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The All-Party Parliamentary Group on Legal Aid

APPG on Legal Aid

LEGAL AID STATISTICS

October - December 2019 (published 28 March 2019)

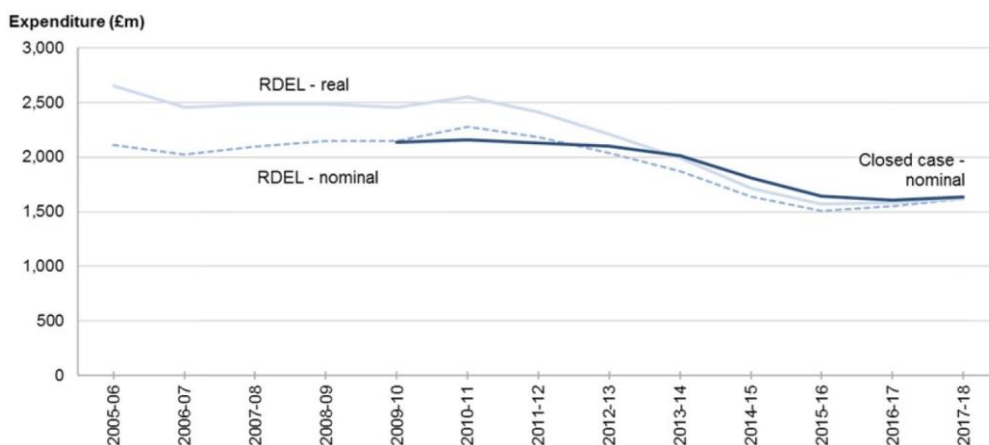
Executive Summary

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 October to December 2018 and came out today.

Crime expenditure and workload have both decreased by a further 7% and 3% respectively since the same period last year.

Mediation cases have risen very slightly but this should be viewed against a particularly low October -December 2017 and within an overall flattening of the trend.

However, there have been two important increases in applications – in domestic violence or child abuse 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 a mere snip at only ten 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. A whistle-stop tour of the main points are included below:

Civil Legal Help Cases

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 2% increase in legal help new matter starts compared to the same period of 2017. The volume of completed claims decreased by 9% and expenditure decreased by 7% in October to December 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 over 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 the reductions

It is no great surprise that the number of cases is so much reduced since LASPO but the reduction since 2017 is puzzling. The Legal Aid Agency has stated 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? Here are some 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.

Family Legal Help

In October to December 2018 family legal help starts decreased by 7% compared to the same quarter last year. Completed claims also decreased by 16% and expenditure decreased by 13%. This reflects the oft-discussed steep decline post LASPO with a more gradual decline over the last two to three years.

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 Bulletin sets out the following: -

“In family mediation, Mediation Information and Assessment Meetings (MIAMs) increased by 4% in the last quarter compared to the previous year and currently stand at just over a third of pre-LASPO levels. Starts increased by 6% although outcomes increased by 5%, and are now sitting at around half of pre-LASPO levels.”

Civil Legal Aid Certificated cases

Certificates granted for family work remained unchanged 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 18% compared to the same period of the previous year. The number of these granted increased by 16% over the same period. The proportion of applications granted remained steady at around 70% from the birth of the ECF application until the end of 2015, before increasing to around 80%. The provisional figure for this latest quarter is 77%.

Of all civil representation applications granted, around 3,000 a year relate to judicial review; 776 in the last quarter. The number granted in October to December 2019 decreased by 2% compared with the same quarter in 2017. Over a third of judicial review were for public law and a quarter were for immigration cases.

Exceptional Case Funding

There were 719 applications for ECF received from October to December 2018. This is a 4% increase from the same quarter last year. 640 (89% of these were new applications). 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. However, it is worth noting 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.

Although Crown Court work comprises a relatively small portion of criminal legal aid in terms of volume, it accounts for around two-thirds of all criminal legal aid expenditure. Conversely, advice relating to the police station makes up the largest portion of workload, but a much smaller proportion of expenditure.

For police station advice the workload in this period has decreased by 1% compared to the previous year, with expenditure decreasing by 1% (£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 8% 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; 12% 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.
- A modest increase in exceptional case funding and in those seeking and obtaining representation in domestic violence and child abuse cases.

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for the APPG on Legal Aid
28 March 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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