



Special Bulletin from the APPG on Legal Aid

Legal Aid Statistics April- June 2020

Legal Aid Statistics – Summary Analysis of Statistics April - June 2020 (Released 24 September 2020)

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

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 from April to June 2020, as well as provisional figures for July 2020, and came out on the 24 September 2020. We suspect that none of the figures shown below will come as a surprise to practitioners as they continue to show the impact that lockdown had on the legal aid sector, the dramatic fall in work and expenditure over this period.

Crime expenditure and workload have both decreased substantially this quarter compared with the same period last year. The volume of completed work in the Magistrates court has also substantially decreased. Mediation Information and Assessment Meetings have decreased on the same quarter compared with the same period last year. Outcomes of mediation have also decreased on last year which is troubling given that figures had finally started to rise post LASPO.

Applications in domestic violence or child abuse cases decreased by 37% on 2019. The volume of these applications granted also decreased by 39%, greater than the decrease in the number of applications.

The number of exceptional case funding applications decreased by 23% but again this must be considered with the backdrop of lockdown in mind. Public Law Project recently published a report on the effects of lockdown on ECF applications. It shows legal aid providers reporting less capacity to make ECF applications because the pandemic has meant higher workloads, difficulties collecting the relevant evidence from clients, and restricted access to the necessary resources such as printing facilities. Staff shortages through furlough was likely also a factor.

The bulletin also contains a short early assessment of the impact of Covid-19 on legal activity up to the end of July 2020. This analysis is provisional and proves a high level estimate of legal aid volumes in July, in brief it paints a more positive picture than the state of the sector from April – June and indicates that civil and criminal legal aid work had somewhat of a bounce-back throughout July. The statistician's comment at page 3 also notes an expectation that criminal and civil legal aid volumes will return to historic trend levels. This will be discussed more fully in the last section of this document.

Bulletin

The bulletin can be [accessed here](#). At a briefer than usual nineteen pages, this provides a useful 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. The main points are summarised below. Please get in touch if you would like any further information.

Civil

Civil Legal Help Cases

On page 11 there is reference to civil legal help cases i.e. those cases where people are more often advised rather than represented in court.

"In the last quarter, there was a 32% decrease in legal help new matter starts compared to the same period of 2019. The volume of completed claims decreased by 26% and expenditure decreased by 24% in April to June 2020 compared to the same period in 2019. 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." These figures showed a marked decrease in matter starts, completed work and expenditure on the previous quarter, it will be interesting to see whether this downwards trend was reversed in the July -September quarter.

Family Legal Help Cases

"In April to June 2020, family legal help starts decreased by 26% compared to the same quarter last year. Completed claims also decreased by 27% and expenditure decreased by 27%. There was a steep decline immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the next 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 have started to but the effect of the pandemic has been to send figures spiraling downwards again. It is well known that post-LASPO there was a considerable drop in mediation cases because family lawyers had been making many of the referrals – without legal aid for private family law, the referrals to mediation declined drastically.

In family mediation, Mediation Information and Assessment Meetings (MIAMs) decreased by 20% in the last quarter compared to the previous year and still only stand at around a third of pre-LASPO levels. Matter starts decreased by 31% and outcomes decreased by 21%, and are now sitting at around a third 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 (within strict limits set out in the contracts and regulations).

The LASPO Act 2012 – the bulletin itself errs in referring to the "2013" act - 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 following 2013-14, new matter starts in immigration decreased by 36% in April to June 2020 compared to the same quarter of the previous year. Completed claims in immigration decreased by 28% in the last quarter compared to the previous year and expenditure decreased by 31%, driven by a decrease in asylum cases.

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 9% when comparing the latest quarter to the same quarter in the previous year. Completed claims decreased by 11% and expenditure decreased by 16% over the same period.

Around 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 2020 there was a 60% decrease in housing work starts compared to the same quarter the previous year. There were decreases in completed claims (41%) and decreases in expenditure (27%). This is a substantial worsening from the picture given in the January to March statistics, whilst much of this decline can be explained by the vast decrease in work caused by the temporary moratorium on eviction that does not necessarily explain the sharpness of the decline when compared to the decrease in other civil legal aid work over the period. Advice deserts in Housing Law are well-documented. In 2010 there were 368 organisations delivering housing law advice. The latest figures show that now there are 260. The government now has to address the extreme access issues for those needing specialist housing advice and representation. This advice deficit will become particularly relevant as the courts begin to deal with evictions again after the expiration of the eviction ban.

Exceptional Case Funding

There were 691 applications for ECF received from April to June 2020, down on 983 applications in the period from January to March 2020. This is a 23% decrease from the same quarter last year. 643 (93%) of these were new applications.

Of the 681 ECF applications received between April and June 2020, 98% (674) had been determined by the LAA as of 1 September 2020. 78% (528) of these were granted, 12% (84) were refused and 7% (49) rejected.

Of the ECF applications received between April to June 2020, immigration (76%), inquest (7%) and family (11%) remained the most requested categories of law. The increase in ECF applications over the last two years is driven by an increase in immigration applications. The number of applications fell across most categories of law in April to June 2020 compared to the previous year.

It is worth reiterating, as we do each round of statistics 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. Extrapolating out this period to provide an estimate for the rest of the year's applications is difficult given the – hopefully – unique situation affecting the legal sector within this period. Extrapolating out would give 2,724 cases per year.

Crime

Overall Crown Court expenditure decreased this quarter; down by 41% in April to June 2020 compared with the same period of the previous year. This shift has been driven by falling receipts in both the magistrates' courts and Crown Courts, with criminal legal aid workload falling 23% over the same period.

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 8% compared to the previous year, with expenditure also decreasing by 11% to £27.8m. The decrease in police station advice workload since 2013-14 is also seen in arrest statistics for England and Wales which has had a similar decline historically.

The majority of the police station advice workload (87% between April and June 2020) 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.

Applications and grants for representation in the criminal courts

While figures should be interpreted with caution as they may be revised in subsequent quarters as cases move into the Crown court, the number of orders granted for legally-aided representation in the **magistrates' court** decreased by 37% this quarter when compared to the same quarter of the previous year. This is largely due to the impact of Covid-19 and the backlog at the courts but continues the downward trend of the last 3 years, which has been largely driven by Summary Only cases. The overall number of receipts in the magistrates' courts including those not involving legal aid showed a similar decrease, 36% down, compared to the same quarter of the previous year. The proportion of these applications that are granted remains stable at around 95%.

Orders granted for legally-aided representation in the **Crown Court** also decreased to a lesser extent, 27%, this quarter compared to last year, whilst there was a 45% decrease in Crown Court receipts. Within the legal aid figure, orders relating to either-way offences decreased by 32%, while those relating to indictable offences decreased by 7%. The proportion of Crown Court applications granted remains at almost 100%.

Early assessment of the impact of Covid-19 on legal aid activity up to end of July 2020

The figures released by the LAA on the 24th September cover legal aid activity up to the end of June 2020. However, since the start of the lockdown, LAPG has been pushing for the LAA to release data on the numbers of new certificates granted across all areas and all other management information available to give us an indication of the impact of the lockdown on providers.

The figures below represent the headline activity figures for criminal and civil legal aid. No information has been included on expenditure as these figures will be subject to further checks and greater revision. They should be treated as preliminary and indicative. With that in mind, the provisional figures show that there was:

Criminal legal aid

Police station attendance

- an 11% increase in police station attendance in July 2020 (44,300) compared to the monthly average between April and June 2020 (39,700 per month). The July figure is only slightly less than the monthly average between January and March 2020 (44,400 per month)

Applications received for representation in Crown Courts

- a 29% increase in applications received for representation in the Crown Courts in July 2020 (7,100) compared to the monthly average between April and June 2020 (5,500 per month). Again, the July figure is only slightly less than the monthly average between January and March 2020 (7,500 per month).

Applications received for representation in magistrates' courts

- a 56% increase in applications received for representation in the magistrates' courts in July 2020 (17,000) compared to the monthly average between April and June 2020 (10,900 per month). Again, the July figure is only slightly less than the monthly average between January and March 2020 (17,500 per month).

Civil legal aid

Legal help

- a 17% increase in legal help new matter starts in July 2020 (9,000) compared to the monthly average between April and June 2020 (7,700 per month). The July figure is still around 10% below that of the average between January and March 2020 (10,200 per month).

Housing Possession Court Duty Scheme

There have been no Housing Possession Court Duty Scheme (HPCDS) starts since April 2020 compared to an average monthly figure of 2,300 per month between January and March 2020.

Family mediation assessments

- a 21% decrease in family mediation starts in July 2020 (360) compared to the monthly average between April and June 2020 (450 per month). Over the same period, assessments decreased by 22% and outcomes by 32%.

Civil representation applications

- a 22% increase in civil representation applications in July 2020 (11,100) compared to the monthly average between April and June 2020 (9,100). This was driven by family applications which increased by 24%, non-family application volumes were unchanged. The July figure is actually higher than that of the monthly average between January and March 2020 (10,300 per month).

APPG Concluding Remarks

The statistics for March to June paint a concerning picture exposing the cliff edge that the legal aid sector plunged off throughout lockdown. The downward trend that began in March 2020 continued at a greater velocity from April to June 2020 given the vastly reduced capacity HMCTS was operating under and in some areas – mainly housing and mediation – there was an almost complete collapse of legal aid provision. The provisional figures for July provide a somewhat more hopeful picture with figures in all areas other than mediation coming close to or exceeding the average between January and March. The steep decline in mediation starts, assessments and outcomes throughout July is concerning and certainly worth attention, we will have to see whether this decline is reversed in the July – September quarter. With both demand and workload appearing to have increased in July it is absolutely imperative that the Ministry of Justice advocates for clients and providers when discussing the impact on the justice system with other government departments and continues to consider the financial support that is more necessary than ever to avoid widespread collapse of the legal aid provider base.

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14 October 2020

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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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