



Special Bulletin from the APPG on Legal Aid

Legal Aid Statistics April - June 2019

(published 26 September 2019)

Legal Aid Statistics – Summary Analysis of Statistics April to June 2019

[See here for the full set of tables and user guide](#)

Executive Summary

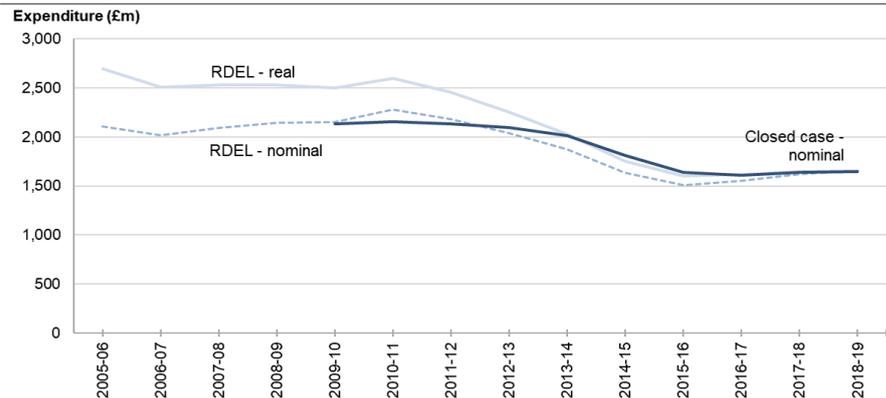
Statistics about the legal aid scheme are produced quarterly by the Justice Statistics Analytical Services division of the Ministry of Justice. The latest statistics cover the quarter April to June 2019 and came out today. If you're hoping for a pleasant distraction from current events, there are a few highlights over the next couple of pages but this probably won't be it.

Crime expenditure and workload have both decreased this quarter compared with the same period last year, with the volume of completed work in the Magistrates court also decreasing.

Mediation Information and Assessment Meetings have increased. It is unclear as to whether this has translated to more mediation cases.

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

Overall annual legal aid expenditure, by closed-case and RDEL nominal and real terms measures (£m), 2005-06 to 2018-19



Bulletin

The bulletin can be accessed [here](#). It is a little longer than usual at 13 pages but if you would like a bit more detail than the below, it 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

Page 7 sets out the statistics relating to civil legal help cases i.e. those cases where people are advised rather than represented in court.

"In the last quarter, there was a 12% increase in legal help new matter starts than in the same period of 2018. The volume of completed claims decreased by 2% and expenditure increased by 2% in April to June 2019 compared to the same period in 2018. 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

"In April to June 2019 family legal help starts increased by 10% compared to the same quarter last year. Completed claims also decreased by 9% and expenditure decreased by 12%. 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."

Family Mediation

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

In family mediation, Mediation Information and Assessment Meetings (MIAMs) increased by 14% in the last quarter compared to the previous year but its worth noting that they still only stand at just over a third of pre-LASPO levels. Matter starts increased by 22% although outcomes increased by 13%, and are now sitting at around half of pre-LASPO levels.

Non- family legal help

"Legal help and controlled legal representation make up over 95% of both immigration and mental health cases. Controlled legal representation relates to representation at tribunal and is often longer and more

costly than legal help but, as with legal help, the decision on whether to grant legal aid is delegated to providers.

The LASPO Act 2013 made changes to the scope of legal aid for immigration law, but some areas remained in scope. Workload that remains in the immigration category consists largely of asylum-related work. Having fallen by 40% over the five years to 2013-14, new matter starts in immigration increased by 52% in April to June 2019 compared to the same quarter of the previous year. Completed claims in immigration increased by 6% in the last quarter compared to the previous year and expenditure increased by 7%.

Within mental health, most funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Mental health new matter starts decreased by 3% when comparing the latest quarter to the previous year. Completed claims increased by 4% and expenditure increased by 2% over the same period.

Over 80% of housing work volume is made up of legal help. The volume of legally-aided housing work halved between July to September 2012 and July to September 2013. The trend then fluctuated for around 18 months but between 2014 and 2018 it decreased, until the current quarter. In April to June 2019 there was a 5% increase in housing work starts compared to the same quarter the previous year. There were decreases in completed claims (14%) and decreases in expenditure (22%)."

Inquests

Legal help is available for advice and assistance in the run-up to an inquest involving a member of the individual's family – this can cover preparatory work associated with the inquest, such as submissions to the coroner setting out questions the family wishes the coroner to raise. Legal aid for representation at an inquest is only available through Exceptional Case Funding (ECF). The statistics show that inquests have been increasing in both legal help and civil representation since 2013. In the last year there has been a 22% increase in legally aided inquests compared to the same period the previous year.

Exceptional Case Funding

There is more good news in respect of the ECF applications with the statistics showing that there were 888 applications for ECF received from April to June 2019. This is a 21% increase from the same quarter last year. 867 (98%) of these were new applications.

"Of the 888 ECF applications received between April and June 2019, 92% (773) had been determined by the LAA as of 20 June 2019. 68% (591) of these were granted, 12% (104) were rejected and 18% (158) were refused."

It is worth stating that when LASPO went through Parliament, it was anticipated that the ECF scheme would be a safety net with about 6000 applications per 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 3,348 cases per year. But at least the figures are moving in the right direction.

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 1% compared to the previous year, with expenditure also decreasing by 1% to £0.2m. This continues the general downward trend seen over the last three years. The majority of the police station advice workload (87% in April and June 2019) consists of suspects receiving legal help with a solicitor in attendance at the police station, with the rest mainly consisting of legal advice over the telephone.

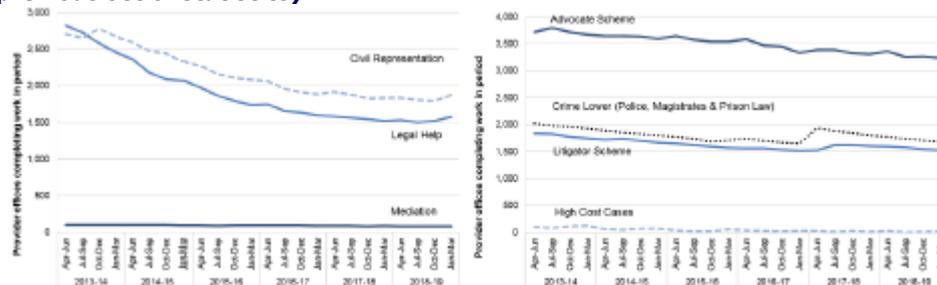
In the Magistrates Courts, the number of orders granted for legally-aided representation in the magistrates' court decreased by 7% this quarter when compared to the same quarter of the previous year.

And in the **Crown Court?** Expenditure decreased this quarter; down 7% compared with the same period of the previous year. This was driven mainly by a 7% decrease in cases in which the defendant pleads guilty at their earliest opportunity in the Crown Court.

Legal Aid providers

Across civil legal aid as a whole, the number of provider offices completing work has fallen by almost a third over the last 5 years but over the latest year numbers have actually increased by 4%. This increase has been driven by the recent civil tender processes with a slight fall seen in civil representation. New civil contracts began in almost all areas in September 2018, so the increase can be attributed to new providers securing contracts and existing providers expanding into new geographic areas. When the LAA last carried out a large-scale civil tender, in April 2013, there were over 3500 civil providers offices. However this figure has dropped to less than 2300 offices by the time of the 2018 civil tender. For criminal work there has been a more gradual downward trend, with a 12% fall over the last 5 years. Last year's increase in criminal solicitor offices has not been continued with a fall back to previous levels.

Number of provider offices completing legal aid work, 2013-14 to 2018-19 (published in previous set of statistics)



Conclusion

The figures set out very starkly:

- 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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26 September 2019
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About the APPG on Legal Aid

The All-Party Parliamentary Group on Legal Aid aims to promote parliamentary and public understanding

of the importance of the role of publicly funded legal services. It is chaired by Karen Buck MP. Secretariat support is provided jointly by the Legal Aid Practitioners Group (LAPG) together with Young Legal Aid Lawyers (YLAL) with funding from The Legal Education Foundation.

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About the APPG Plus Project

LAPG and the APPG on Legal Aid have been funded by The Legal Education Foundation to engage with MPs and councillors and their caseworkers to ensure that there is a good understanding of what is left in legal aid in the wake of LASPO, and to offer constructive advice, resources and training on how busy MPs and their caseworkers can engage better with lawyers and advice charities in the legal aid sector. In doing so, we aim to assess current access to justice issues facing the public and to help inform future decision making at a policy level.

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