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The All-Party Parliamentary Group on Legal Aid

APPG on Legal Aid

LEGAL AID STATISTICS

July - September 2018 (published 13 December 2018)

Executive Summary

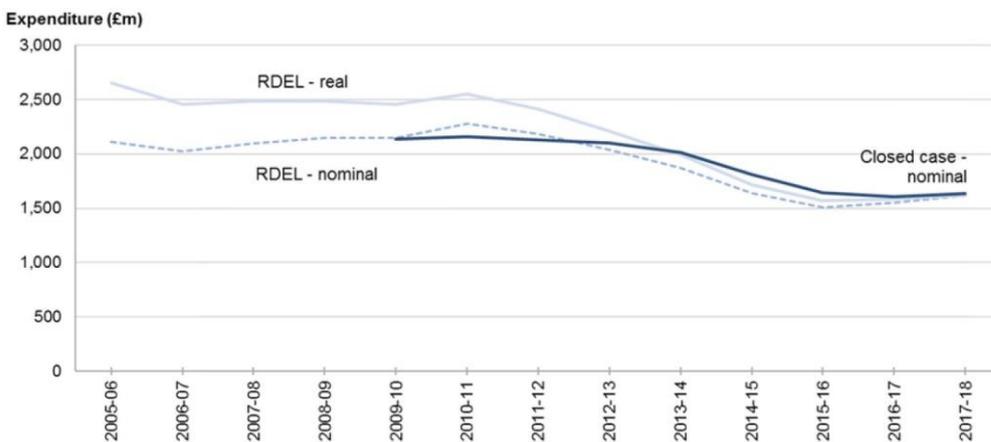
Statistics about the legal aid scheme are produced quarterly by the Justice Statistics Analytical Services division of the Ministry of Justice. The latest Statistics cover the quarter July to September 2018 and came out today.

Crime expenditure and workload have both decreased.

Fewer civil legal help matters have been started, continuing the trend since the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO).

Mediation cases have reduced and are still under half the number of cases pre LASPO.

There have been two important increases in applications – in domestic violence cases where the evidence changes have been brought in and in exceptional case funding.



Overall annual legal aid expenditure (£m), 2005-06 to 2017-18

The Bulletin

The bulletin can be accessed [here](#). It is only eleven pages long and provides an excellent overview in both civil and crime of

- numbers of new cases
- numbers of closed cases
- expenditure

There are comparisons with the same quarter from the previous year and also comparisons with the pre LASPO figures.

Civil Legal Help Cases

For example, on page 7 there is reference to civil legal help cases i.e. those cases where people are advised rather than represented in court.

“In the last quarter, there was an 8% decrease in legal help new matter starts than in the same period of 2017. The volume of completed claims decreased by 5% and expenditure decreased by 5% in July to September 2018 compared to the same period in 2017 (figure 7). The implementation of the LASPO Act in April 2013 resulted in large reductions in legal help workload, with the overall trend falling to less than one-third of pre-LASPO levels.”

Family Legal Help Cases

And on page 8,

“In July to September 2018 family legal help starts decreased by 7% compared to the same quarter last year. Completed claims also decreased by 15% and expenditure decreased by 8%. There was a steep decline immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 2 to 3 years.”

Reasons for reduction

It is no surprise that the number of cases is so much reduced since LASPO but the reduction since 2017 is puzzling. The Legal Aid Agency states that it is not concerned about the number of providers. So why are people failing to access advice even in areas of law that are still within the legal aid scheme? There are many possible answers:-

- most importantly, the cases now covered by the legal aid scheme post LASPO are limited
- people may be unaware that legal aid is available for their case. Why?
 - Civil legal aid is very complex and it is hard to understand what is within the scheme
 - There is a lack of publicity. The Legal Aid Agency is not required to publicise what is available.
- people may have tried to see a lawyer or adviser and cannot find one to take on their case
- people may have found a firm or organisation to take them on but because of the changes to financial eligibility levels they are outside the limit for free advice.

To put the reduction on context, table 5.1 shows the reduction in legal help matters started

2009-10: 933,815 (this is the highest figure)

2012-13: 573,770 (this is the year before LASPO came in)

2017-18: 140,708 (this is the latest full year reported in the tables)

2018-19: 131,986 is the extrapolated figure from the first two quarters (reached by doubling the first two quarters) i.e. a very rough and ready figure as there are variations in the quarters.

Family Mediation

One of the aims of LASPO was to encourage people to go to mediation. Has that happened? It is well known that post LASPO there was a considerable drop in mediation cases because family lawyers had been referring them – without legal aid for private family law, the referrals to mediation declined drastically.

What is the position now? Page 8 of the summary report sets out the position: -

“In family mediation, Mediation Information and Assessment Meetings (MIAMs) decreased by 5% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO levels. Starts decreased by 3% although outcomes decreased by 8%, and are now sitting at around half of pre-LASPO levels.”

Civil Legal Aid Certificated cases

The number of civil representation certificates granted in the last quarter has decreased by 3% compared to the same period of the previous year.

Certificates granted for family work decreased by 3% in July to September 2018 compared to the previous year.

Following changes brought in by the government after litigation, applications for civil representation supported by evidence of domestic violence or child abuse increased by 12% compared to the same period of the previous year. The number of these granted increased by 13% over the same period. There had been a lot of concern that evidential requirements were preventing people from applying for legal aid.

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 695 in the last quarter. The number granted in July to September 2018 decreased by 7% compared with the same quarter in 2017. A third of judicial reviews were for immigration cases and another third were for public law.

Exceptional Case Funding

There were 745 applications for ECF received from July to September 2018. This is a 17% increase from the same quarter last year. It is worth stating that when LASPO went through

Parliament, it was anticipated that the ECF would be a safety net with about 6000 applications a year. In the first year post LASPO 70 applications were granted. Even this large rise in the number of applications would only amount to an extrapolated 2980 cases per year.

Crime

Criminal legal aid is reported as “Crime Lower” and “Crime Higher”. Crime Lower includes police station advice, magistrates’ court and prison law. Crime Higher covers work in the Crown and Higher Courts (a smaller proportion of cases account for two thirds of crime expenditure). There were very few changes to crime in the LASPO Act – however other factors come into play including reduced fixed fee payments and how payments are made.

For police station advice the workload in this period has decreased by 4% compared to the previous year, with expenditure decreasing by 5% (£1.5m). There is a reduction in the number of arrests being made.

In the Magistrates Courts, the number of orders granted for legally-aided representation in the magistrates’ court decreased by 10% this quarter when compared to the same quarter of the previous year. This continues the downward trend of the last 3 years, which has been largely driven by Summary Only cases. (NB these figures are subject to revision at a later date if the cases become crown court cases).

And in the **Crown Court?** Orders granted for legally-aided representation in the Crown Court also decreased, to a greater degree; 16% this quarter compared to last year.

Conclusion

The figures set out very starkly:

- the large reduction in the numbers of people receiving advice and assistance for civil legal problems and lesser reduction in representation
- the reduction in the numbers receiving legal aid in criminal cases. See [here](#) for criminal court statistics information published today which provides more information on this aspect
- A modest increase in exceptional case funding and in those seeking and obtaining representation in domestic abuse cases.

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