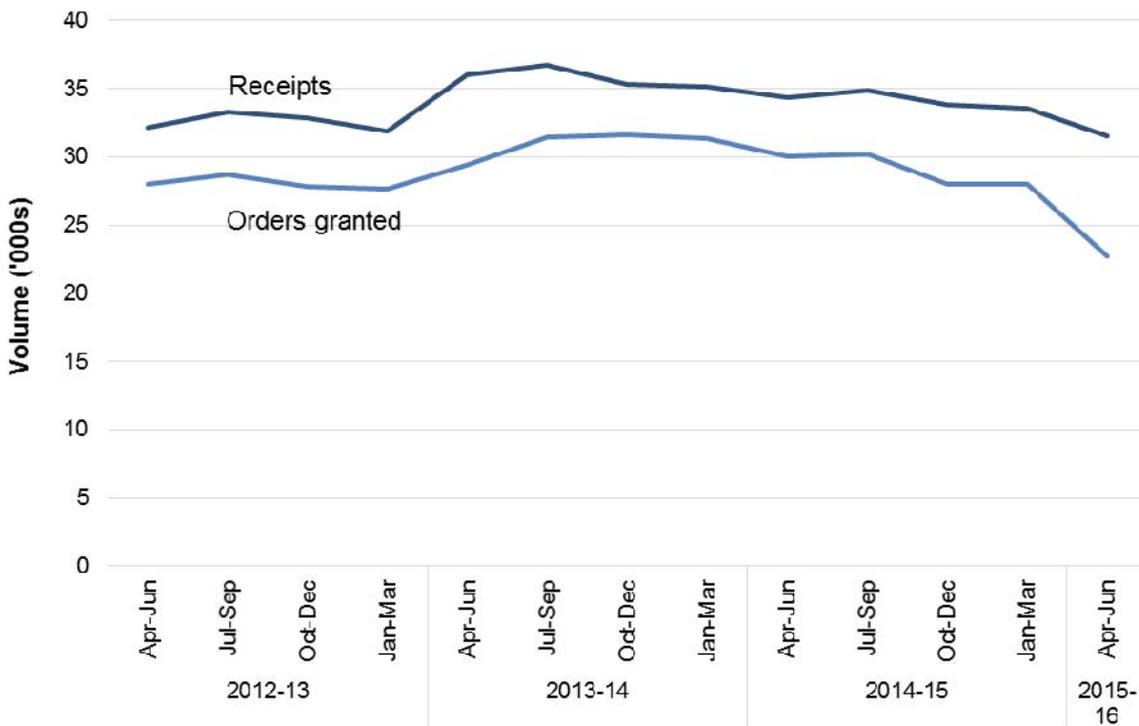
Committed for sentence: A case where a magistrate decides that the penalties available to them are inadequate and commits the case to the crown court for sentencing.

Appeals: The Crown Court deals with appeals from magistrates' court against conviction and sentence

The number of legal aid representation orders granted in the Crown Court has been falling over the last year, and dipped more sharply in April to June 2015. This can be partly explained by the trend in cases received in the Crown Court overall, which also dipped in April to June 2015⁵ (see figure 8). However, figures for representation orders in the latest quarter should be treated as provisional, and hence the size of the drop should be interpreted with caution because it can also be partly attributed to a recording delay associated with the recent transfer of criminal legal aid processing from HMCTS to the LAA. This effect is likely to unwind over the remainder of the year.

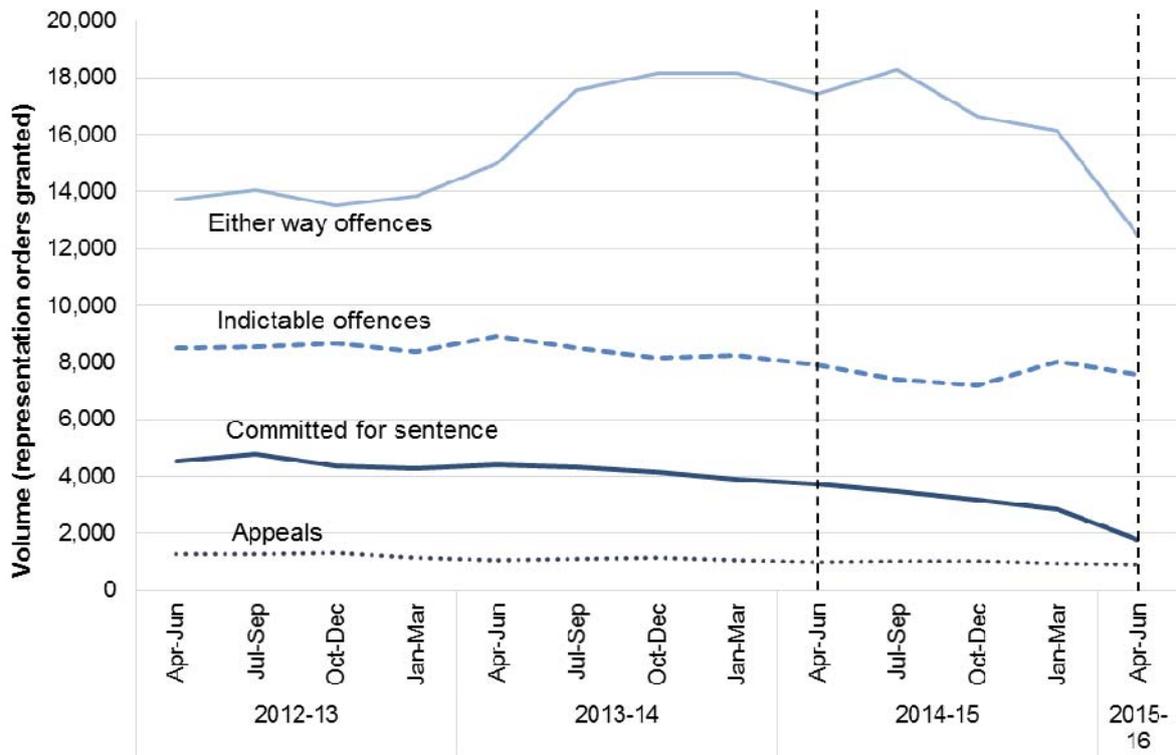
The types of orders that dipped most were those for either-way offences and for committals for sentencing (see figure 9), but again the figures for the latest quarter should be treated as provisional.

Figure 8: Representation orders granted and receipts in the Crown Court, Apr-Jun 2012 to Apr-Jun 2015



⁵ Source: <https://www.gov.uk/government/collections/criminal-court-statistics>

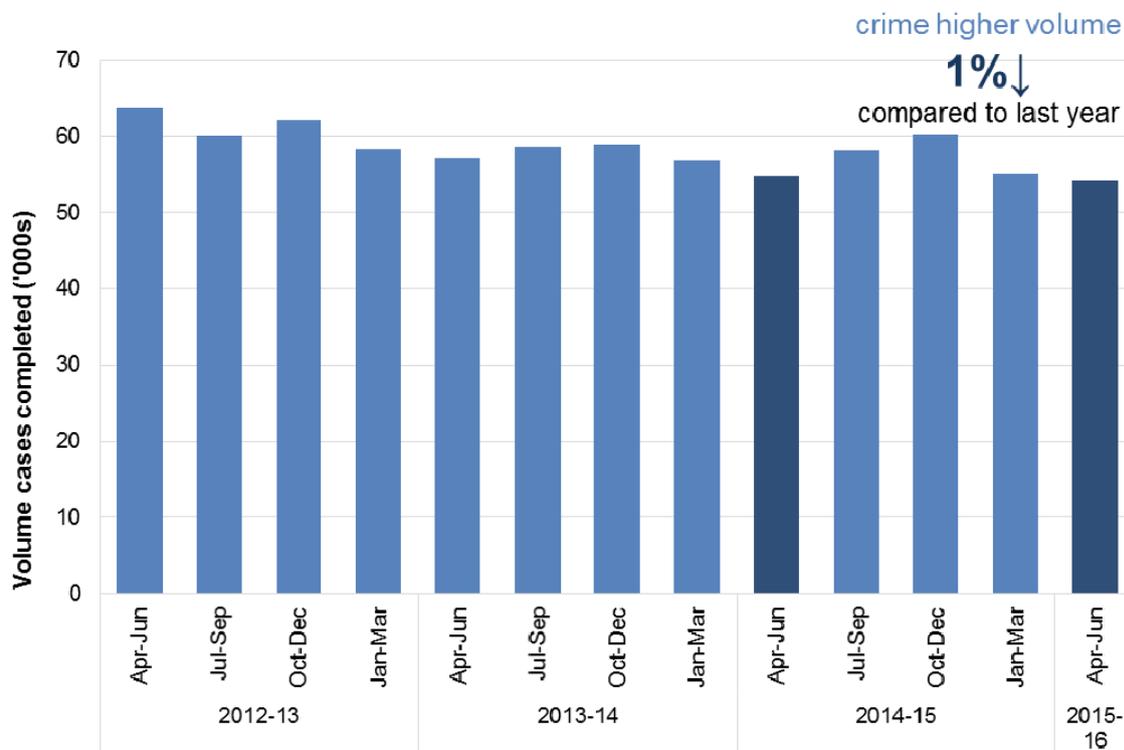
Figure 9: Representation orders granted in the Crown Court, Apr-Jun 2012 to Apr-Jun 2015, by case category



Volumes of cases completed in the crime higher category have declined very gradually over the last three years. The volume in the last quarter was comparable to the same period of the previous year (down 1%, see figure 10). These volumes are related only indirectly to trends in crime and orders for legally-aided representation; they are driven largely by the number of sitting days in Crown Courts across England and Wales, which are in turn managed in response to workloads within the criminal justice system.

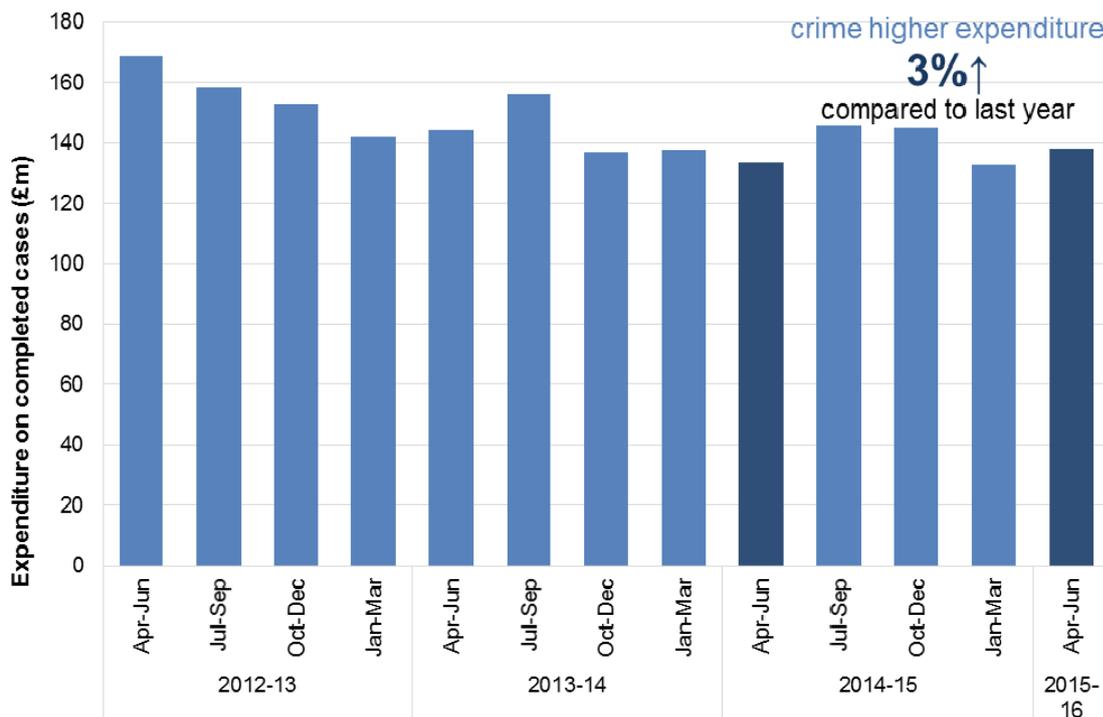
Although the value of payments for completed cases in crime higher (figure 11) has followed a generally similar trend to that of the volumes over the last 3 years, the downward trend is slightly steeper. This reflects the impact of reductions over this period to fees paid to solicitors and advocates for crime higher legal aid work.

Figure 10: Number of cases completed within crime higher (Tables 4.2 – 4.4), Apr-Jun 2012 to Apr-Jun 2015



Note: High cost cases are case starts and both litigator and advocate case completions are included.

Figure 11: The value of completed crime higher cases (Table 4.2 – 4.4), Apr-Jun 2012 to Apr-Jun 2015



Very High Cost Cases (VHCCs) (*Table 4.4*)

VHCCs are those cases in which, if the case were to proceed to trial, it would be likely to last more than 60 days. In fact, these cases can span a number of years and, while the volumes are small, the number of related contracts with providers and the amount spent are high in comparison. The LAA makes decisions in relation to authority to incur expenditure for expert reports and runs a High Cost Case contracting scheme seeking to limit expenditure on this small number of Crown Court cases that account for a large proportion of total expenditure on criminal legal aid.

Total expenditure on VHCCs between April and June 2015 was £7 million, a reduction of 22% compared to the previous year. Falling VHCC costs are due to changes in rates paid and also a reduction in the proportion of cases classified as a VHCC due to the threshold being increased from 40 to 60 days on 1 April 2013. VHCCs represent a very small amount of the workload but around 6% of the overall cost of legal aid in the Crown Court. For each VHCC opened there may be multiple defendants, each represented by a different provider with separate VHCC contracts.

Civil legal aid

Many events and issues in people's lives which are not associated with crime, but which concern the rights and relations of private citizens, can also require legal assistance. These can be issues such as discrimination, dealt with through the telephone advice service, or a divorce with several court appearances.



Civil legal aid can be broadly categorised into legal help (see tables 5.1 to 5.3) and civil representation (tables 6.1 to 6.7). The nature of each form of service is explained in the diagram above. The first point of contact for a client of civil legal aid is usually legal help, which covers help via telephone, face-to-face with a solicitor or at Not-for-Profit centres.

Many of these matters will then extend into civil representation with full investigations undertaken or in-court representation given. However, under some circumstances a client

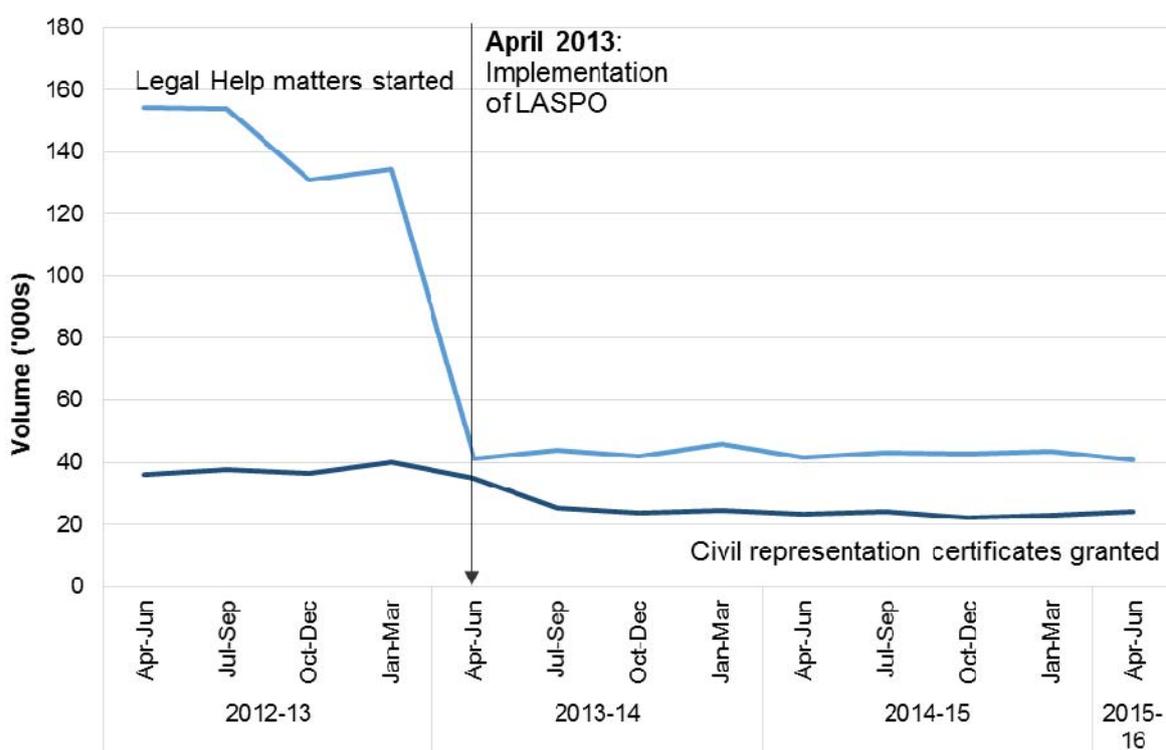
may enter straight into civil representation. Legal Aid for representation at the Mental Health Tribunal or the Immigration & Asylum Tribunal is funded through controlled legal representation.

Legal aid for representation in other categories, or in higher courts for immigration and asylum or mental health, is funded through civil representation. Public funding is also available from the LAA for family mediation, which is an alternative to settling family disputes through Court proceedings.

The implementation of LASPO in April 2013 resulted in large reductions in **legal help** workload and expenditure. However, since this initial fall workloads have levelled out overall at around one-third of pre-LASPO levels. In the last quarter new matter starts were 1% lower than in the same period of 2014.

Workloads in **civil representation** also fell substantially following the implementation of LASPO, though by a smaller proportion than legal help. They now appear to be stable overall at around two-thirds of pre-LASPO levels. However, the number of certificates granted in the last quarter was up 3% compared to the same period of the previous year.

Figure 12: Trends in overall legal help/controlled legal representation and civil representation, Apr-Jun 2012 to Apr-Jun 2015



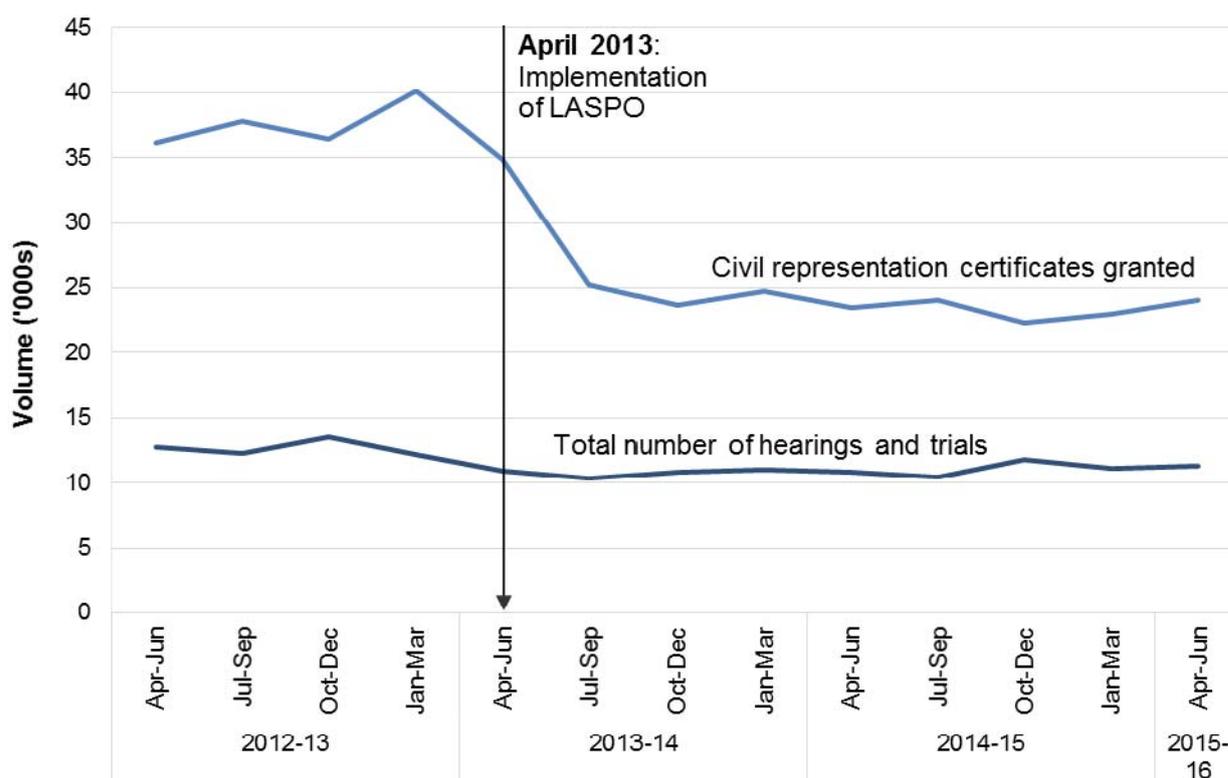
Civil representation and overall court volumes

Figure 13 shows the number of certificates granted for legally-aided civil representation (see table 6.2) and the number of hearings and trials overall from court data, with figures from the latest release of Civil Justice Statistics quarterly (table 1.6). The trends were broadly similar

until the implementation of LASPO, when there were large reductions in civil representation workload.

Over the last 2 years, as civil representation workload has stabilised, the trends have once again been broadly similar. More certificates are granted than the final number of hearings and trials as some claims do not reach court.

Figure 13: Trends in civil representation and overall court workload - legal aid certificates granted and total number of hearings and trials, Apr-Jun 2012 to Apr-Jun 2015

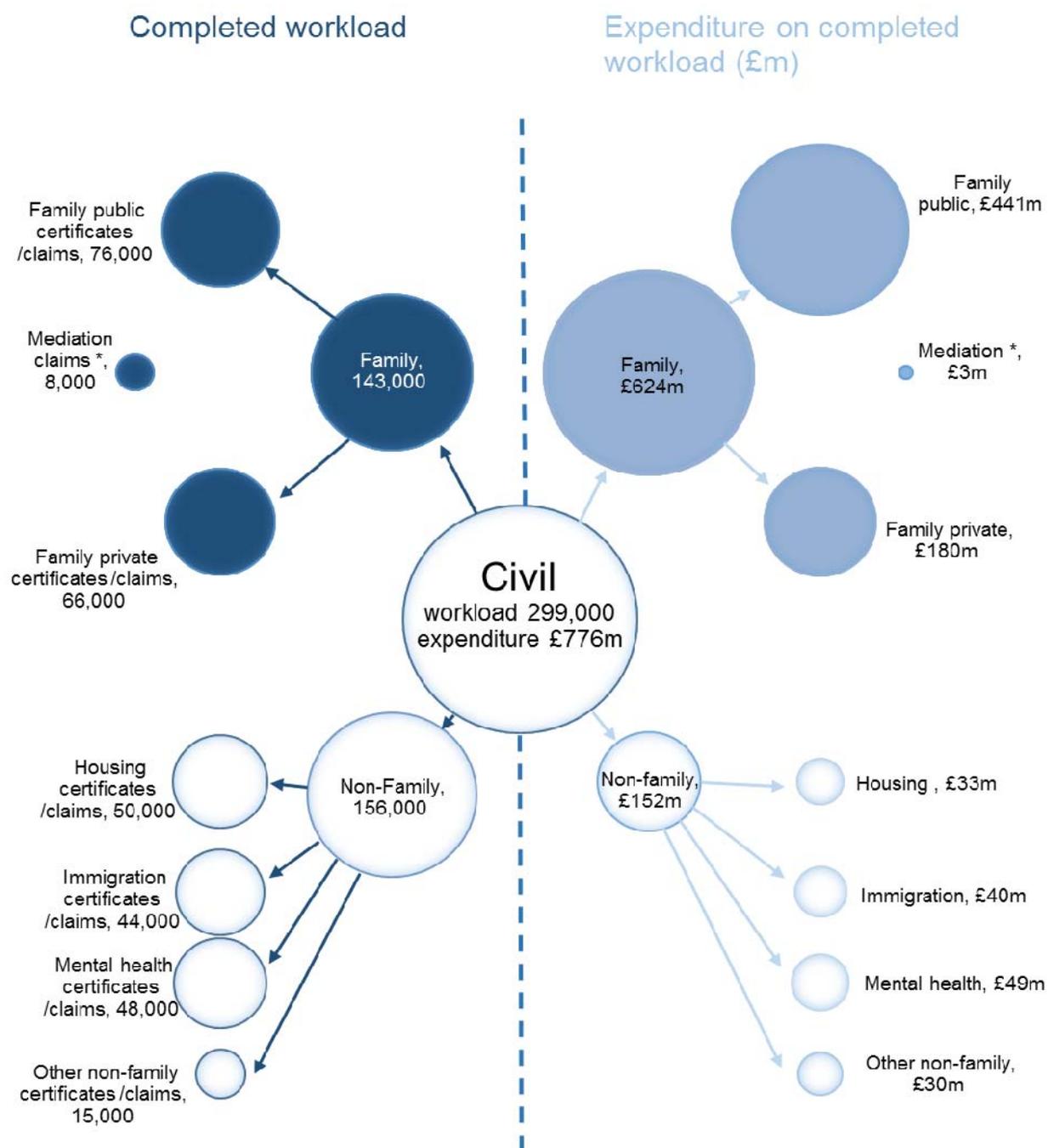


Civil legal aid by category of law (tables 5.1 - 6.7)

A range of categories of law are covered within the scope of civil legal aid. Legal aid may be available for benefit appeals, debt (if your home is at risk), special educational needs, housing, discrimination issues, help and advice if you are a victim of domestic violence or issues involving a child being taken into care. A full list of the type of work contained within each category is given under 'civil' in the glossary in the Guide to legal aid statistics.

Figure 14 shows the volume of completed work and the associated expenditure for each area of civil legal aid over the latest 12-month period, combining both legal help and civil representation. Although workloads are spread fairly evenly across categories, in expenditure terms family public law is by far the largest area of civil legal aid.

Figure 14: Civil legal aid volumes by category of law, July 2014 to June 2015



*Mediation figures are not included in the family total
 Figures are for the 12 months to June 2015

Notes: Figures are a combination of legal help / controlled legal representation matters started and civil representation certificates granted, and have been rounded so may not sum to totals. The figure for family mediation is not included within the Family (private) total. Figures exclude housing possession court duty scheme and telephone operator service.

Family

The category of family legal aid covers work on both private and public family law and includes work associated with the Children Act, Private Law Children Act, domestic abuse, financial provision and family mediation.

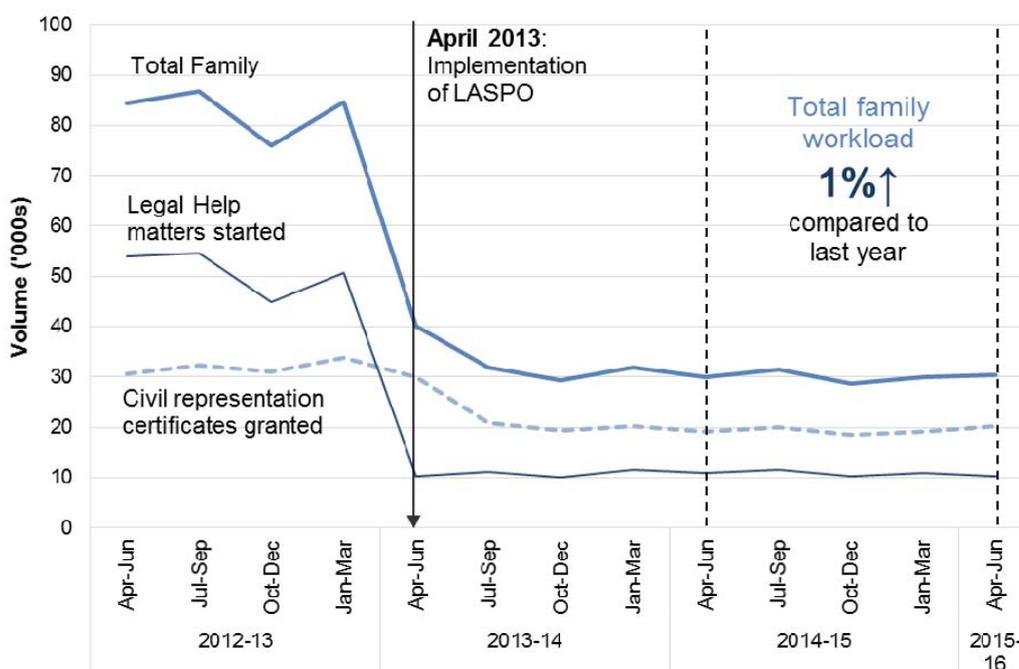
Public family law is one of the most important components of legal aid, accounting for almost half of civil legal aid expenditure and a quarter of all legal aid expenditure. Public family cases may deal with issuing Care and Supervision Orders to protect vulnerable children and are primarily driven by the issuing of proceedings by individual Local Authorities. They are non-means and merits tested, and the LAA has no control over the volume of these cases.

The LASPO Act removed many areas of law from the scope of legal aid, including some areas of private family law. There was a large decrease in family legal help workload following its implementation, but this now appears to have stabilised, with new matter starts in April to June 2015 slightly lower than the same quarter of 2014. Civil representation fell less sharply following LASPO, and this trend now also appears to have levelled out (figure 15).

Some areas of family legal aid, in particular domestic violence and public family law, were not affected by scope changes in the LASPO Act and so did not show large decreases in volume when the Act was introduced.

More recently, the civil representation workload for family public law has increased, being 11% higher in April to June 2015 than in the same period of the previous year, while in domestic violence civil representation workload has fallen by 8% over this period (table 6.2). Legal help matters completed in family public law increased by 11% over this period and are now higher than before the LASPO Act was introduced (table 5.2).

Figure 15: Family workload: legal help and civil representation, Apr-Jun 2012 to Apr-Jun 2015



Note: overall workload has been calculated by adding legal help matters started and civil representation certificates granted.

Family mediation

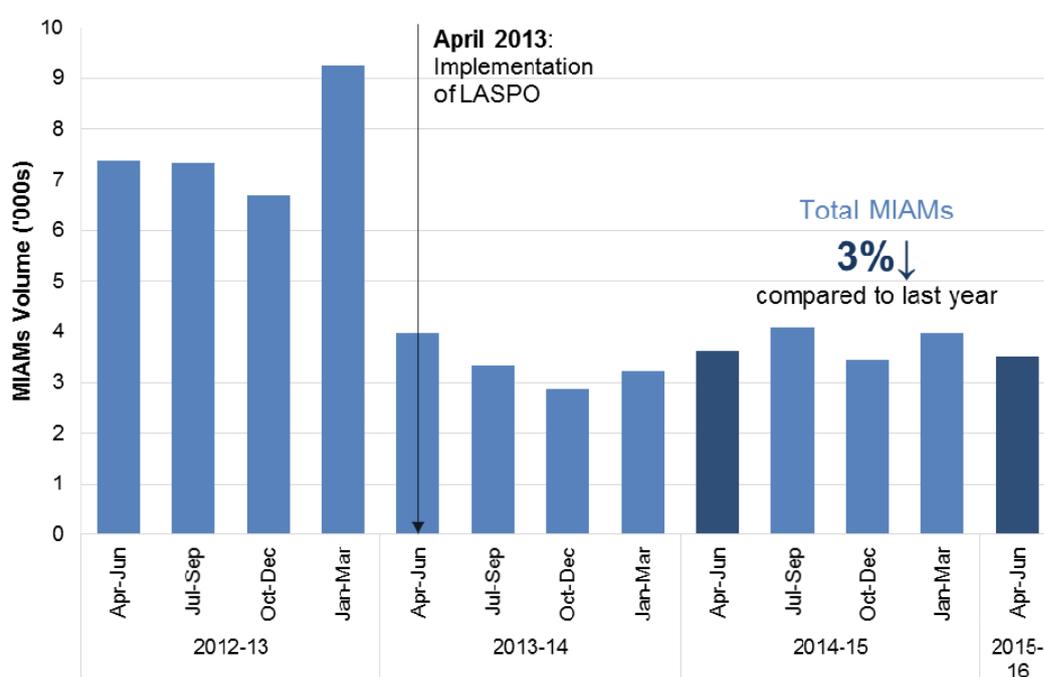
Family mediation (tables 7.1 – 7.2) involves an independent and impartial professionally accredited mediator discussing problems with a divorcing or separating couple. The process is cheaper and quicker than using the courts and it also allows for a more flexible approach.

Changes in legislation during April 2014 mean that most divorcing couples must now attend a mediation assessment before a matter can go to court. If an agreement cannot be reached through mediation alone, then some arrangements can be decided by a court order.

A mediation assessment, sometimes also known as a MIAM (Mediation Information and Assessment Meeting), is an initial meeting between one or both parties and a mediator. The aim of the meeting is to see if mediation could be used to resolve the issue, rather than going straight to court.

The number of mediation assessments fell sharply after the introduction of LASPO in April 2013, but over the last year the number of mediation assessments has stabilised at around half of pre-LASPO levels, despite quarterly fluctuations (see figure 16).

Figure 16: Family mediation assessments, Apr-Jun 2012 to Apr-Jun 2015

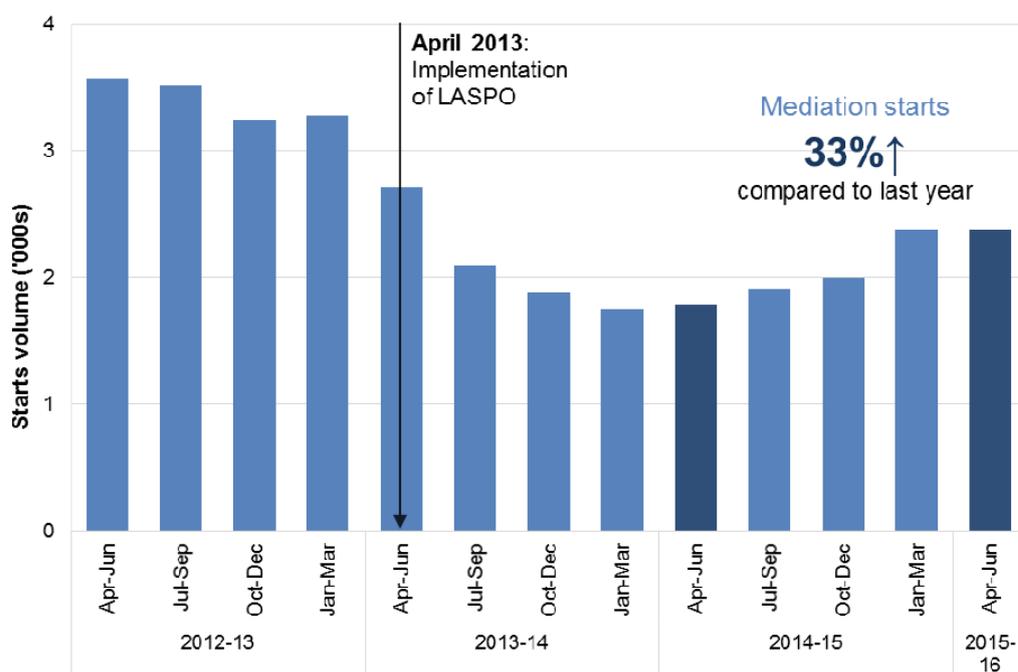


Parties can attend mediation assessment meetings alone, separately or together. The majority of couples attend assessment meetings separately.

It is not possible from the data held by the LAA to track a family's progress through the various stages of mediation. Although the number of mediations reaching each stage within a time period can be reported, it cannot be determined from a given set of assessments what proportion of them led to starts, or what proportion of starts led to agreements.

Nevertheless, it can be seen that while the number of mediation starts fell by a similar proportion to assessments following LASPO, starts have recovered more strongly than assessments over the last year and were up by 33% in the latest quarter compared to the same period in the previous year (see figure 17). This may suggest that a larger proportion of assessments are leading to starts now than before LASPO.

Figure 17: Family mediation starts, Apr-Jun 2012 to Apr-Jun 2015



Family mediation can be used to resolve issues to do with children or property and finance following divorce or separation, and the 'all issues' category describes mediations which deal with both areas.

The children category consistently accounts for the majority of starts, comprising 60% of all mediation starts from April to June 2015 (figure 18).

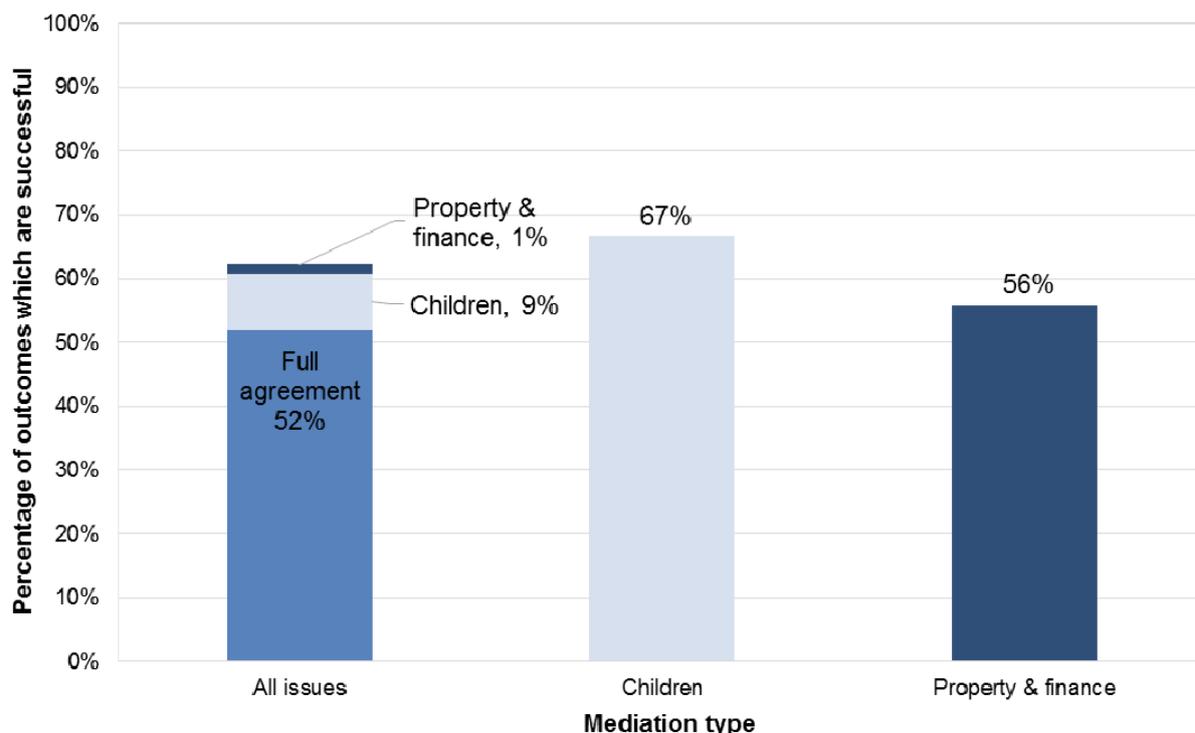
Figure 18: Family mediation starts by mediation type, Apr-Jun 2012 to Apr-Jun 2015

	All Issues	Children	Property & Finance	Total
Apr-Jun 2012	990	1,907	669	3,566
Jul-Sep 2012	979	1,875	665	3,519
Oct-Dec 2012	865	1,786	591	3,242
Jan-Mar 2013	851	1,731	700	3,282
Apr-Jun 2013	688	1,506	516	2,710
Jul-Sep 2013	508	1,263	321	2,092
Oct-Dec 2013	498	1,088	297	1,883
Jan-Mar 2014	449	1,024	280	1,753
Apr-Jun 2014	452	1,071	264	1,787
Jul-Sep 2014	441	1,213	261	1,915
Oct-Dec 2014	446	1,245	306	1,997
Jan-Mar 2015	572	1,470	339	2,381
Apr-Jun 2015	545	1,423	414	2,382

Mediations can either break down or result in an agreement. Mediations in the 'all issues' category can reach full agreement, where agreement is reached on all issues, or partial agreement, wherein an agreement has been reached on either children or property and finance, but not both. As such, successful agreements include both partial agreements and full agreements. Over the last year 64% of all mediation outcomes involved successful

agreements. Of these successful agreements, the children category had the highest proportion of it's agreements being successful (67%) (Figure 19).

Figure 19: Total family mediation, percentage of successful agreements, by mediation type, July 2014 to June 2015.



Non-family

Following the implementation of LASPO the non-family area of civil legal help has reduced and some areas of law have fallen out of scope.

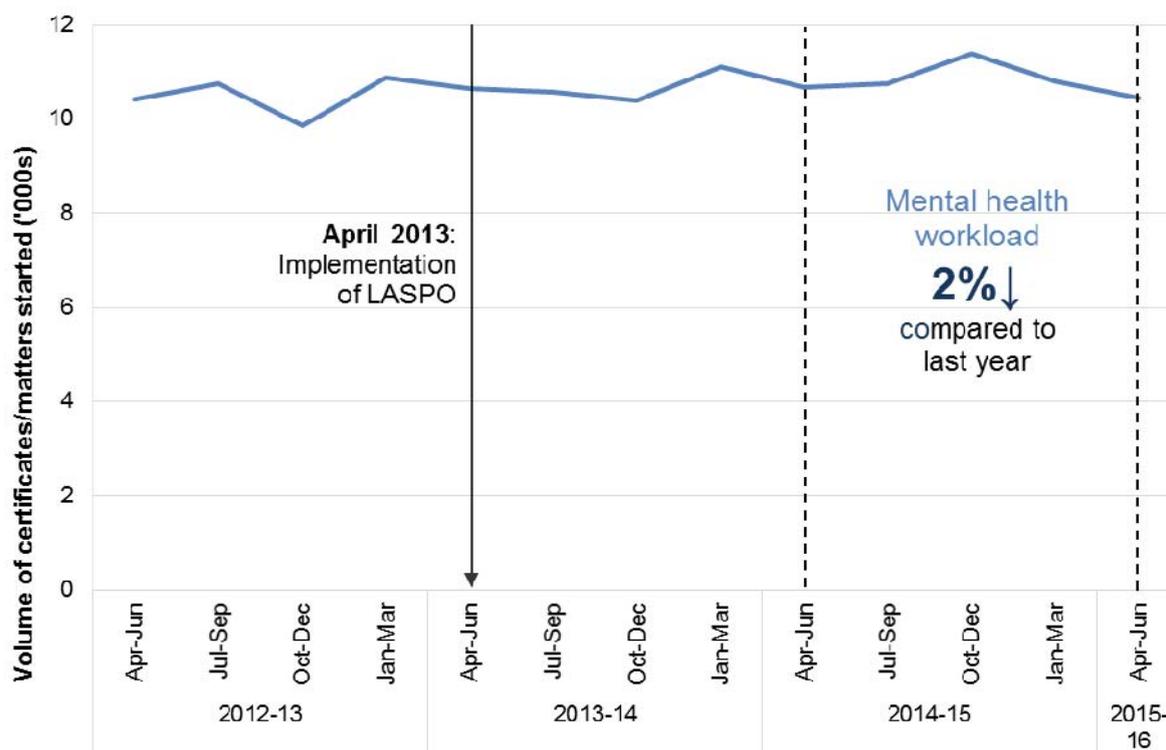
Mental Health

Within mental health the majority of funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Although a distinct level of funding, controlled legal representation, which relates to representation at the Mental Health Tribunal, is here reported alongside legal help.

There is a statutory duty to provide advice and representation in these cases, and they are funded without reference to a client's means. The number of providers carrying out this work is small compared with some other categories. Providers have to travel to discreet NHS and private hospital locations to advise high priority detained clients. More information on mental health tribunals is available on the gov.uk website <https://www.gov.uk/mental-health-tribunal/overview>

Over the last three years there has been a gradual increase in the volume of those legally aided at a mental health tribunal, but workload in January to March 2015 was down by 2% compared to the same period of the previous year (see figure 20).

Figure 20: Workload in mental health, Apr-Jun 2012 to Apr-Jun 2015



Note: workload has been calculated by adding legal help / controlled legal representation matters started and civil representation certificates granted.

Immigration

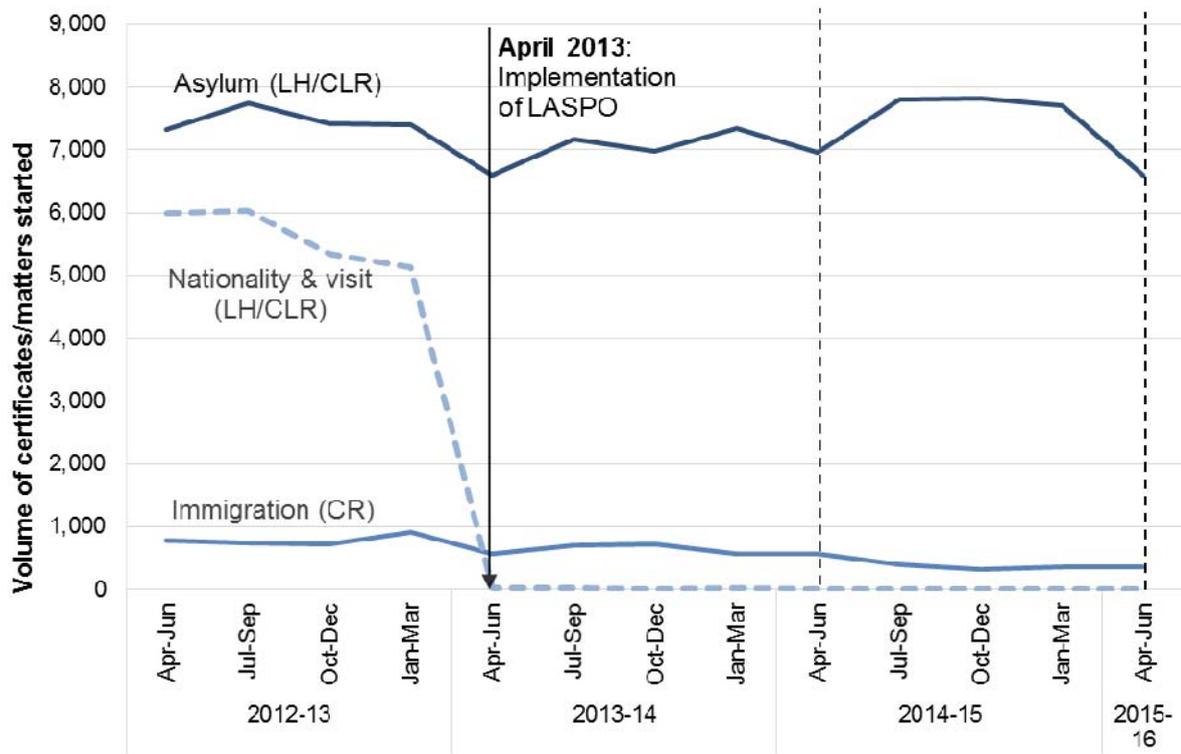
The LASPO Act, which came into effect on 1 April 2013 made changes to the scope of legal aid for immigration law, but some areas remained in scope. These include asylum, immigration-detention, victims of trafficking or domestic violence and judicial review. Although a distinct level of funding, controlled legal representation, which relates to representation at the Immigration and Asylum Tribunal at the First-tier-Tribunal (FTT) and Upper-tier-Tribunal (UTT), is reported alongside legal help.

The volume of legally aided immigration cases halved between April to June 2012 and April to June 2013.

This fall was caused entirely by the removal from scope under the LASPO Act of nationality and visit visas work. Although this category cannot be separately identified within data on civil representation, legal help and controlled legal representation data show that new matter starts for this type of work fell from more than 5,000 to just a few cases in each quarter following the introduction of the LASPO Act.

The workload that remains in the immigration category consists largely of asylum-related work. Immigration work overall was down 7% in the last quarter compared to the same quarter of the previous year, with civil representation falling much more sharply (down 38%) than legal help and controlled legal representation (down 5%) (see figure 21).

Figure 21: Workload in immigration, Apr-Jun 2012 to Apr-Jun 2015



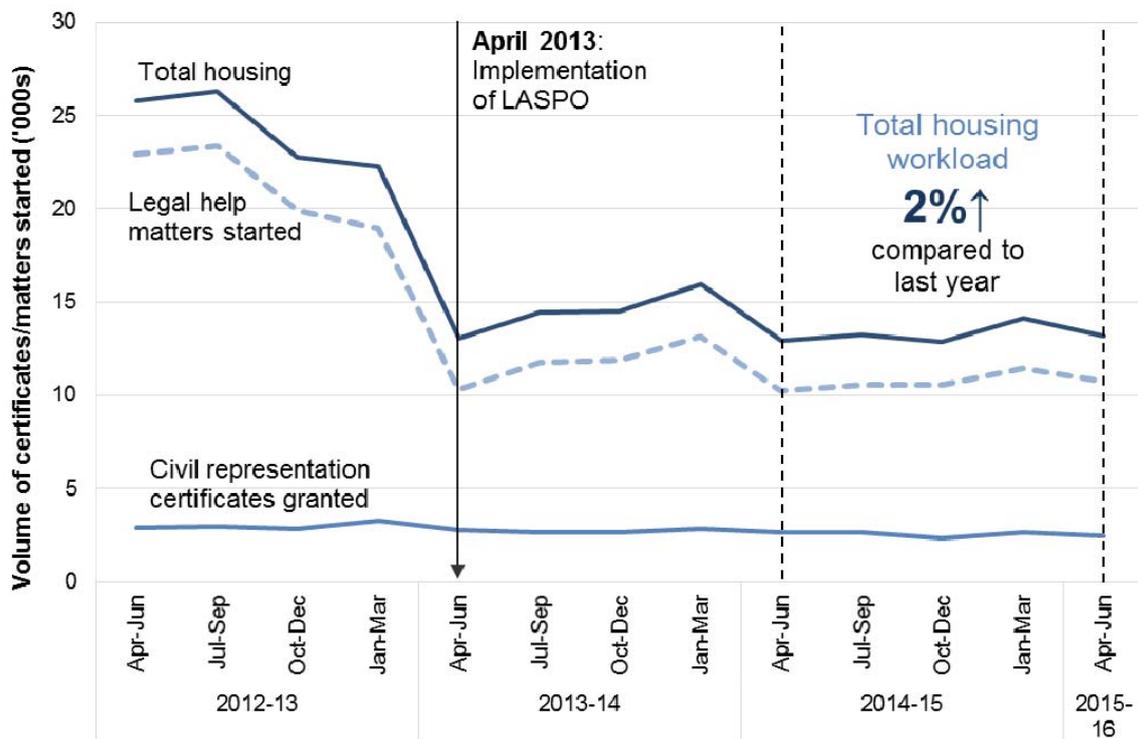
Note: workload has been calculated by adding legal help / controlled legal representation matters started and civil representation certificates granted.

Housing

The LASPO Act, which was implemented in April 2013, made changes to the scope of legal aid for housing issues, but some areas remain in scope. These include cases where there is serious disrepair or homelessness and possession proceedings.

The volume of legally-aided housing cases halved between April to June 2012 and April to June 2013 (see figure 22). In the last quarter there was a 2% increase compared to the same quarter the previous year. Workload figures in this category of law are driven by legal help, which comprises more than 80% of overall housing legal aid volume.

Figure 22: Workload in housing law, Apr-Jun 2012 to Apr-Jun 2015



Note: workload calculated using legal help matters started and civil representation certificates granted.

Other non-family

Figure 23 below shows the civil legal aid workload in areas of law other than family, mental health, immigration and housing. These tend to have much lower volumes of work, with some categories removed from the scope of legal aid by the introduction of the LASPO Act.

Figure 23: Other non-family workload: legal help and civil representation, Apr-Jun 2014 to Apr-Jun 2015

	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	Jan-Mar 2015	Apr-Jun 2015
Actions against the police etc.	738	720	735	699	708
Clinical negligence	188	129	149	55	111
Community care	830	886	965	1,187	1,212
Consumer	0	0	1	0	0
Debt	407	350	399	299	305
Discrimination	396	312	482	423	551
Education	475	414	411	477	478
Employment	2	5	4	2	2
Miscellaneous	113	112	106	53	155
Personal injury	0	1	3	1	2
Public law	622	580	556	514	510
Welfare benefits	139	151	104	64	61
Other Non-family	3,910	3,660	3,915	3,774	4,095

Note: workload has been calculated by adding legal help matters started and civil representation certificates granted. A longer time series for legal help new matter starts can be found in table 5.1 and for civil representation certificates granted in table 6.2.

Civil legal aid subcategories

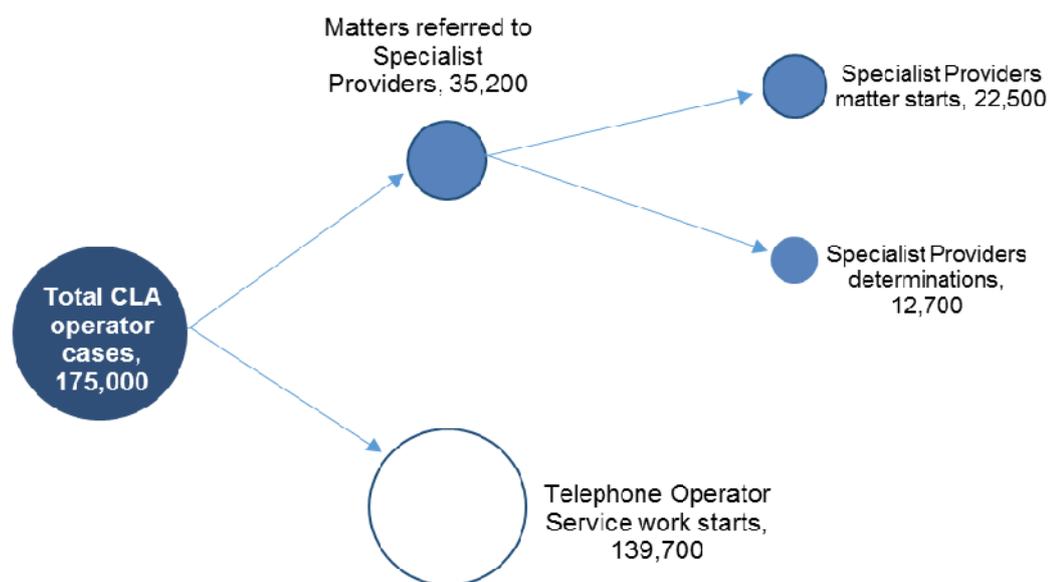
Legal help telephone service

Figure 24 shows the nature of the legal help telephone service. The first point of contact for a client is usually the telephone operator service. The operator service diagnoses a clients case which, if in scope and financially eligible, is forwarded on to a specialist provider.

Between July 2014 and June 2015, 20% of telephone operator cases were referred to the specialist telephone service for advice, where a specialist then assessed whether the matter should be started, or instead determined (for example because it is subsequently deemed out of scope, lacks merits or the client has failed to provide evidence).

The remaining 80% of cases were dealt with entirely by the operator service. In such instances the client is referred to a face to face legal help provider, an alternative helpline or offered self-help resources.

Figure 24: Workload in telephone service, July 2014 to June 2015



Note: Figures have been rounded so may not sum to totals.

Judicial reviews

Legal aid for judicial reviews mainly takes the form of civil representation. It may relate to any category of civil law and can be awarded to those requiring assistance in challenging a government decision.

Of all civil representation applications granted, fewer than 4% relate to judicial review. The number granted in April to June 2015 was around a third lower than the same period of the previous year.

The CSV file of underlying figures published alongside this document additionally includes figures for applications, applications granted, and outcomes (showing whether the case is considered a Judicial Review).

Figure 25: Judicial Review applications granted by category, Apr-Jun 2014 to Apr-Jun 2015

Category	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	Jan-Mar 2015	Apr-Jun 2015
Actions against the police etc.	2	4	0	2	5
Community care	125	138	136	132	131
Education	1	2	6	5	6
Housing	142	124	138	135	145
Immigration	522	351	287	315	315
Mental health	8	5	7	5	4
Miscellaneous	55	32	33	20	24
Other public law Children Act proceedings	2	1	1	0	6
Public law	315	260	248	208	242
Welfare Benefits	1	2	2	0	3
Judicial Review total	1,173	919	858	822	882

Applications for civil representation legal aid in private family law cases on the basis of evidence of domestic violence or child abuse

With effect from April 2013, the LASPO Act removed legal aid for most private family law including issues such as contact or divorce. However, legal aid remains available for such cases where there is a risk of domestic violence or child abuse. Applicants are granted legal aid funding for these cases if they can prove the incidence or risk of domestic violence or child abuse through a range of prescribed forms of evidence.

Between 1 April 2013 and 30 June 2015 the Legal Aid Agency received 16,212 such applications (see Figure 26). During this same period 10,749 such applications were granted (Figure 27). Note that applications granted in a period do not necessarily relate to those applications received within the same period; some relate to applications from previous periods.

The majority of applications cite evidence relating to domestic violence. Most of the remainder cite evidence relating to child abuse, but for a minority of applications the evidence category is unknown or unclear from the data held for reporting purposes.

For more details on revisions and data quality for this category of legal aid applications, see the the Guide to legal aid statistics.

Figure 26: Applications with evidence of domestic violence or child abuse, Apr-Jun 2014 to Apr-Jun 2015

Area of evidence	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	Jan-Mar 2015	Apr-Jun 2015
Child Abuse (CA)	428	435	421	426	388
Domestic Violence (DV)	1,161	1,362	1,416	1,642	1,494
Both Domestic Violence and Child Abuse	5	1	0	2	0
Unknown or unclear (Either DV, CA or both)	164	190	110	71	75
Total	1,758	1,988	1,947	2,141	1,957

Figure 27: Certificates granted with evidence of domestic violence or child abuse, Apr-Jun 2014 to Apr-Jun 2015

Area of evidence	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	Jan-Mar 2015	Apr-Jun 2015
Child Abuse (CA)	292	291	235	255	259
Domestic Violence (DV)	900	932	987	1,069	1,169
Both Domestic Violence and Child Abuse	5	2	1	0	0
Unknown or unclear (Either DV, CA or both)	32	30	43	24	9
Total	1,229	1,255	1,266	1,348	1,437

Exceptional case funding

Under some circumstances clients can get civil legal aid even though their case is not in scope. This is known as exceptional case funding (ECF) and these cases are dealt with by an ECF team within the LAA. See tables 8.1 and 8.2 for detailed figures on ECF.

ECF was introduced from 1 April 2013 as part the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO).

An ECF application for civil legal services is made where a case falls outside the scope of civil legal aid but the client or conducting solicitor believes there is a requirement to provide funding. This is because failure to do so would be a breach of the Human Rights Act 1998, or any rights of the individual to the provision of legal services that are enforceable EU rights.

An ECF determination can only be granted if:

- the means criteria are met (this relates to the client's financial eligibility), and
- the merits criteria are met (this relates to the likelihood of the client being successful), and
- the above exceptional case criteria are met.

More information on the means and merits criteria can be found on the gov.uk website <https://www.gov.uk/work-out-who-qualifies-for-civil-legal-aid>

Unlike other legal aid applications, clients can make ECF applications directly to the LAA. If the ECF application sent directly by the client is likely to be granted, their application is given a positive preliminary view (PPV) subject to a full ECF application being submitted in conjunction with a legal aid provider.

More information on ECF can be found on the gov.uk website <https://www.gov.uk/legal-aid-apply-for-exceptional-case-funding>

Applications

There were 348 applications for ECF received between April and June 2015. This is a 29% increase compared with the same period during 2014.

81% of ECF applications received from April to June 2015 were new, which is a slightly higher proportion than same period of the previous year (see Figure 28). There has also been a 35% increase in the volume of new applications over this period.

For the 281 new applications, the average turnaround time for assessment was 13 working days, against a target of 20 (see figure 29). There were 67 applications re-submitted for review. This is a case which has previously been rejected or refused ECF funding. During January to March 2015, the average turnaround time was 12 working days, against a target of 10 (see figure 29).

Figure 28: Volume of ECF applications received, new or review, Apr-Jun 2013 to Apr-Jun 2015.

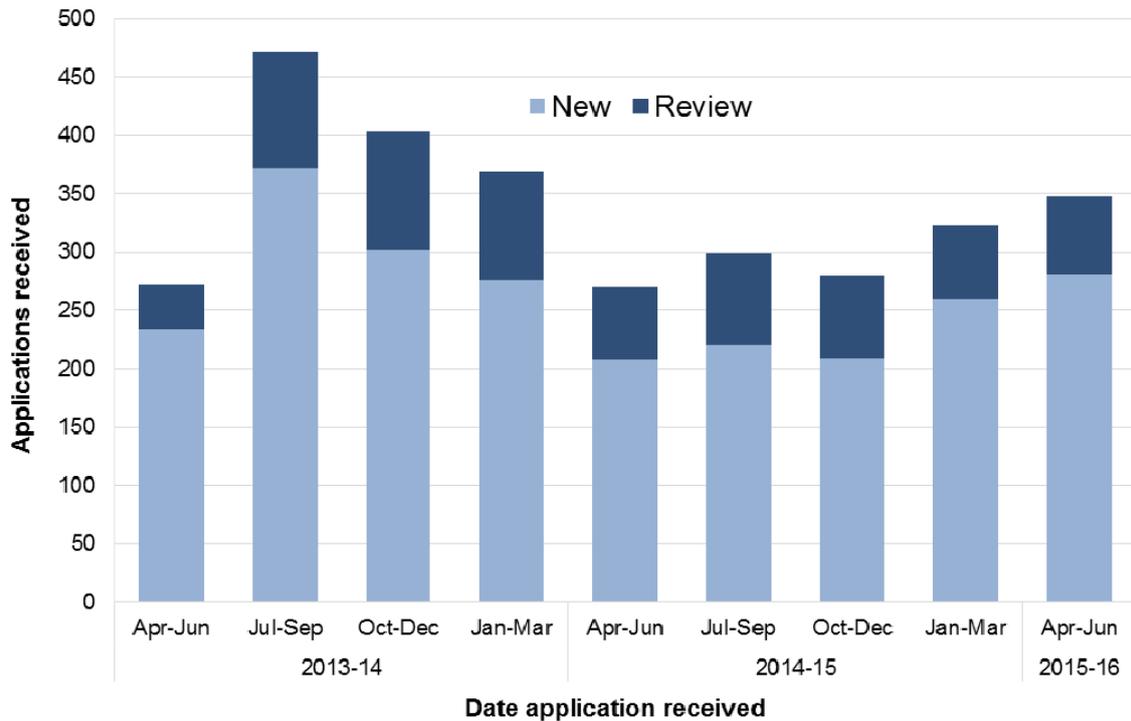
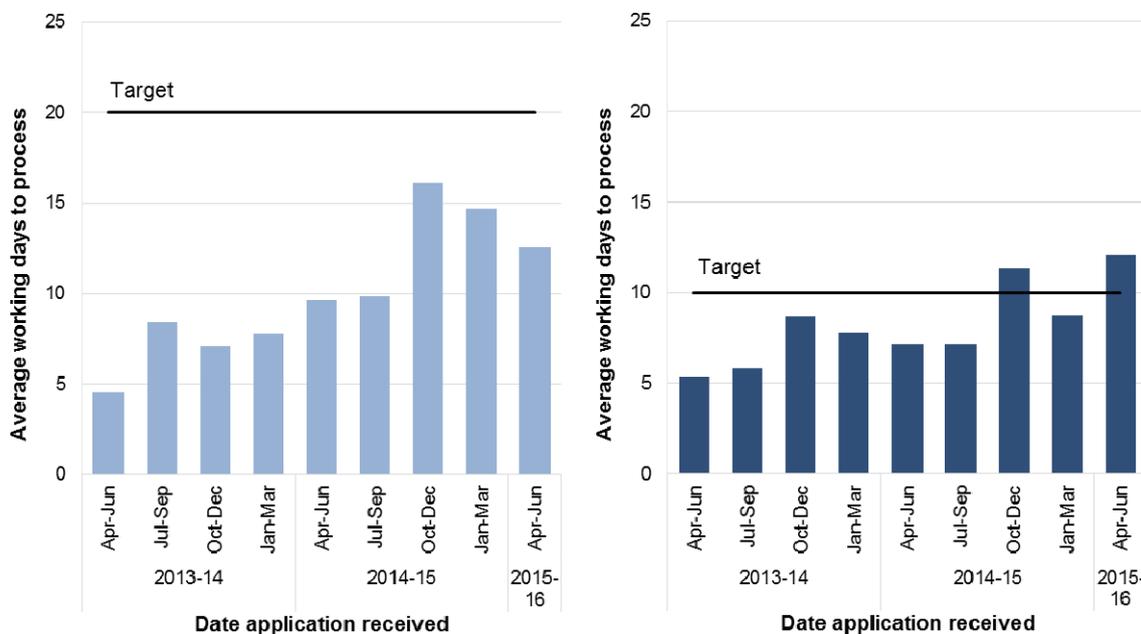


Figure 29: ECF application turnaround time, new and review, Apr-Jun 2012 to Apr-Jun 2015.



Note: The average turnaround times given above exclude cases currently awaiting assessment as of 31 August. The turnaround time for each ECF application starts on the date it is received by the LAA ECF Team and finishes on the day a decision over the case is made, excluding weekends, bank holidays and time spent waiting for further information from the applicant.

This quarter, 27 ECF applications (8%) were made directly by the client; more than double the number in the same period last year. The remaining 321 applications (92%) were made by legal aid providers.

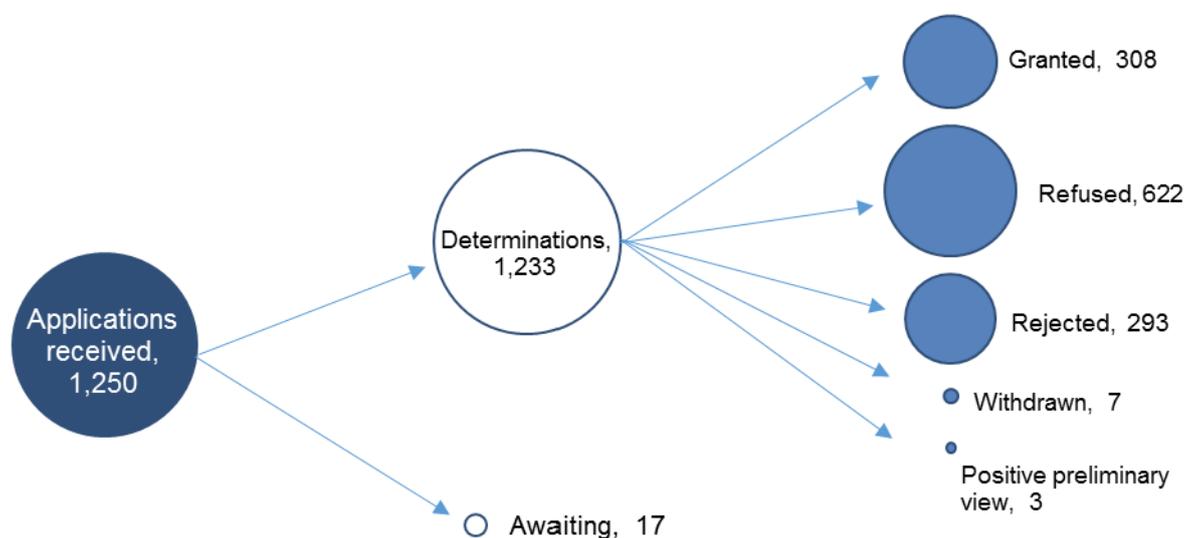
Determinations

Applications that are not withdrawn by the client can receive three different determinations: rejection, refusal or grant (PPV if submitted by an individual). For an application to be granted it must meet the three appropriate criteria detailed at the beginning of the chapter. Applications may be refused if they do not meet these criteria. Rejected applications differ in that they do not get to the stage where they would be assessed against the means and merit criteria. This will be because they are either:

- in scope (eligible) for legal aid,
- an incomplete application, or
- “other” which encompasses issues such as the timeliness of submission and eligibility for review

Of the 348 ECF applications received between April and June 2015, 336 (97%) were determined by the LAA as of 31 August 2015, with the remaining 12 awaiting assessment. An additional 3 applications remain awaiting a determination from last quarter and 2 from October to December 2014 (see figure 30).

Figure 30: Current status of ECF applications received and determinations made, July 2014 to June 2015.

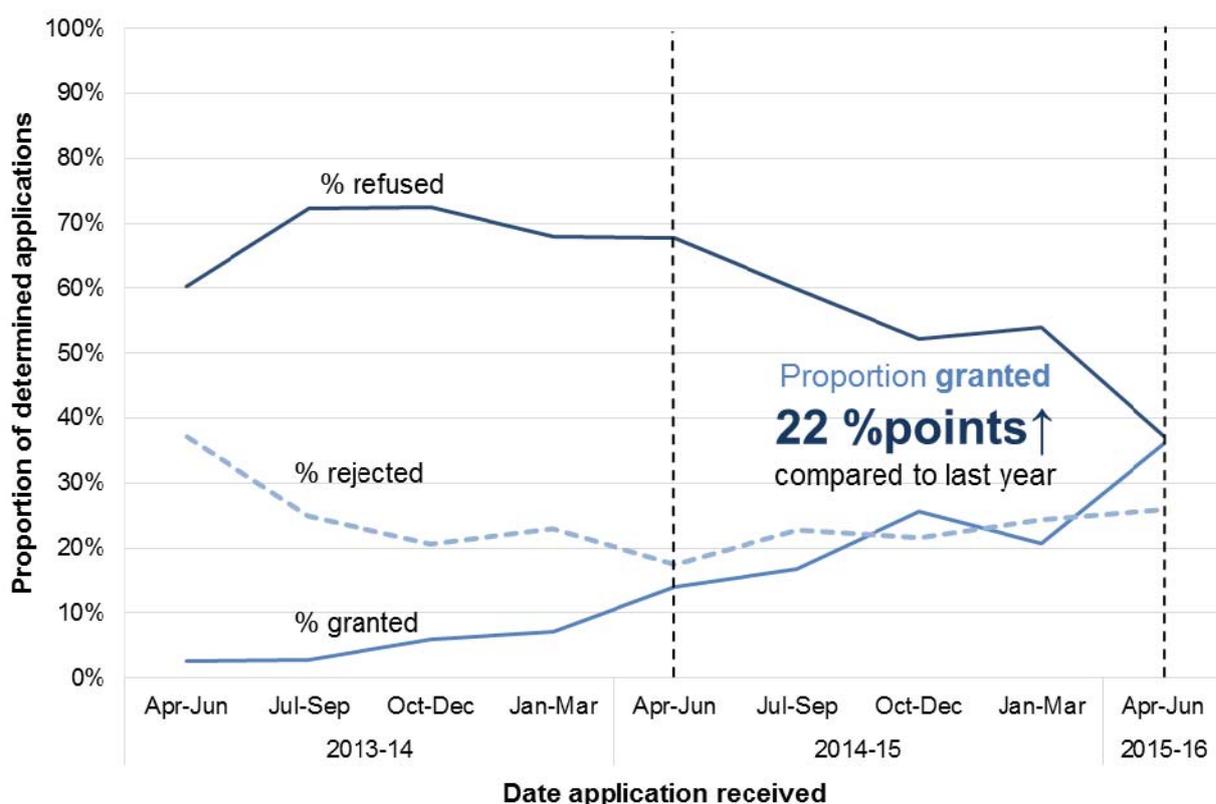


The number and proportion of ECF applications being granted has generally been increasing since the scheme was first introduced in April 2013 (see figure 31). Between April and June 2015, more than a third of applications were granted; this is the highest number and proportion of grants since the scheme began.

In the same period, just over a third of cases were refused and about a quarter were rejected. The number and proportion of ECF applications being refused has generally been falling since July to September 2013, whilst rejections have remained relatively steady.

The increase in the proportion now being granted is likely to be due to a change in the way cases are decided. On 13 June 2014, judgment was handed down in the case of *Gudanaviciene and others v Director of Legal Aid Casework* [2014] EWHC 1840 (Admin). The claimants, who were each seeking to challenge various immigration decisions, successfully argued that they should have been granted legal aid under the exceptional case funding regime. The judgement stated that the level required to justify legal aid was set too high and as a result the threshold was lowered. This is supported by the figures, which show that a much higher proportion of ECF immigration applications have been granted since that judgement (see table 8.2).

Figure 31: ECF determinations by outcome, Apr-Jun 2012 to Apr-Jun 2015.



Among ECF applications received between April and June 2015, immigration (38%), family (29%), and inquest (16%) were the most requested categories of law (see figure 32).

In the latest quarter nearly two-thirds of all inquest applications determined so far were granted, similar to recent quarters. One-third of family applications received in the latest quarter were granted, compared to 6% in the same period of last year. The proportion of immigration determinations granted (39%) increased sharply in the latest quarter, and the number granted (51) was greater than for any other category.

Figure 32: ECF determinations by category of law, Apr-Jun 2015.

Area of law	Positive Preliminary						Total
	View	Awaiting	Granted	Refused	Rejected	Withdrawn	
Immigration	0	0	51	59	22	0	132
Family	0	2	33	32	34	1	102
Inquest	0	10	29	12	3	1	55
Other	1	0	6	17	15	0	39
Housing/Land Law	0	0	0	5	12	0	17
PI/Clinical Negligence	0	0	1	0	0	0	1
Welfare Benefits	0	0	1	0	1	0	2
Grand Total	1	12	121	125	87	2	348

Annual updates

Statistics on the following topics are updated on an annual basis, in the Legal Aid Statistics bulletin published following the final (January to March) quarter of the financial year.

Appeals and representations

This section of legal aid statistics contains figures on:

- Funding appeals- these are appeals against determinations made by the LAA. They include reviews and full appeals against determinations on whether a client qualifies for legal aid, scope decisions or the extent of funding granted for a case.
- Representations- when legal aid funding is granted to an individual, their opponents or other third parties may make representations against the grant of legal aid or continuation of funding. Representations may be made concerning the legal merits of the case, the financial means of the applicant, or both.

This section is updated annually as only partial data is available on a quarterly basis. The most recent edition of this section can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2015>

Legal aid providers

Legal aid services in England and Wales are delivered through solicitor firms, Not-for-Profit organisations, telephone operators and barristers who are contracted by the LAA to do legal aid work. This section of legal aid statistics presents the number of provider offices who have completed work and received associated payments from the LAA in any given quarter or financial year.

A CSV file of underlying data is published alongside gives anonymised figures for each provider office for the volume of work completed, the type of work and the associated expenditure.

The most recent edition of this annual section can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2015>

Clients and provider characteristics

This section of legal aid statistics shows the breakdown of client characteristics over the different areas of legal aid compared with the national breakdown from the latest population estimates from the Office for National Statistics.

The most recent edition of this section also shows breakdowns of provider characteristics derived from an online survey carried out by the LAA in January and February 2015.

The most recent edition of this annual section can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2015>

Other criminal legal aid

This section covers areas of criminal legal aid that are not covered in the crime lower and crime higher categories. These include:

Discretionary and legacy claims

This is legal aid in the Crown Court covering discretionary and legacy claims related to graduated fee schemes

- Discretionary claims for costs under a Representation Order i.e. litigators' claims for confiscation proceedings, and advocates' claims for committals for sentence and appeals to the Crown Court, and breaches of Crown Court orders
- Proceedings predating the various fixed fee schemes (legacy cases) or falling outside the scope of the formal schemes.

The Higher Courts: Court of Appeal and Supreme Court

Legal aid for the higher courts is expenditure paid by the Court of Appeal, Senior courts cost office and Supreme Court, and is administered by those courts. The grant of legal aid is also determined by the courts, for an Interest of Justice test only as there are no means tests for this area.

Central Funds

This category relates to the reimbursement of defendants who have been acquitted after privately funding their legal representation and other associated defence costs such as expert fees and interpreters. Payments from central funds are normally triggered when a judge grants a Defence Cost Order (DCO) for legal aid at Magistrates, Crown or higher courts.

The most recent annual edition of this section can be found here:

<https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2015>

Annex A - Contact points for further information

Press enquiries on the contents of this bulletin should be directed to the Ministry of Justice press office:

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