



Special Bulletin from the APPG on Legal Aid Legal Aid Statistics January- March 2020 (published 25 June 2020)

Legal Aid Statistics – Summary Analysis of Statistics January - March 2020 (Released 2 June 2020 and with additional data about April 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 January to March 2020 and came out yesterday. Those of you who read yesterday's bulletin will have seen the preliminary statistics for legal aid activity during lockdown in April 2020. Dramatic, deeply worrying, but not perhaps surprising. Crime expenditure and workload have both decreased this quarter compared with the same period last year. The volume of completed work in the Magistrates court has also decreased.

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

Applications in domestic violence cases decreased, but 8,022 applications were made at the start of the year for domestic violence remedy orders – up 12% on the same period last year and the highest quarterly figure since the reporting series began back in 2009.

The number of exceptional case funding applications continued to increase.

Bulletin

The bulletin can be [accessed here](#). At a hefty twenty-two pages, this does take some time to digest in full, but 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 noticeable 12% decrease in legal help new matter starts than in the same period of 2019. The volume of completed claims decreased by 2% and expenditure increased by 1% in January to March 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." With the country gradually moving out of lockdown, LAPG will continue to push to see the latest management information as it will be interesting to see how these figures look in a month or so.

Family Legal Help Cases

"In January to March 2020, family legal help starts decreased by whopping 21% compared to the same quarter last year. Completed claims also decreased by 7% and expenditure decreased by 7%. 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, and a gradual increase over the last 12 months.”

Family Mediation

One of the aims of LASPO was to encourage people to go to mediation. Has that happened? It may have started to. 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) increased by 13% 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 1% and outcomes increased by 16%, 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 (within strict limits set out in the contracts and regulations).

The LASPO Act 2012 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 increased by 1% in January to March 2020 compared to the same quarter of the previous year. Completed claims in immigration increased by 7% in the last quarter compared to the previous year and expenditure increased by 4%.

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 increased by 5% when comparing the latest quarter to the same quarter in the previous year. Completed claims increased by 5% and expenditure increased by 2% over the same period.

Around 75% 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 January to March 2020 there was a 27% decrease in housing work starts compared to the same quarter the previous year. There were decreases in completed claims (16%) and decreases in expenditure (12%). These figures were shocking last month and continue to make desultory reading even within the scope of the LASPO changes and questions need to be asked about people’s ability to access legal advice in relation to their housing issues. We know from an initial glance at the April statistics, that the picture has since worsened and , when combined with The Law Society’s research into housing advice deserts, the government now has to address the extreme access issues for those needed specialist housing advice and representation.

Exceptional Case Funding

There is some better news in respect of the ECF applications with the statistics showing that there were 983 applications for ECF received from January to March 2020. This is a 17% increase from the same quarter last year. 914 (93%) of these were new applications.

Of the 983 ECF applications received between January and March 2020, 97% (956) had been determined by the LAA as of 6 June 2020. 73% (699) of these were granted, 12% (121) were refused and 13% (123) rejected.

Of the ECF applications received between January to March 2020, immigration (69%), inquest (10%) and family (12%) 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.

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. Even this continued increase in the number of applications would only amount to an extrapolated 3,752 cases per year. But at least the figures are moving in the right direction.

Crime

Overall Crown Court expenditure decreased this quarter; down by 14% in January to March 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 3% over the same period (and more since).

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 increased by 1% compared to the previous year, with expenditure also increasing by 1% (£0.4m) to £31.2m. This bucks the general downward trend seen over the last three years. 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 January and March 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 6% 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. The overall number of receipts in the magistrates’ courts including those not involving legal aid was 1% up 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** decreased by 1% this quarter compared to last year, with a corresponding 3% increase in Crown Court receipts. Within the legal aid figure, orders relating to either-way offences increased by 1%, while those relating to indictable offences increased by 5%. The overall fall is due to a 11% and 7% fall in committals for sentence and appeals respectively. The proportion of Crown Court applications granted remains at almost 100%.

Legal Aid providers and the COVID-19 crisis – the picture in April 2020

The figures released by the LAA yesterday cover legal aid activity up to the end of March 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. For those of you who missed the summary yesterday, please find it here again for reference.

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

- a 41% decrease in police station attendance in April 2020 (26,200) compared to the monthly average between January and March 2020 (44,400 per month)

Applications received for representation in Crown Courts

- a 45% decrease in applications received for representation in the Crown Courts in April 2020 (4,100) compared to the monthly average between January and March 2020 (7,500 per month)

Applications received for representation in magistrates' courts

- a 42% decrease in applications received for representation in the magistrates' courts in April 2020 (10,200) compared to the monthly average between January and March 2020 (17,500 per month)

Civil legal aid

Legal help

- a 34% decrease in legal help new matter starts in April 2020 (6,700) compared to the monthly average between January and March 2020 (10,200 per month)

Housing Possession Court Duty Scheme

There were no Housing Possession Court Duty Scheme (HPCDS) starts in April 2020 compared to an average monthly figure of 2,300 per month between January and March 2020. Provisional figures show there was a 94% decrease in the number of HPCDS cases closed in April 2020 (150) compared to the monthly average between January and March 2020 (2,600 per month).

Family mediation assessments

- a 34% decrease in family mediation starts in April 2020 (380) compared to the monthly average between January and March 2020 (580 per month). Over the same period, assessments decreased by 41% and outcomes by 36%.

Civil representation applications

- a 16% decrease in civil representation applications in April 2020 (8,700) compared to the monthly average between January and March 2020 (10,300). Family applications decreased by 13%, whilst the larger decrease in non-family applications (34%) was driven mainly by a fall in housing applications.

The statistics paint a very grim picture for both client access and the impact on legal aid providers. It is highly likely that we will see a similar downward trend in May and beyond given that many areas of legal aid are driven by court and tribunal cases and HMCTS is still operating with much reduced capacity. It is 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 will be required to avoid widespread collapse of the legal aid provider base.

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26 June 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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