



The All-Party Parliamentary
Group on Legal Aid

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Legal Aid Statistics

**Special Bulletin from the APPG on Legal Aid
Summary Analysis of Statistics January to March 2021
(Released 24 June 2021)**



[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 from January to March 2021, as well as provisional figures for April 2021, and came out on 24 June 2021. These are the first statistics that capture the impact of all three lockdowns on the legal aid sector with the period covered by this release capturing the period of the January lockdown which had the most stringent restrictions.

Once again it is a mixed picture in terms of expenditure and matter starts across criminal and civil legal aid when compared with the same quarter in 2020 (which feels like a lifetime ago). So what have we seen?

In **Criminal legal aid**, the volume of work completed has marginally decreased on 2020 however this marginal decrease is far exceeded by the large decrease in Crown Court expenditure on 2020, primarily due to a lack of jury trials.

In **Civil legal aid**, the picture is even more mixed with decreases on 2020 seen in the workload of public family, immigration, mental health and housing. In terms of expenditure, the statistician's comments note that the civil legal aid expenditure largely returned to pre-pandemic levels and exceeds (by 2%) the expenditure in the same quarter in 2020. This was largely due to increased family law expenditure.

We saw all of these trends reflected in our recent evidence sessions with practitioners from across the civil and criminal legal aid spectrum.

Completed workload continues to be low across the board due to reduced capacity in the courts because of social distancing measures. Reassuringly, the incoming workload in criminal legal aid is approaching pre-pandemic levels and whilst the picture is more mixed in terms of civil workload there are nevertheless slight increases overall across some schemes since last quarter.

Like the October- December statistics report there is no detail on percentage changes between January – March and the previous quarter other than in the preliminary assessment of the April 2021 data. This is a change from the statistics bulletins released in 2020.

Crime expenditure in the Crown Court has decreased substantially this quarter compared with the same period last year representation orders in both the magistrates’ and Crown courts have also decreased albeit by a much smaller amount. Despite the decreases in other areas, the volume of completed work in the Magistrates court has increased moderately.

Mediation Information and Assessment Meetings have marginally increased on the same quarter compared with the same period last year with the report noting that the volume of mediation meetings now exceeds pre-covid levels. Both starts and outcomes of mediation were up on last year at 33% and 19% respectively.

Applications in domestic violence or child abuse cases increased by 5% on 2020 however the volume of these applications granted decreased by 2%, meaning that around 80% of applications are granted.

The number of exceptional case funding applications decreased by 7%.

The provisional figures for April 2021 show decreases across almost all areas when compared with January – March. This reversal is somewhat unexpected as April marked a gradual reduction in coronavirus restrictions that had been implemented in January 2021, nevertheless the figures are provisional and subject to change. As noted in the previous stats bulletin, there is some cause for optimism however: (1) the decrease in workload is not as sharp as was seen following the March 2020 lockdown and (2) the court system has had a year to implement measures to mitigate against the effects of the pandemic through introduction of socially distanced courtrooms and a greater usage of online hearings where practical.

Bulletin

The bulletin can be **[accessed in full here](#)**. At 25 pages, it is slightly longer than the previous quarter and provides the usual 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. As the end of year bulletin there is also some information on client diversity data and the number of legal aid providers. The main points are summarised below. Please get in touch if you would like any further information.

Civil Legal Help Cases

On page 12 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 an 8% decrease in legal help new matter starts compared to the same period of 2020. The volume of completed claims decreased by 12% and expenditure decreased by 19% in January to March 2021 compared to the same period in 2020. 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 show a continuation of the slight increase in matter starts, completed work and expenditure on the previous quarter which is reflected in the graphs on page 13. Fortunately, the contraction in work we warned may occur based on the preliminary January stats does not seem to have occurred and at worst there has simply been a slowing in the uptick.

Family Legal Help Cases

"In January to March 2021, family legal help starts decreased by 1% compared to the same quarter last year. Completed claims also decreased by 10% and expenditure decreased by 11%." There are again improvements when compared for the previous quarter improvements can be seen here when compared with the previous quarter, but the uptick in workload is much slighter than for non-family legal help and that is reflected by a much more gradual incline displayed on the graphs. It is interesting to note that, other than a slight decrease in workload April 2020, the completed workload in family has been remarkably steady and close to pre-covid levels.

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 10% in the last quarter compared to the previous year but still

only stand at around a third of pre-LASPO levels. Matter starts increased by 33% and outcomes increased by 19% of which 62% were successful agreements. Overall, these volumes are now above pre-pandemic levels. Mediation starts and agreements are now at almost two thirds 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 still 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 20% in January to March 2021 compared to the same quarter of the previous year. Completed claims in immigration decreased by 12% in the last quarter compared to the previous year and expenditure decreased by 12%. Although figures show a decrease on 2020 this quarter seems to further evidence a gradual recovery in immigration workload as although new matter starts have decreased compared with the previous quarter, completed claims and expenditure have both increased.

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 same quarter in the previous year. Completed claims decreased by 10% 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. In January to March 2021 there was a 16% decrease in housing work starts compared to the same quarter the previous year, this is half of the decrease in the previous quarter. There were decreases in completed claims (25%) and decreases in expenditure (18%).

The number of civil representation certificates granted decreased by 8% compared to the same period of the previous year, the number of certificates completed decreased by 2% and the associated expenditure increased by 5% over the same period. The graph on page 16 indicates an uptick in completed family representation cases as well as a slight uptick for completion in non-family representation cases.

Exceptional Case Funding

There were 913 applications for ECF received from January to March 2021, up from 893 applications in the period from October to December 2020. This is a 7% decrease from the same quarter last year. 861 (94%) of these were new applications.

Of the 913 ECF applications received between January and March 2021, 95% (863) had been determined by the LAA as of 1 June 2021. 78% (669) of these were granted, 13% (111) were refused and 7% (63) rejected.

Of the ECF applications received between January to March 2021, immigration (68%), inquest (9%) and family (14%) 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. Given these statistics are the final to be released in 2020 we can see that 3404 ECF applications were made in 2020 with 2435 applications having been granted. Things are undoubtedly heading in the right direction, but there is a long way to go before the ECF scheme could be deemed to be the effective safety net that we hoped for.

Crime

Overall Crown Court expenditure decreased this quarter; down by 20% in January to March 2021 compared with the same period of the previous year. This shift has been driven by a falling volume of completed trials in the Crown Court due to the ongoing pandemic, with completed trial expenditure in the graduated fee schemes falling by more than a half 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 11% compared to the previous year, with expenditure also decreasing by 13% (£4.3m) to £27.7m total. 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 (88% between January to March 2021) 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 showed a larger decrease, 22% down, compared to the same quarter of the previous year, with the largest fall (34%) in summary non-motoring offences. 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 by 2% this quarter compared to last year comparing to a 1% increase in all Crown Court receipts. Within the legal aid figure, orders relating to either-way offences decreased by 1%, while those relating to indictable offences increased by 2%. The proportion of Crown Court applications granted remains at almost 100%.

Client Diversity

Diversity data on the clients receiving legal aid is only released once a year with the start of year (Jan – Mar) stats bulletin. In general, the diversity of legal aid clients compared to 2019-20 is unchanged. Detailed breakdowns of the diversity data is found on page 19 – 22 of the bulletin.

Legal Aid Providers

As with client diversity data, detail on legal aid providers is only included in the stats bulletin once a year (although data on the number of providers is available in the tables released alongside each quarterly update).

A provider may consist of a large firm with several offices or a small firm with a single office employing only several individuals. Over the past provider numbers have fallen by 8% in both civil and criminal work although recent quarter show a slight increase reflected in the graphs on page 23.

Assessment of the impact of Covid-19 on legal aid activity up to end of April 2021

The figures released by the LAA on the 24th June 2021 cover legal aid activity up to the end of March 2021. However, since the start of the lockdown, LAPG and other rep bodies have 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. The LAA have stated they will no longer be including provisional data for mediation due to data quality issues arising from early extraction of data. With that in mind, the provisional figures show that there was:

Criminal legal aid

Police station attendance

- There has been no change in in police station attendance in April 2021 (40,064) compared to the monthly average between January and March 2021 (39,666 per month).

Applications received for representation in Crown Courts

- a 15% decrease in applications received for representation in the Crown Courts in April 2021 (6,626) compared to the monthly average between January to March 2021 (7,773).

Applications received for representation in magistrates' courts

- an 8% fall in applications received for representation I the magistrates' courts in April 2021 (14,646) compared to the monthly average between January and March 2021 (15,868 per month).

Civil legal aid

Legal help

- an 8% decrease legal help new matter starts in April 2021 (8,400) compared to the monthly average between January and March 2021 (9,100) per month. Family starts decreased by 14% and non-family starts decreased by 6% over the period.

Housing Possession Court Duty Scheme

- Following a six-month period with no starts between April and September 2020, HPCDS resumed in October 2020. There was an average of 518 starts per month between January and March 2021 and there were 554 starts in April 2021. It is worth noting this is a considerable increase on the average of 154 starts per month between October and December 2020.

Civil representation applications

- Civil representation applications have fallen by 7% in April 2021 (9,200) compared to the monthly average between January and March 2021 (9,900). Family applications decreased by 7% and non-family by 10% over the period.
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Rohini Teather
Head of Parliamentary Affairs
1 July 2021

Visit the APPG on Legal Aid Website

The APPG on Legal Aid is co-sponsored by the Legal Aid Practitioners Group



In association with Young Legal Aid Lawyers



Supported by The Legal Education Foundation.



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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