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|  MoJ_BLK_SML |  |  |
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|  | **Our Reference:** 108435 |   | November 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

* **how many Discrimination Civil cases (2016 and 2012 separately) had anticipated damages ( at the investigation certificate stage) of 1. £5,000 - £20,000 2. £21,000 - £40,000 3. £41,000 - £60,000 4.£61,000 - £80,000 5. £81,000 - £100,000**
* **how many of these above cases were given full representation ( also split by damages amounts as before)**
* **break down of cases which moved brackets in damages once litigation was complete ( also again split into the above categories) showing how many moved up ( and into which bracket) and how many moved down**
* **How many Discrimination cases ( 2016 and 2012 separately) with a moderate chance of success ( 50% - 60%) applied for full representation certificate and how many were turned down ( split by reason for turning down)**
* **How many Discrimination cases ( 2016 and 2012 separately) with a moderate chance of success ( 50% - 60%) had their investigative or  full representation certificate discharged for reasons of failing to meet the costs benefits ratio.**
* **How many Discrimination cases ( 2016 and 2012 separately) with a moderate chance of success ( 50% - 60%) applied for full representation certificate through exceptional case funding? how many were turned down?**
* **How many Discrimination cases ( 2016 and 2012 separately) with a moderate chance of success ( 50% - 60%) settled before  trial ?**

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds information that you have asked for. I am afraid that I am unable to provide you with some of this information. This is because this information, if released, could lead to identification of the individuals concerned. This would be unlawful under the Data Protection Act 1998 (DPA) as it would be in breach of one or more of the Data Protection Principles. We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA).

For this reason, we have not provided an exact figure in cases where the true number falls between zero and three. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; an asterisk (\*) is used as a replacement value from which it would be difficult to isolate or extract any individual data.

You can find out more about Section 40(2) by reading the extract from the Act and some guidance points we consider when applying the exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act (available at <http://www.legislation.gov.uk/ukpga/2000/36/section/40>)

The Data Protection Act can be found at the following link: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

**Question 1** - *how many Discrimination Civil cases (2016 and 2012 separately) had anticipated damages (at the investigation certificate stage) of 1. £5,000 - £20,000 2. £21,000 - £40,000 3. £41,000 - £60,000 4.£61,000 - £80,000 5. £81,000 - £100,000*

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|  | **Anticipated Damages** | **Cases at investigation stage** |
| 2012 | £5,000 - £20,000 | \* |
| > £100,000 | \* |
| Not recorded | 12 |
| 2016 | £21,000 - £40,000 | \* |
| Not recorded | 7 |

**Question 2** - *how many of these above cases were given full representation (also split by damages amounts as before)*

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|  | **Anticipated Damages** | **Moved to ‘Full Representation’** |
| 2012 | £5,000 - £20,000 | \* |
| > £100,000 | \* |
| Not recorded | \* |
| 2016 | £21,000 - £40,000 | \* |
| Not recorded | 5 |

**Question 3** - *break down of cases which moved brackets in damages once litigation was complete (also again split into the above categories) showing how many moved up (and into which bracket) and how many moved down*

None of the cases that appear in Q1 were awarded any damages at end of the case.

**Question 4** - *How many Discrimination cases (2016 and 2012 separately) with a moderate chance of success (50% - 60%) applied for full representation certificate and how many were turned down (split by reason for turning down)*

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| --- | --- |
| **Year** | **Volume of cases** |
| 2012 | \* |
| 2016 | 9 |

For the reasons explained above, it is not permissible to break these figures down any further given the volumes involved, however I can confirm that the following refusal reasons were quoted in relation to these decisions:

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| **Reasons** | **Description** |
| Cost Benefit (proportionality) | It is considered on the information available that the likely costs of the proceedings are not proportionate to the likely benefits of the proceedings, having regard to the prospects of success and all other circumstances. |
| Cost Benefit (quantifiable) | It is considered on the information available that the cost benefit criteria are not satisfied as this is primarily a claim for damages by the client and does not have a significant wider public interest. |
| Evidence does not match - means | The figures entered in the means assessment do not match the evidence provided. Please resubmit correcting the figures. |
| Incorrect means form | You have used an incorrect form. Please resubmit your application with the correct means form duly completed. |
| Out of Scope - Capital | The client's disposable capital has been assessed/re-assessed at an amount which makes him/her ineligible for legal aid. |
| Out of Scope - Income | The client's disposable income has been assessed/re-assessed at an amount which makes him/her ineligible for legal aid. |
| Out of Scope Procs ECF not applied for | The proceedings stated in the application are not eligible for the provision of Civil Legal Service under the Legal Aid Sentencing and Punishment of Offenders Act 2012 |
| Premature - no claim letter/response | Your application appears to be premature because no letter of claim and/or letter in response has been submitted. It does not appear that these have been exchanged in an attempt to resolve this matter without proceedings. |
| Special reasons - Refusal | Your application for Legal Aid has been refused for the reasons listed below [bespoke reason] |

Note: Some cases will have multiple refusal reasons.

**Question 5** - *How many Discrimination cases (2016 and 2012 separately) with a moderate chance of success (50% - 60%) had their investigative or full representation certificate discharged for reasons of failing to meet the costs benefits ratio.*

No cases discharged for failing to meet the cost benefit ratio.

**Question 6** - *How many Discrimination cases (2016 and 2012 separately) with a moderate chance of success (50% - 60%) applied for full representation certificate through exceptional case funding? how many were turned down?*

No cases applied for full certification through exceptional case funding.

**Question 7** - *How many Discrimination cases (2016 and 2012 separately) with a moderate chance of success (50% - 60%) settled before trial?*

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| --- | --- |
| **Year** | **Volume of cases** |
| 2012 | 10 |
| 2016 | 6 |