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# Q1 2023 Legal Aid Statistics January – March 2023

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



## Executive Summary

Welcome to the first statistics bulletin from the APPG on Access to Justice. As those of you familiar with our previous statistics bulletin will be aware, we'll be writing you a quarterly update taking a look at the most recent Legal Aid Agency's (LAA) statistics and what might lie behind them. Given our new and broader mandate, we'll also be taking a look at the statistics in the pro bono world and looking in-depth at how this supports the justice sector. For a more general take on what's going on in the Access to Justice world over this rather damp squib of a summer, turn to our general bulletin which brings you news of the Lord Chancellor and his first 100 days in post, the Justice Committee, the Illegal Migration Act and the LALY awards 2023. If there's anything that you'd like us to be covering, **do get in touch**.

Turning now to the quarterly statistics, as usual, we have quoted the LAA's language itself and we have indicated our own analysis of the figures and some background to the different practice areas where appropriate **in blue**. We also attempt to set out the meaning behind terms and to explain how parts of the legal aid system work in practice. Our regular readers or those more familiar with the justice system may prefer to skip over these explanatory paragraphs but we hope that newer readers find them helpful. With that in mind, Allons-y!

Statistics about the legal aid scheme are produced quarterly by the Justice Statistics Analytical Services division of the Ministry of Justice and give us details around legal aid matter starts, completed cases and expenditure. The latest statistics cover the quarter from January to March of this year, and were released on 29 June 2023.

## Statistical Bulletin

The LAA bulletin can be accessed [in full here](#). Gov.uk now releases statistical bulletins in HTML format for ease of reading on mobile devices. It's not the most user-friendly of reads so please find below our overview in both civil and crime of, *inter alia*:

- 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. It is, however hard to see the bigger picture using quarterly snapshots and so where possible we have tried to include data from the past ten years to provide context for these figures. The main points are summarised below. As ever, do [get in touch](#) if you would like any further information or any of these points clarified.

## A note on interpreting Legal Aid statistics

For those looking for trends across legal aid as a whole, we recommend beginning by looking at annual expenditure figures and then look at trends in both workload and expenditure for each category of legal aid. Summarising workload activity across the whole legal aid system meaningfully within a single number is difficult because of the diversity of services included and different stages in delivery. For example, the amount of legal aid work could be measured at the point when an order for legal aid is granted, or after all the legal aid work is completed and the provider has been paid. There is also a large amount of work that goes into applications for legal aid which, if not granted, is difficult to quantify. Expenditure on legal aid is measured differently for different purposes. The three most often-used measures, are:

- **Closed-case expenditure** – this is the measure used in the LAA statistics. It represents the total value of payments made to legal aid providers in relation to pieces of work that are completed in the period.
- **RDEL (Resource Departmental Expenditure Limits) nominal** is the main budgeting measure used by government to control current spending, both to set budgets for future years and report on how much has been spent. This measure does incorporate income and expenditure in relation to debt. Nominal here means not adjusted for inflation.
- **RDEL real** is the RDEL measure adjusted for inflation to make the value of spending in previous years directly comparable with the specified year.

As you would imagine, these measures show a large reduction in legal aid expenditure from around 2010-11, mostly due to the removal of large areas of civil legal aid from

scope by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act from 2013-14, reductions in criminal legal aid workloads and reductions in the fees payable to legal aid providers.

## LAA's Statistician's Comment

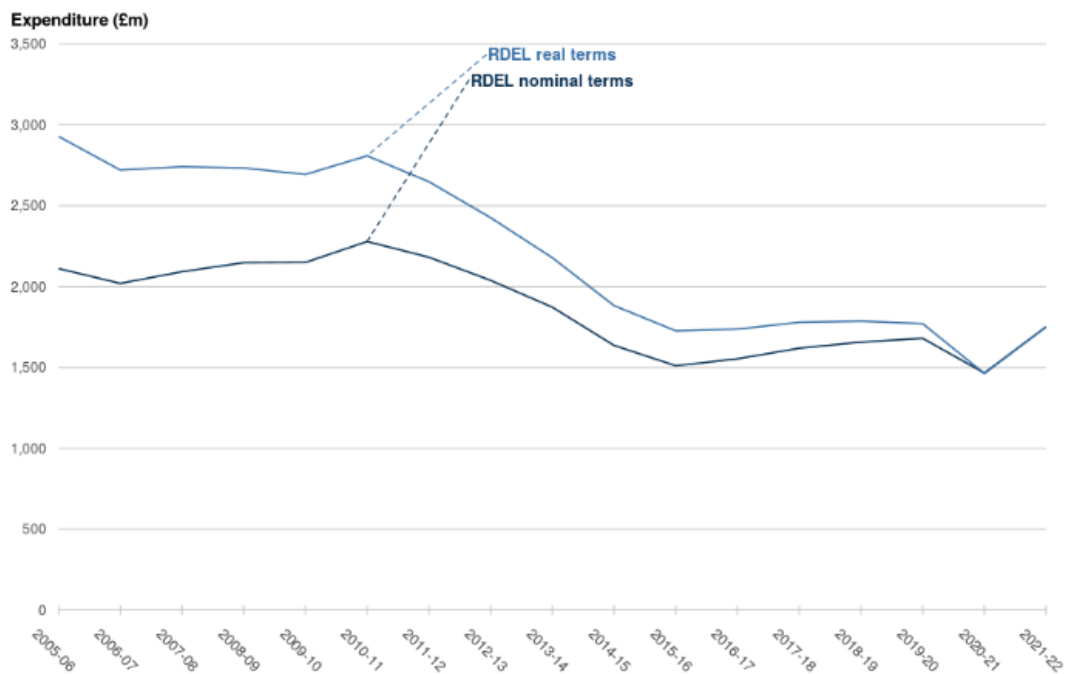
"This publication shows that expenditure across civil legal aid has increased year on year and has also increased more over the recent quarters. Criminal legal aid expenditure has recovered in the most recent quarter following the impact of strike action on the previous two quarters' figures for the Crown Court, which in turn impacted workload completed and the associated expenditure.

Criminal legal aid workload for representation at the courts had returned to levels seen before covid but in the last few quarters there have been falls in both courts, suggesting a sustained fall in cases reaching court. In the last few quarters, we have seen a small increase in police station claims and an increase in representation orders at the magistrates' court. Expenditure in the police station increased in the quarter again as expected due to higher fees for police station advice that were introduced at the end of September 2022. Extended sentencing powers at the magistrates' court, since temporary implementation in May 2022, has been feeding through to overall volumes with less committals for sentence arriving at the Crown Court and subsequently more trial work held at the lower court.

Civil legal aid volumes and expenditure show a varied picture compared to last year. Overall civil expenditure is returning to pre-pandemic levels driven by large increases in family law expenditure with the number of claims being paid outside of the fixed fee scheme increasing due to more time being taken during the court process. Other non-family workload has not recovered to the same extent, and this is driven by a slow recovery of housing work although in the last quarter this has increased. Overall civil legal aid workload still remains below pre-pandemic levels although trends are increasing in domestic violence, mental health and, within exceptional case funding and legal help, immigration.

Within this annual release covering both diversity and legal aid provider information there have been no changes across the schemes in the proportions of legal aid work by sex, disability status, ethnicity and age band of the client. Overall, the number of providers both providing and contracted to deliver legal aid services has fallen in recent years. We are still seeing falls in the civil legal aid area but in the past year have seen a rise in the number of criminal legal aid providers completing work.

Figures are released, on an experimental basis, covering the criminal legal aid data share between the Legal Aid Agency, The Law Society, The Bar Council and the Crown Prosecution Service. This ongoing series will provide access to detailed information about the legal aid market with even more granular data available in the accompanying analysis tool."



**Title:** Overall annual legal aid expenditure, by closed-case and RDEL nominal and real terms measures (£m), 2005-06 to 2021-22

Ed: As this bulletin looks at the general picture of the legal aid sector over the last quarter and the last year, we thought it would be helpful to take a look at how these figures translate into the provider base. Dr Jo Wilding, researcher at Sussex University and member of Garden Court Chambers' Immigration team, submitted a Freedom of Information request around numbers of providers in each area of social welfare law, matter starts and dormant contracts. The response (below) shows how many matter starts (or new legal aid cases) were reported in the contract year from 1 September 2021 to 31 August 2022 in each category and in each geographical procurement area.

In all social welfare areas of law, she found large numbers of inactive or dormant contracts, where providers did not open any matter starts in the contract year. Many more reported fewer than ten matter starts in the year. In some procurement areas, there are no active providers at all for a category of law: for welfare benefits, no matter starts were reported in Wales for the year, while seven housing procurement areas in England had no matter starts reported. We suspect that this won't come as much of a surprise to our readers, and indeed the results are reflected in the most recent "**Mind the Gap**" report by LawWorks in association with our APPG, Hogan Lovells, and other law firms. The report looks in detail at the work undertaken in MP surgeries and clinics throughout England and Wales and highlights the unmet need for housing and immigration advice in particular.

Turning back to the statistics though, we can see that all categories lost providers over the year: the smallest losses were in family (8%), Claims Against Public Authorities (11%) and public law (14%), while the largest were in welfare benefits (27%), mental health (21%) and housing and debt (20%).

Area of law	Procurement areas	Offices (Sept 2021)	Matter starts reported 21-22	Inactive providers 21-22	Provider loss (Sept 21 – March 23)
Housing	131	431	14,923	129 (30%)	80 (20%)
Debt	131	431	57	401 (93%)	80 (20%)
Immigration and asylum	6	262	32,714	38 (14.5%)	38 (14.5%)
Welfare benefits	8	51	119	36 (71%)	14 (27%)
Community care	12	127	1,843	52 (41%)	21 (17%)
Discrimination	4	22	198	9 (41%)	3 (16%)

We look at this in further detail throughout the course of the bulletin.

## Crime

Ed: 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. 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.

## Overview

"In the Magistrates' court the volume of completed work increased by 2% and associated expenditure increased by 8% when compared to the same period last year. Conversely, at the police station the volume of work stayed the same but had an associated 11% increase in corresponding expenditure due to higher fees for police station advice introduced at the end of September 2022."

We look at these in more detail below.

### Magistrates Court

Ed: You will see during the course of this bulletin, references to "representation orders". This used to be called "Legal Aid" and, in order to obtain it, an application has to be made to the court.

This application is subject to two tests:

1. The first is called the "interests of justice" test. A representation order will only be granted if the court considers the case "serious enough" for the individual to need full legal representation. Generally, if an individual is charged with a non-imprisonable offence their case will not pass this first test. Such offences include driving document offences, minor Public Order Act offences and being Drunk and Disorderly. If the individual is charged with an "indictable only" offence (an offence that can only be heard in the Crown Court) their case will always satisfy this first test.

2. The second test is a means test. Legal Aid will not be granted if the individual's income exceeds a certain amount. If the individual is in receipt of income based JSA, income support or a guaranteed pension then they will automatically be entitled financially to legal aid. If the individual is in receipt of other benefits then they will not automatically be entitled to legal aid and will have to provide the court with documentary evidence of this benefit.

### **Crown Court**

Ed: If the individual's case goes to the Crown Court for trial they will automatically qualify for legally-aided representation once they have completed an application form. However, after the individual has been means tested, they may have to pay towards the cost of their defence. This contribution could be from their income whilst the case is ongoing and/or from their capital if they are convicted.

An individual will not have to pay towards the costs of their case if they are under 18 when they make their application or if they receive any of the following benefits: income support, income-based jobseekers allowance, guaranteed state pension credit or income related employment and support allowance.

## **Police Station Advice**

"This category made up two thirds of the Crime Lower workload between January and March 2023 but less than half of the expenditure. The workload in this period has remained steady compared to the previous year, with expenditure increasing by 11% (£3.2m). This is due to a 15% uplift in fees for police station advice introduced at the end of September 2022 as part of the criminal legal aid reforms. This reverses the general downward trend seen over the last few years with a decrease in police station advice workload since 2013-14.

The majority of the police station advice workload (89% in January and March 2023) 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."

## **Magistrates' court**

"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** increased by 8% this quarter when compared to the same quarter of the previous year. This reverses the downward trend of the last 3 years, which was largely driven by Summary Only cases.

Legally-aided representation in the magistrates' court comprised almost one-third of the workload and just under half of expenditure in Crime Lower between January and March 2023. The volume of completed work (covered in **this report**) increased by 2% this quarter when compared to the same period of the previous year. Expenditure also increased by 8% (£2.3m). These falls incorporate the accelerated Criminal legal aid reforms since October 2020 which cover payment for work on sending cases to the Crown Court. This new category shown in the tables accompanying this bulletin had 9,158 claims costing around £2.3m completed this quarter."

## Crown Court

“Completed work volumes within the litigator (solicitor) fee scheme increased by 9% in January to March 2023 compared to the same period of the previous year, driven mainly by a 16% increase in trial claims. In the advocate fee scheme, completed claims increased by 10% compared to the same period last year. This recovery in workload is due to recovery of the fee schemes from the strike action in September 2022. In the litigator fee scheme, expenditure increased by 1% in January to March 2023 compared to the same period of the previous year. In the advocate fee scheme, the value of payments increased by 19% compared to the same period of the previous year. Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters as claims are assessed further on appeal and further payments added to the value of some completed claims.

The Very High-Cost Case (VHCC) scheme covers those Crown Court cases which, if the case were to proceed to trial, would likely last more than 60 days. These cases can span several years and, while they may involve small numbers of defendants, the associated expenditure is high in comparison. There were 4 defendants represented in the VHCC contracts that concluded in the January to March 2023 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £1.4m. This compares with £8.7m of expenditure during the same period on all ongoing claims within the VHCC scheme suggesting that we have a large backlog of claims awaiting to finalise through the court system.

While workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme represents around 1% of the cost, although this is down from over 15% ten years ago.

The large falls in completed expenditure are a consequence of the large fall in the number of jury trials completing in the Crown Court during covid, as all expenditure across the case will be in the final main bill. Figure 4c below, looking at the litigator fee scheme in isolation but equally applicable to both schemes, shows the impact of falling trials on expenditure – these types of cases are more likely to be impacted as they need more courtroom space and distancing measures and are likely to include witnesses and members of the public in the jury pool. Trial completed expenditure has been more adversely affected than guilty pleas and cracked trials, where a defendant changes their plea before the trial, with litigator fee expenditure much lower.”

Ed: This seems to be broadly reflected by what we hear from practitioners on the ground who observed that the increased volume in the police stations and Magistrates courts should be considered in the context of the previous low volumes of cases being seen last year. We can also see from the **Court Stats** Twitter (now X) account that around 20% of Crown Courts are not being utilised on average and the backlog remains high. This reduced by just 0.4% in the last quarter to 62,235.

## Prison Law

“Workload this quarter decreased by 9% compared with the same period in the previous year, driven by free standing advice and assistance which fell by 16% when compared to January to March 2022.



Conversely, advocacy assistance at parole board hearings increased by 1% compared to last year and have increased by 3% since last quarter (see figure 5). Advocacy at parole board hearings currently makes up almost half of prison law workload, but a much larger proportion of costs (81%), even so expenditure on prison law overall decreased by 6% over this period due to a drop of 29% in free standing advice and assistance.

*Since April to June 2020, the workload and expenditure for advocacy assistance at prison discipline hearings has remained low with a change in process for internal prisons hearings continuing since covid (our emphasis added).* Year-to-year comparisons show that workload decreased by 5% although expenditure increased by 11% this quarter compared to last year.”

Ed: It may be worth noting when interpreting these figures that the number of prison lawyers has reduced dramatically in the past decade with a large number of firms ceasing to offer prison legal aid. The Association of Prison Lawyers tells us that in 2010 there were around 500 provider offices doing prison law, a figure which has now fallen to 110 across England and Wales. This was an area of law that the **Independent Criminal Legal Aid Review** recognised as crucial and recommended for inclusion within the proposed investment at paragraph 14.4.2. It was not, however, an area of law included within the Government’s criminal legal aid recommendations and there remains no offer from the Government in respect of them.

Dr Laura Janes, consultant prison law solicitor said: “This government has put changes to the parole system at the heart of its agenda in an effort to protect the public. The number of referrals to the Parole Board now stands at almost 20,000 a year. While the number of legal aid lawyers has plummeted, the Parole Board has had to double its membership. There is good reason to believe that around half of applicants do not have representatives at the initial stage of parole reviews. This causes unnecessary delay and keeps people who are safe for release in prison. It is unfair, costly, and makes no sense, especially when prisons are so full that judges are being told to suspend prison sentences where appropriate to ease pressure on the prison population. It is also not good for victims as it means cases inevitably take longer. The only reason given for not including prison law in the basic increase in pay is that the government wanted to prioritise the backlog. That is short sighted and needs to be reviewed before there are no prison lawyers left to do legal aid work.”

## Civil

### Overview

Ed: Civil legal aid can be categorised by area of law into family and non-family. The category of family legal aid covers all work on both private and public family law and includes work associated with the Children Act, domestic abuse, financial provision and family mediation. Non-family legal aid encompasses all work related to immigration, mental health, housing and other non-family areas of law.

“Although workload for family and non-family law cases are similar, non-family comprises a relatively small proportion of civil legal aid expenditure. Public family legal aid makes up two thirds of family legal aid work and over 80% of expenditure.

The number of certificates completed increased by 8%, and the associated expenditure increased by 15% over the same period. At a cost of around £228m in January to March 2023, total civil representation expenditure is the highest it has been since 2011-12. This is due to the number of claims being paid outside of the fixed fee scheme increasing due to more time being taken during the court process."

Ed: A brief note here to set out the LAA's methodologies for assessing demand and capacity for legal aid in all categories of civil legal aid, **as asked for by Afzal Khan, Shadow Minister for Legal Aid** and answered by Parliamentary Under-Secretary (Ministry of Justice) Mike Freer MP:

"The Legal Aid Agency (LAA) is responsible for commissioning legal aid services in England and Wales and manages capacity in a number of ways. The LAA's network of regional contract managers located throughout England and Wales provide information based on contact with legal aid service providers. Additionally, the LAA frequently reviews market capacity to make sure there is adequate provision for legal aid, in all categories of law, and acts when it appears that there are gaps in provision.

The commissioning and monitoring of legal aid services are done by Procurement Area or Access Point, with Procurement Areas differing for different categories of law. The commissioning standard is to have at least one provider in each civil category per Procurement Area, outside Family Law where the minimum is five."

[We look at procurement areas in further detail below.](#)

## Legal Help

Ed: Legal Help pays for advice from a solicitor or legal adviser. They can negotiate on their client's behalf, gather evidence, and write letters. To qualify for the scheme a client must either:

- a) be on Income Support or Income-based Jobseekers Allowance, Income based Employment and Support Allowance, Pension Credit or Universal Credit.
- b) have a gross income of not more than £2,657 per month, (this figure increases if the client has more than 4 children) with a "disposable income" not exceeding £733 per month.
- c) have a case that is "in scope," i.e. permitted within Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012.

"In the last quarter, there was a 6% increase in legal help new matter starts compared to the same period of 2022. The volume of completed claims increased by 10% and expenditure increased by 1% in January to March 2023 compared to the same period in 2022.

The implementation of the LASPO Act in April 2013 resulted in large reductions in legal help workload, with the decline in the overall trend being further exacerbated by the effects of covid-19, workload now sits at less than one-quarter of pre-LASPO levels."

Ed: It's quite hard to assess trends from percentages however, so what do the actual numbers look like? LAA statistics show that in 2011-2012 there were 679,768 Legal Help starts. This had dropped to 573,770 the following year and for the year 2021-2022 was just 128,064. There were 35,597 matters started in January to March 2023 and 31,652 in

the previous quarter (October-December 2022). These figures are consistent with the pattern of a decrease in Legal Help matter starts towards the end of the calendar year before a pick-up in January.

## Family Legal Help

“There was a steep decline in family legal help (see table above) immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 6 years.

In January to March 2023 family legal help starts decreased by 3% compared to the same quarter last year. Completed claims also decreased by 6% and expenditure decreased by 8%.”

## Family Civil Representation

“While civil representation for public family law remains available, the LASPO Act removed legal aid for most private family law including issues such as contact or divorce. However, legal aid remains available for such cases where there is a risk of domestic violence or child abuse.

Certificates granted for family work decreased by 4% in January to March 2023 compared to the previous year. Certificates completed increased by 8% and associated expenditure has increased by 16% compared to the same quarter the previous year. The volume and expenditure for closed case domestic violence civil representation increased substantially following the initial impacts of covid-19. In January to March 2023, certificates completed for domestic violence have remained the same compared to the same period of the previous year.

In January to March 2023, applications for civil representation supported by evidence of domestic violence or child abuse decreased by 2% compared to the same period of the previous year. The number of certificates granted via the domestic violence and child abuse gateway increased by 4% over the same period. The proportion of applications granted remained steady at around 70% from the inception of this type of application until the end of 2015, before increasing to around 80%. The provisional figure for the latest quarter is 85%.”

## Family Mediation

“One of the aims of LASPO was to encourage people to use alternative methods of dispute resolution, such as mediation. 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 – and without legal aid for private family law, and that initial contact with a legal professional, the referrals to mediation declined drastically.

Mediation Information and Assessment Meeting (MIAMs), family mediation starts, and outcomes decreased significantly following the covid-19 restrictions in March 2020. Since then, volumes and expenditure have rapidly increased to levels temporarily exceeding pre-covid figures. Family mediation starts increased by 14% and total outcomes decreased by 2%, of which 56% were successful agreements, and are now sitting at around half of pre-LASPO levels ”

Ed: Earlier this year the government announced a consultation on mandatory mediation proposals for divorcing couples. This was met with widespread concern amongst practitioners who argued that, while mediation can be an excellent tool for resolving family disputes and avoiding costly and painful litigation, the risk is that compulsory mediation could force the wrong people into the process, at the wrong time and with the wrong attitude for it to be effective. Compulsory mediation also gives rise to serious concerns that vulnerable individuals and their children might be further exposed to risk or taken advantage of.

We also refer here to the statistics obtained by Dr Jo Wilding and her excellent **analysis of the same in the Justice Gap**. She notes that, in family law, there were 1,556 offices in the contract year, which opened a combined total of 23,999 matter starts. The number of offices fell by 122, or 8%, by March 2023. The same pattern of inactive contracts and very small amounts of work seen elsewhere also appears in family law: 489 offices, or 31%, reported no matter starts in the year and another 873 offices, or 56%, did ten or fewer. Only 15 offices – less than 1% – reported 100 matter starts or more, the largest being 214.

## Non-Family Legal Help

“Controlled legal representation relates to representation at tribunal but unlike civil representation, the decision on whether to grant legal aid is delegated to providers. Legal Help and controlled legal representation make up over 95% of both immigration and mental health legal aid cases.”

Ed: 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.

### **Immigration**

“Having fallen by over 45% in April to June 2020, new matter starts in immigration increased by 15% in January to March 2023 compared to the same quarter of the previous year. Completed claims in immigration increased by 25% in the last quarter compared to the previous year and expenditure increased by 10%.”

Ed: We refer back to Dr Jo Wilding here, and note that for immigration and asylum there are six geographical procurement areas, most of which cover one or two local authority areas, boroughs or counties. Here, the six procurement areas are further broken down into 26 Access Points. Not all parts of England and Wales are covered by an Access Point; initially these were intended to ensure provision in the areas where it was most needed because of dispersal of people claiming asylum. All parts of the UK now accommodate asylum applicants, not only specified dispersal areas, but there are large areas in which there is no asylum legal aid provision at all. This includes the eastern side of the East of England region, the whole of Cumbria and Northumberland, all but the far south of Wales apart from one individual in Wrexham, and all of the South West of England below Bristol, apart from two caseworkers in Plymouth.

Over the course of the year there were 262 offices with contracts; this was 224 by March 2023. These reported a combined total of 32,714 matter starts in the contract year, while 38 did not open any new matters, and another 25 opened ten or fewer. It is perhaps

easier to estimate unmet need in asylum law than in other categories, and these figures demonstrate a deficit of at least 25,000 between new matters opened and the number of new asylum applications by main applicants (excluding dependants) in England and Wales. The real deficit is larger, because not every matter start will concern a new asylum application or appeal, and a number of providers now routinely decline all appeals work, even for clients they represented in their asylum application.

Stepping away from this, we note that according to figures cited by the **Joint Committee on Human Rights**, half of individuals seeking asylum and other vulnerable migrants (including minors and victims of trafficking and modern slavery) are now unable to access legal aid to ensure protection of their human rights. With this figure likely to rise as a result of the Illegal Migration Act, the government recently published a consultation asking whether a rise in fee rate, which was specific to work arising out of the Illegal Migration Act, would work to address the shortfall in providers. The general consensus from the providers that we spoke to appeared to be that it would not, but this issue is discussed in further detail over in our news bulletin.

### **Mental Health**

“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 6% when comparing the latest quarter to the previous year. Completed claim volumes remain steady and associated expenditure decreased by only 1% over the same period.”

Ed: LASPO had less impact on the scope of mental health legal aid than on many other areas and – perhaps in consequence – there were fewer inactive providers in mental health than in any other category of law, and a larger range than in any other category. There were 182 offices of 137 organisations in the contract year to August 2022 and they reported a combined total of 32,762 matter starts. Only five offices did not open any matter starts, with the largest number reporting 50-199 matter starts, but 30 offices reported numbers between 300 and 1000. Again, the procurement areas are very large, with just five covering the whole of England and Wales, which may well be hiding some areas of shortage, but there appear to be very few inactive providers.

### **Housing**

“Over 80% of legal aid 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 since 2014 it has been falling. Housing legal aid was particularly affected by covid-19 with starts and completed claims nearly halving again between January to March 2020 and April to June 2020. In January to March 2023 there was a 16% increase in housing work starts compared to the same quarter the previous year. There were also increases in completed claims (15%) and conversely a decrease in expenditure (8%).”

Ed: Referring back to Dr Wilding, we see that for housing matters there were 431 offices in total during the year, and they reported a combined total of 14,923 matter starts. These consisted of 235 separate organisations and 196 second or further offices. These are divided between 131 procurement areas, most of which cover one or two local authority areas, boroughs or counties. By March 2023, the number of offices had reduced by 20% (80 offices) to 345 as compared with September 2021. However, 129 of the offices with contracts in 2021-22 (30% of the total) opened no matter starts at all. Another 211 opened 1-50 matter starts. This means that, in total, 79% of provider offices opened 50 matter starts or fewer.

In nine procurement areas, there were no legal aid matters reported, including three in the East Midlands and three in the North West. It seems unlikely that there was no eligible need for housing legal aid in the whole year, so this most likely means it was not actually available, despite the existence of an organisation with a contract. In another five procurement areas, only one matter start was reported; four of these were in the North West.

## Non-Family Civil representation applications

“The number of civil representation certificates granted in the last quarter decreased by 2% compared to the same period of the previous year. The number of certificates completed increased by 8%, and the associated expenditure increased by 15% over the same period.

This is due to the number of claims being paid outside of the fixed fee scheme increasing due to more time being taken during the court process. At a cost of around £228m in January to March 2023, total civil representation expenditure is the highest it has been since 2011-12.”

## Judicial Reviews

“Of all civil representation applications granted, 665 in the last quarter related to a **judicial review**. The number granted in January to March 2023 increased by 11% compared with the same quarter in 2022. Over a half of judicial reviews were for public law. Judicial review data is available in the full set of tables accompanying this bulletin, available just below the title.”

## Exceptional Case Funding (ECF)

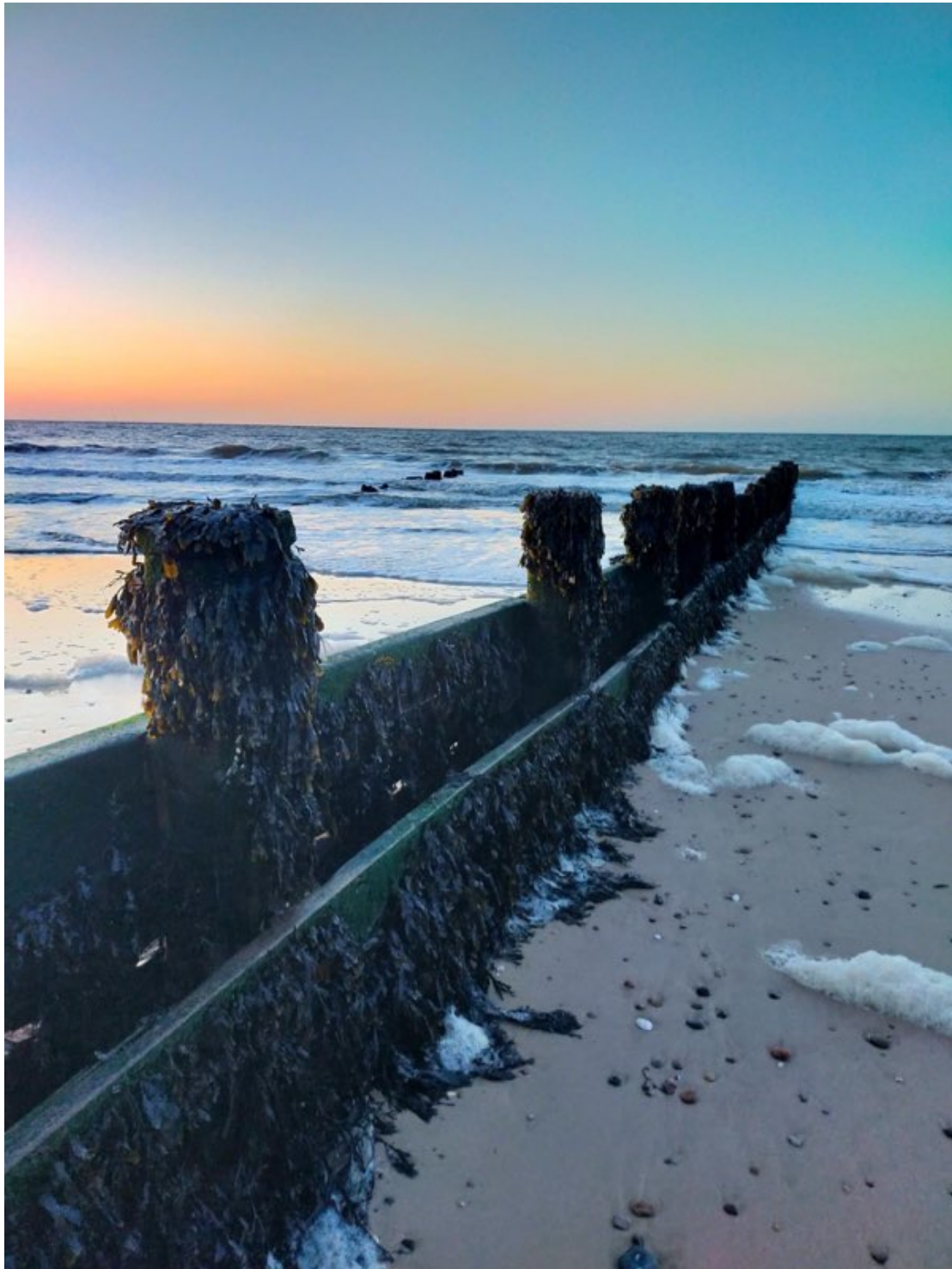
“The Exceptional Case Funding (ECF) scheme was introduced as part of LASPO. An ECF application for civil legal services is made where a case falls outside the scope of civil legal aid but the client or conducting solicitor believes failure to provide funding would be a breach of the Human Rights Act 1998.

There were 808 applications for ECF received from January to March 2023. This is a 12% decrease from the same quarter last year. 747 (92%) of these were new applications. Of the 808 ECF applications received between January and March 2023, 97% (783) had been determined by the LAA as of 01 March 2023. 75% (584) of these were granted, 14% (113) were refused and 9% (68) rejected.”

Ed: We hope that you found this edition useful. Do let us know if you have any comments and thank you once again for reading. We wish you all a well-deserved break and look forward to seeing you again after recess.

**Rohini Jana**  
**Head of Parliamentary Affairs**

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We strive to highlight the importance of access to justice as a fundamental pillar of society, and to empower individuals to exercise their rights, challenge discrimination, and reduce social inequalities. We foster parliamentary and public understanding of access to justice by acting as a forum for discussion and debate, providing an interface between Government, Parliament, and the justice sector.

For more information contact:

[rohini.jana@lapg.co.uk](mailto:rohini.jana@lapg.co.uk)

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