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Q2 2024 Legal Aid Statistics April - June 2024

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

AMENDED - Please note an error in the previous version of this bulletin in the overall



Introduction

Welcome to the statistics bulletin from the APPG on Access to Justice, and the second of this Parliamentary session. By way of an explanation to our new readers, every quarter we take a look at the most recent Legal Aid Agency (LAA) statistics and what might lie behind them.

We are currently mid-party conference season and for news about these and a more general update, take a look at our Conference Bulletin which will be published next week. Please also keep your eyes peeled for our Budget report at the end of the month when we'll be looking in detail at the Chancellor's spending plans and how they will relate to the justice sector.

If there's anything that you'd like us to include, as ever do **get in touch**.

How It Works

You'll see below that we have quoted the LAA's language wherever possible and our own analysis of the figures and some background to the different practice areas where

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.

Do **let us know** if you would like more information or clarification on any of these points.

You can find the complete LAA statistical bulletin [here](#).

We also attempt to provide some explanation and context for some of the figures below together with an idea of some of the policy work strands currently underway. It is, however, hard to see the bigger picture using quarterly snapshots and so where possible we have tried to include data from longer periods to provide context for these figures. There remains a significant absence of data in this area, however.

A point highlighted by the recent National Audit Office report which stated that ["MoJ and LAA do not estimate overall demand for legally aided services. LAA forecasts expenditure on legal aid for budgeting purposes, incorporating external factors such as court backlogs and policy changes. However, this cannot give MoJ a view of the extent to which people may need to, and be eligible to, access legal aid."](#) Firms and organisations delivering advice under legal aid contracts are less likely to retain information about the numbers of individuals turned away and so there is a yawning chasm in our understanding of what the service actually looks like on the ground. It also makes it difficult to determine how the service should look if it is to meet need.

Interpreting Legal Aid Statistics

To understand trends in legal aid overall, we recommend starting by looking at the annual expenditure figures. So for the year 2023-2024, the total spend is £2,098 million.

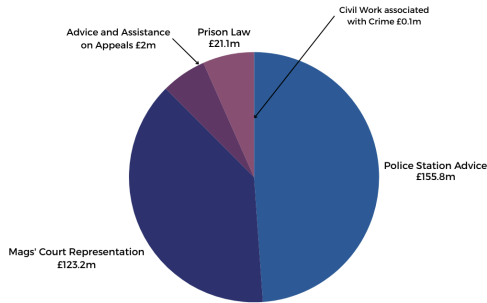
Then, look at workload and expenditure trends for each legal aid category. In criminal legal aid (the total expenditure for which is £1.073 million this is broken into Crime Lower and Crime Higher workload. Crime Lower focuses on Police Station advice, Magistrates Court representation, Advice and Assistance on Appeals, Prison Law, and civil work associated with crime cases. Crime Higher focuses on the Crown Courts and Higher Courts expenditure. And finally, civil legal aid is broken down into family*, immigration, mental health, and other non-family**. Summarising workload across the entire system with one number is problematic due to the diversity of services and delivery stages.

We thought it might be useful to set this out visually, so please find below pie charts representing the relative spend in both criminal and civil legal aid.

*This includes: combined family proceedings, domestic violence, financial provision, help with mediation, other family proceedings, other public law Children Act proceedings, private law Children Act proceedings, Special Children Act proceedings.

consumer, debt, discrimination, education, employment, housing, miscellaneous, personal injury, public law, welfare benefits.

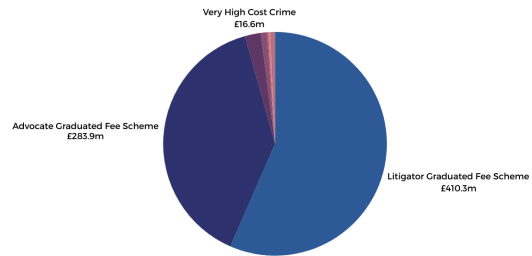
Cost of Crime (Lower) Legal Aid in 2024



Total Expenditure: £302.1m

Source: Legal Aid Statistics April - June 2024, Table 2.2, Gov.uk, 2024

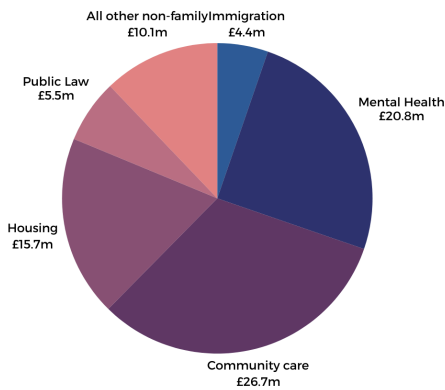
Cost of Crime (Higher) Legal Aid in 2024



Total Expenditure: £725.9m

Source: Legal Aid Statistics April - June 2024, Table 4.1, Gov.uk, 2024

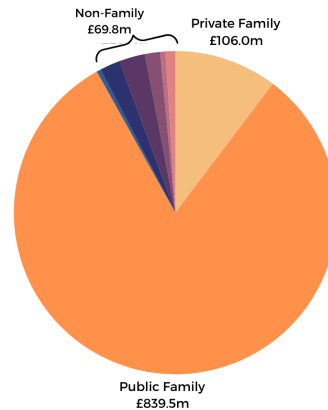
Cost of non-family Civil Legal Aid in 2024



Total Expenditure: £69.8m

Source: Legal Aid Statistics April - June 2024, Tables 6.5 and 5.3, Gov.uk, 2024

Cost of Civil Legal Aid by area of law in 2024



Total Expenditure: £922.8m

Source: Legal Aid Statistics April - June 2024, Tables 1.0 and 6.5, Gov.uk, 2024

BREAKING NEWS!

First however, some breaking news that may have a substantial impact on the figures that we are about to set out. Regular readers of this bulletin will be aware that two significant judicial reviews have been brought by members of the justice sector, challenging the Lord Chancellor on legal aid fees. The first was decided earlier this year, when The Law Society and others won their judicial review against the Lord Chancellor for failing to implement the changes recommended by its own independent review. The court concluded that the government's decisions around the 2019 Criminal Legal Aid Review (CLAR) must be reconsidered on irrationality grounds, and that the criminal legal aid system is "slowly coming apart at the seams". However, whilst we are told that the new Lord Chancellor seems sympathetic to the plight of practitioners, we still await the government's response to this judgment (more on this below).

asylum-controlled work. We understand that Duncan Lewis has now withdrawn the Claim on the basis that the Lord Chancellor has recognised the urgency of the issues, and has committed to announcing a decision by late November 2024 as to whether she will increase the fees for Controlled Immigration Work and, if so, to what extent. The Lord Chancellor has also committed to publishing a consultation on any proposed increase in fees within 8 weeks of her decision in November 2024, and to taking steps towards laying a statutory instrument and implementing any changes in fees with reasonable promptness.

This is a very significant result for Duncan Lewis and for the legal aid sector as a whole. It also signals a notable shift in approach by the current Ministerial team, which we hope will translate into a positive decision for practitioners in November. We do however note that the decision in November will relate to Immigration and Asylum fees only, although much of the evidence relied upon was from the Review on Civil Legal Aid (RoCLA) which collated evidence across all civil legal aid practice areas.

By way of a quick recap, fees last rose (by just £1) in civil legal aid in 1996. A further 10% cut was made to fees in 2011, and large areas of law were removed from scope by austerity measures under the Coalition Government. As you will see, the LAA's figures below indicate a significant drop in the number of matter starts under legal aid contracts, and also large numbers of practitioners leaving the sector for more financially viable work.

Of course, it remains to be seen if the decision in November is lawful, or adequate to increase capacity of legal aid providers to take on this work, but we hope that this is a step in the right direction.

Crime

Overview

[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.](#)

"In the Magistrates' court the volume of completed work increased by 7% and associated expenditure increased by 7% when compared to the same period last year. Conversely, at the police station the volume of work increased by 11%, with an associated 10% increase in corresponding expenditure due to higher fees for police station advice introduced at the end of September 2022."

“This category made up 69% of the Crime Lower workload between April and June 2024 but only 51% of the expenditure. The workload in this period has increased by 11% compared to the previous year, with expenditure increasing by 10% (£3.8m). 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 April and June 2024) 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 14% 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 either-way cases.

Legally aided representation in the Magistrates’ Court comprised roughly one quarter (29%) of the workload and around two-fifths (41%) of expenditure in Crime Lower between April and June 2024. The volume of completed work increased by 7% this quarter when compared to the same period of the previous year. Expenditure also increased by 7% (£2.1m).

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 12,068 claims costing around £3.1m completed this quarter.”

Crown Court

“Completed work volumes within the litigator (solicitor) fee scheme increased by 9% in April to June 2024 compared to the same period of the previous year, driven not by a 1% increase in trial claims, but the reversal of the extended sentencing policy in the Magistrates’ Court. More claims were dealt with for appeals against Magistrates’ decisions, and committals for sentence from the same court, where they felt a higher sentence is required than they can give.

period last year. This follows the same workload changes as per the litigator scheme.

In the litigator fee scheme, expenditure decreased by 4% in April to June 2024 compared to the same period of the previous year. In the advocate fee scheme, the value of payments increased by 11% 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.

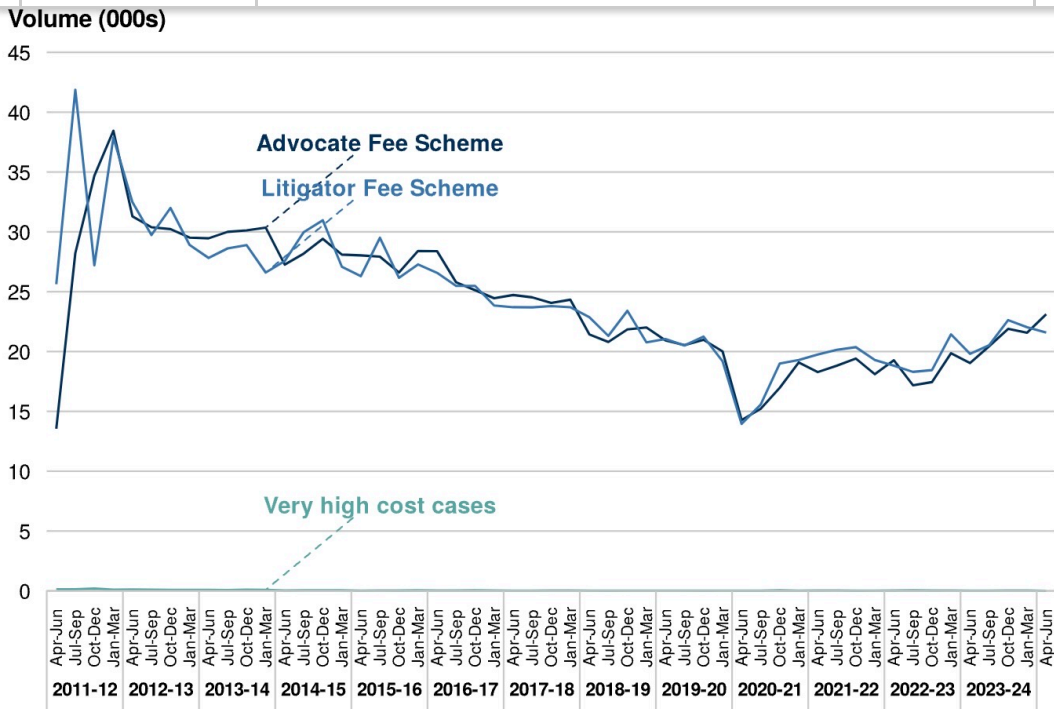
The Very High-Cost Case (VHCC) scheme covers those Crown Court cases which, if the case were to proceed to trial, would likely last more than 60 days. These cases can span several years and, while they may involve small numbers of defendants, the associated expenditure is high in comparison.

There were no defendants represented in the VHCC contracts that concluded in the April to June 2024 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was therefore zero. This compares with £13.1m 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 less than 1% of the cost, although this is down from 13% in April to May 2013.

The large falls in completed expenditure are a consequence of fewer jury trials completing in the Crown Court during and after the Covid-19 pandemic, as all expenditure across the case will be in the final main bill.... 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: On 17 September 2024, the LAA launched a procurement process for the delivery of criminal legal aid services from 1 October 2025. Crime practitioners have expressed their dismay that the LAA has commenced a tender process for new contracts without any clarity from the Ministry of Justice on the outcome of the consultation on police station and youth court fees, which would see a 2% rise in rates for defence solicitors or resolution of The Law Society’s judicial review. We understand that The Law Society has written directly to the LAA’s Commissioning Team to express these concerns and formally request an extension of the tender deadline to enable these processes to be completed.](#)



Prison Law

“Workload this quarter has increased by 10% compared with the same period in the previous year, driven by free standing advice and assistance which increased by 12% when compared to April to June 2023.

Conversely, advocacy assistance at parole board hearings increased by 6% compared to last year, although they have decreased by 7% since last quarter.

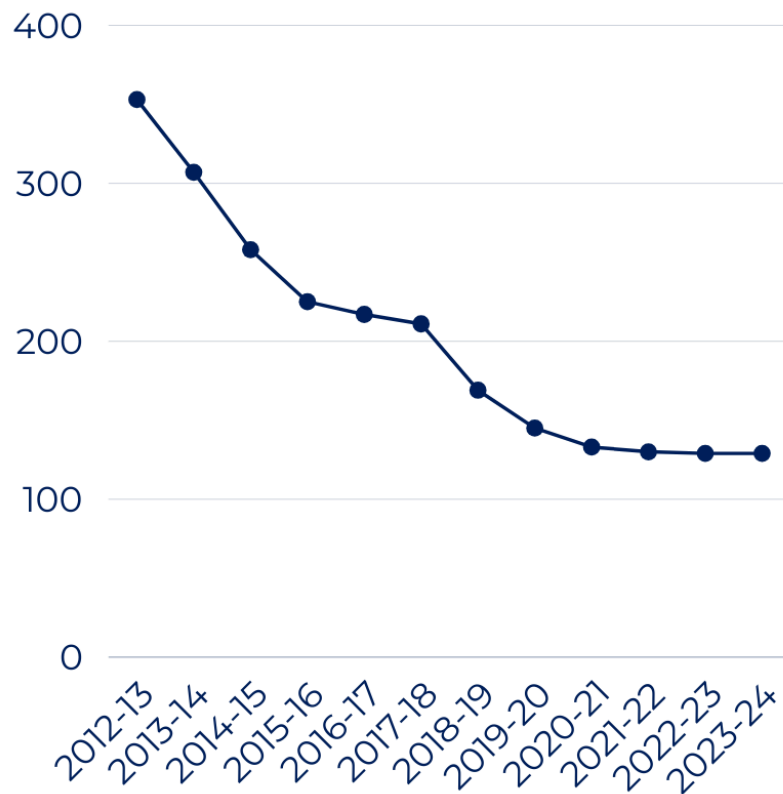
Advocacy at parole board hearings currently makes up around two-fifths (41%) of prison law workload, but a much larger proportion of costs (78%). Even so, expenditure on prison law overall increased by 8% over this period due to a slight fall in free standing advice and assistance.

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. Year-to-year comparisons show that workload increased by 13% and expenditure increased by 20% this quarter compared to last year, “showing that work is recovering in this area from a low base”.

Prison law work still comprises a small portion of the volume (1%) and expenditure (2%) of total Criminal Legal aid work in April to June 2024.”

In particular, as our graph below indicates, there has been a stark fall in the number of prison law provider offices conducting prison law work, from 353 in 2012-2013, to just 129 in 2023-4.

Work in Prison Law: Legal Aid Agency



Source: Legal Aid Statistics April-June 2024, GOV.UK

Ed: We note that this bulletin refers to figures from April to June of this year which pre-dates the reforms and the riots that we saw over the summer. Watch this space for the figures around those over the coming months, but we note that prisons continued to be a priority for the Lord Chancellor. Giving her keynote address at Labour Conference, Ms Mahmood criticised the previous Government for leaving a situation which led to the necessity of some prisoners being released earlier than intended. She also spoke of reforms she intends to introduce to women's prisons, announcing that a Women's Justice Board will be launched with the aim of reducing the number of women in prison.

These initiatives are to be commended but regular readers of this bulletin will also know that Prison law has been particularly badly hit since LASPO, with no increases made to fees under the 2019 Criminal Legal Aid Review. We asked Dr Laura Janes, prison law specialist and member of LAPG's Advisory Committee, for her thoughts on these trends. She told us in the same period the prison population has increased significantly and is expected to rise further. The volume of work being referred to the Parole Board has increased exponentially. According to the **last annual report of the Board**, the number of oral hearings (which is only a part of its work), has increased from 4,216 in 2011/12 to 8,085 in 2022/23. The number of providers has reduced by around 80 per cent in the last decade. **Three-quarters of prison lawyers surveyed by the Association of Prison Lawyers do not think they will be doing legal aid prison law work in three years' time.**

data we really need to see is the number of people in prison who are entitled to legal aid but not getting it, but to our knowledge, this information isn't being gathered.

Readers will also recall that prison law was one of the practice areas which did not receive an uplift in fees under the Criminal Legal aid Review. Fees in this area were last set in 1996 and cut in 2014. A report, published by **Frontier Economics and The Law Society** in connection with the review on civil legal aid has stated that general costs in the economy have increased by 90% over that same period of time.

Civil

Overview

"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 law.

Although workload for family and non-family law cases are similar, non-family comprises a relatively small proportion of civil Legal aid expenditure, at 18% of total Civil Legal aid expenditure. Public family Legal aid makes up just under two thirds (58%) of family Legal aid work, and around three quarters (76%) of expenditure.

The number of certificates completed increased by 11%, and the associated expenditure increased by 6% over the same period. At a cost of around £238.4m in April to June 2024, 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: Just by way of background for newer readers, under LASPO private law matters were essentially removed from the scope of family law other than those instances where domestic or child abuse had been evidenced, which remained eligible for legally aided help. This roughly translated to 80% of cases no longer being eligible for legal aid.

What remained in scope was child protection under public law (i.e. where local authorities seek care, supervision or emergency protection orders regarding children, or place children for adoption) or the matter concerns contact with children who have been subject to such proceedings. Private law child cases were excluded, even though some of the high-conflict contact cases border on child protection. It was hoped that people would be more likely to use alternative dispute resolution services, particularly mediation,

Legal Help

"In the last quarter, there was an 11% increase in Legal help new matter starts compared to the same period of 2023. The volume of completed claims increased by 13% and expenditure increased by 10% in April to June 2024 compared to the same period in 2023.

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."

Family Legal Help

"There was a steep decline in family legal help immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 6 years.

In April to June 2024, family Legal help starts increased by 9% compared to the same quarter last year. Completed claims also increased by 18%, and expenditure also increased by 18%."

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 increased by 6% in April to June 2024 compared to the previous year. Certificates completed increased by 7% and associated expenditure has increased by 5% 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 April to June 2024, applications for civil representation supported by evidence of domestic violence or child abuse increased by 7% compared to the same period of the

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%."

Ed: we were curious as to how these numbers measured up against the total numbers of divorces and claims in this area. A quick search of the Office of National Statistics figures shows us the following:

- Divorce rates in 2022 (latest available ONS figure): 80,057
- Divorce rates in 2021: 113,505

ONS figures on Domestic Abuse for March 2023 (latest available):

- Estimated survivors; 2,124,000
- Recorded: 889,918

ONS figures on Child Abuse for March 2020 (latest):

- At 31 March 2019, 52,260 children in England were the subject of a child protection plan (CPP)

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. The volume of MIAMs increased by 7% in the last quarter, compared to the previous year, and family mediation starts increased by 25% and total outcomes increased by 7%, of which 58% were successful agreements, and are now sitting at around half of pre-LASPO levels."

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 97% of immigration and 93% mental health Legal aid cases."

"Having fallen by over 45% in April to June 2020, new matter starts in immigration increased by 21% in April to June 2024, compared to the same quarter of the previous year. Completed claims in immigration increased by 19% in the last quarter compared to the previous year and expenditure increased by 15%."

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. New mental health matter starts increased by 1% when comparing the latest quarter to the previous year. Completed claim volumes also increased by 1%, and associated expenditure increased by 1% over the same period."

Housing:

"More than 83% 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."

Non-Family Civil representation applications

"The number of civil representation certificates granted in the last quarter increased by 7% compared to the same period of the previous year. The number of certificates completed increased by 9%, and the associated expenditure increased by 5% 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 £238.4m in April to June 2024, total civil representation expenditure is the highest it has been since 2011-12."

Judicial Reviews

"Of all civil representation applications granted, 782 in the last quarter related to a judicial review. The number granted in April to June 2024 increased by 8% compared

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 885 applications for ECF received from April to June 2024. This is an 8% increase from the same quarter last year. 845 (95%) of these were new applications. Of the 885 ECF applications received between April and June 2024, 95% (845) had been determined by the LAA as of 01 September 2024. 78% (655) of these were granted, 12% (98) were refused and 9% (73) rejected."

And that's all for this bulletin folks. Thank you for reading us if you made it this far and let us know if there are any statistics or areas of research that you'd like us to take a look at.

Until next time.



Rohini Jana

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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.

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