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| **Report to:** | The Board |
| **Meeting Date:** | 20th March 2023 |
| **Report Title** | Trends Update March 2023 |
| **Report Category** | For Information |
| **Issue status:** | Business as usual |

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| **Written by:** | Matt Taylor |
| **Director responsible:** | Marie-Louise Fox |
| **Presented by:** | Matt Taylor |
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| **Delivery of Strategic Objectives** | |
| Select the Strategic Objective(s) relevant to the issues | 1. We deliver a high quality user focussed service 2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery 3. We engage with users and delivery partners across the legal aid and justice system to inform good design of our system and services |

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| **Link to Board or Committee Remit** |
| This information enables the Board to understand the environment that the organisation is operating in. It influences strategic direction and is a key element of oversight. |

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| **Publication of the Paper** |
| The Board has previously agreed that this paper should be published as a matter of course. It will be published on our website with the other relevant papers from this meeting. |

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| **Previous Consideration** | |
| **Meeting** | **Detail** |
| August 2022 | Some application types had reached the same level as 19-20 or higher, notably mental health and immigration/asylum ABWOR, sheriff summary, and solemn. Civil A&A and civl legal aid applications were at a level below 19-20. Payment levels had increased to the level of 19-20. |
| May 2021 | Many application types were then at the same level as 19-20 or higher, notably mental health ABWOR, civil legal aid, police station advice, sheriff summary, and solemn.  Payments remained similar to the lower level of 20-21. The use of interim fee accounts in civil, and especially solemn, legal aid in 20-21 had increased considerably compared with 19-20. |

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| **Report** |

**Introduction**

To illustrate current trends in legal assistance the reporting is using a weekly period basis for analysis but this is set in the context of the last 3 years.

Weekly application volumes received, and payments made, from April 2022 onwards are compared with the 3 most recent financial years, which are shown as 52-week averages so are horizontal lines:

• 2019/20 is defined as the 52 weeks from w/c 01-Apr-19 to w/c 23-Mar-20 (black dash;

• 2020/21 is defined as the 52 weeks from w/c 30-Mar-20 to w/c 22-Mar-21 (red dash);

• 2021/22 is defined as the 52 weeks from w/c 29-Mar-21 to w/c 21-Mar-22 (green dash);

A 2 week current average has been used as the basis for comparing the current volumes with the previous years.

The horizontal axis shows weeks (w/c Monday), with the most recent week being shown being w/c 27 February 2023 which is the week ending on Sunday 5th March 2023.

**Civil Applications (up to & including w/e 5 March)**

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|  | **Civil A&A and ABWOR combined excl mental health & immigration/asylum.**  Current avg volumes are 75% of 19/20 and 105% of 21/22.  21/22 volumes were29% below 19/20 volumes.  A geographic focused analysis project has commenced which will examine the lower levels of civil A&A in more depth. |
|  | **Immigration/asylum A&A/ABWOR**  Current level is 105% of 19/20 and 122% of 21/22.  21/22 volumes were 14% below 19/20 volumes. |
|  | **Mental health A&A/ABWOR**  Current level is 126% of 19/20 and 119% of 21/22.  21/22 volumes were 6% above 19/20 volumes. |
|  | **Civil Legal Aid ALL**  Now at 114% of 19/20 levels and 132% of 21/22.  21/22 volumes were 13% below 19/20 volumes. |
|  | Post Xmas increase is seasonal.  But slightly stronger than last year. |
|  | **Civil Legal Aid FAMILY only**  Currently at 100% of 2019/20 levels and 109% of 21/22.  Avg 21/22 volumes were 171.3 compared with avg 20/21 volumes at 170.8  21/22 volumes were 8% below the 19/20 volumes. |
|  | **Civil Sanction**  Two wk avg currently 112% of 19/20 and 94% of 21/22.  21/22 volumes were 19% above 19/20 volumes. |
|  | **Civil Extension Apps – Merits/Mixed**  Two wk avg is currently 117% of 19/20 and 117% of 21/22.  21/22 volumes were 1% below 19/20 volumes. |
|  | **Civil Extension Apps – Cost Limit only**  Two wk avg is currently 167% of 19/20 and 134% of 21/22.  21/22 volumes were 25% above 19/20 volumes.  The number of requests to extend the cost limit of civil cases is increasing.  The civil case cost limit mechanism was introduced in 2013. With the recent series of practitioner fee increases it may be appropriate to review the limits and or the mechanism. |
|  | **Civil Reg 18(1)(a)**  Two wk avg is currently 99% of 19/20 and 128% of 21/22.  21/22 volumes were 23% below 19/20 volumes. |
|  | **Civil Reg 18(1)(b)**  Two wk avg is currently 87% of 19/20 and 110% of 21/22.  21/22 volumes are 21% below 19/20 volumes. |

**Criminal Applications (up to & including w/e 5 March)**

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|  | **All CJA Intimations Received [Police Station]**  Two wk avg currently 83% of 19/20 and 98% of 21/22.  21/22 volumes are 16% below 19/20 volumes. |
|  | CJA Intimations Received – **Domestic Only**  Two wk avg currently 55% of 19/20 and 70% of 21/22.  21/22 volumes are 21% below 19/20 volumes. |
|  | **ABWOR summary complaint**  Two wk avg currently 99% of 19/20 and 120% of 21/22.  21/22 volumes are 17% below 19/20 volumes.  Note this figure is composed of both Sheriff & JP court cases. |
|  | **ABWOR non-summary**  Two wk avg currently 89% of 19/20 and 128% of 21/22.  21/22 volumes are 30% below 19/20 volumes. |
|  | **Summary Sheriff**  Two wk avg currently 98% of 19/20 and 101% of 21/22.  21/22 volumes are 3% below 19/20 volumes. |
|  | **Summary JP**  Two wk avg currently 81% of 19/20 and 114% of 21/22.  21/22 volumes are 29% below 19/20 volumes. |
|  | **Solemn** **applications**  Two wk avg currently 141% of 19/20 and 123% of 21/22. 21/22 volumes are 15% above 19/20 volumes. The weekly average for 2022-23 is approaching that of 21-22.  The volume of solemn cases is expected to remain high and may increase as SCTS are planning to introduce further solemn trial courts in April 2023. |

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|  | **Sanction applications**  Two wk avg currently 111% of 19/20 and 127% of 21/22.  21/22 volumes are 13% below 19/20 volumes. |
|  | **Criminal Appeals – Reg 15 apps.**  Two wk avg currently 89% of 19/20 and 139% of 21/22.  21/22 volumes are 36% below 19/20 volumes. |

**Children’s Applications (up to & including w/e 5 March)**

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|  | **Children’s A&A**  2 week avg volumes are currently 72% of 19/20 and 93% of 21/22.  21/22 volumes are 22% below 19/20 volumes.  The geographic analysis project will also examine the lower levels of children’s A&A and legal aid cases in more depth. |
|  | **Children’s ABWOR**  Two week average volumes are currently 95% of 19/20 and 106% of 21/22.  21/22 volumes are 10% below 19/20 volumes. |
|  | **Sheriff Court Applications**  Two week average volumes are currently 58% of 19/20 and 79% of 21/22.  21/22 volumes are 27% below 19/20 volumes. |

**Payments to Solicitor Firms (up to & including w/e 5 March)**

These figures are absolute payment levels. The fee increases of recent years will be having a progressive effect on payments levels varying according to average case duration (i.e. from grant of legal aid to payment of the account/s).

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|  | **Civil**  2 week avg payments are currently 103% of 19/20 and 108% of 21/22.  21/22 payments were 5% below 19/20 payments. |
|  | **Criminal**  2 week avg payments are currently 114% of 19/20 and 130% of 21/22.  21/22 payments were 12% below 19/20 payments. |
|  | **Children’s**  2 week avg payments are currently 81% of 19/20 and 100% of 21/22.  21/22 payments were 19% below 19/20 payments. |
|  | **All Aid Types**  2 week avg payments are currently 109% of 19/20 and 121% of 21/22.  21/22 payments were 10% below 19/20 payments. |

**Notes**

# The figures in this management report are draft figures.

# Figures for applications and grants do include PDSO, CLAO & SCL. But the payments do not include payments for block-allocated funding such as CLAO, PDSO or grant funding.

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|  | **Governance Links** |
| 1 | Finance and Resources  N/A |
| 2 | Risk  Trend analysis provides valuable insight to enable us to manage our corporate risks. |
| 3 | Legal and Compliance  N/A |
| 4 | Performance  The paper provides a context within which performance information can be assessed. Some of the analysis supports and extends on points within the Performance paper. |
| 5 | Equalities Impact  N/A |
| 6 | Privacy Impact and Data Protection  N/A |
| 7 | Communications and Engagement  This paper has been agreed for publication. Trends issues for external or internal communication are considered as appropriate. |

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| **Appendices/Further Reading** |
| None. |