**BOARD REPORT**

**AGENDA ITEM: 13
REPORT NUMBER: SLAB/2023/39**

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| **Report to:** | The Board |
| **Meeting Date:** | 18th September 2023 |
| **Report Title** | Trends Update September 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. Our timely, clear and consistent decisions on legal aid applications and accounts deliver a positive customer experience
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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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| **Executive Summary** |
| Civil A&A (other than immigration and mental health) remains low. Civil legal aid (other than Adults with Incapacity) also remains low. Main criminal legal aid volumes are very similar to 19-20 other than sanctions and appeals. These lower levels of sanctions and appeals reflect a lower rate of cases being concluded.Children’s volumes remain low.Payment levels are now above those seen in 19-20. However there have been 4 fee increases over the same time. |

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| **Previous Consideration**  |
| **Meeting** | **Detail** |
| March 2023 | Civil A&A and civil legal aid other than AWI remained below 19-20. Criminal volumes were similar or above 19-20. Children’s remained below 19-20. Civil & Criminal payment levels had increased to the level of 19-20, children’s remained below. |
| 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. |

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| **Report** |

**Introduction**

To illustrate current trends in legal assistance the reporting is using a weekly period basis for analysis.

Weekly application volumes received, and payments made, from January 2023 onwards are compared with 3 comparison financial years. These comparisons are shown as 52/53-week averages so appear as horizontal lines.

The comparison years are:

* 2019/20 is defined as the 52 weeks from w/c 01-Apr-19[[1]](#footnote-2) to w/c 23-Mar-20 (black dash;
* 2021/22 is defined as the 53 weeks from w/c 29-Mar-21 to w/c 28-Mar-22 (green dash);
* 2022/23 is defined as the 52 weeks from w/c 04-Apr-22 to w/c 27-Mar-23 (grey solid);

The pre-pandemic year of 2019/20 is used as a key planning benchmark. 21/22 and 22/23 are used to establish a sense of any more recent trend in figures.

A 2 week current average has been used as the basis for comparing the current weekly figures with the previous years. The horizontal axis shows weeks (w/c Monday), w/c 28 August 2023 is the week ending on Sunday 3rd September 2023.

This format of reporting and the use of weekly reporting periods was introduced in the spring of 2020 to establish a more responsive method of reporting to better understand short term legal aid trends during the various lockdowns and opening ups, court initiatives etc.

We are now planning to review the reporting periods and format to ensure that the Trends Update remains fit-for-purpose.

**Civil Applications (up to & including Sunday 3rd September)**

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|  | **Civil A&A and ABWOR combined excl mental health & immigration/asylum.**Current avg volumes are 68% of 19/20 and 104% of 22/23.22/23 volumes were 35% below 19/20 volumes. |
|  | **Immigration/asylum A&A/ABWOR** Current level is 139% of 19/20 and 142% of 22/23.22/23 volumes were 2% below 19/20 volumes. |
|  | **Mental health A&A/ABWOR** Current level is 111% of 19/20 and 107% of 22/23.22/23 volumes were 10% above 19/20 volumes. |
|  | **Civil Legal Aid ALL** Now at 95% of 19/20 levels and 110% of 22/23.22/23 volumes were 13% below 19/20 volumes. |
|  | **Civil Legal Aid FAMILY only** Currently at 92% of 2019/20 levels and 111% of 22/23.22/23 volumes were 17% below 19/20 volumes. |
|  | **Civil Legal Aid Adults with Incapacity (AWI) only** Currently at 124% of 2019/20 levels and 109% of 22/23.22/23 volumes were 14% above 19/20 volumes. |
|  | **Civil Legal Aid Non-family ex-AWI only** Currently at 54% of 2019/20 levels and 106% of 22/23.22/23 volumes were 49% below 19/20 volumes. |
|  | **Civil Sanction** Two wk avg currently 109% of 19/20 and 100% of 22/23.21/22 volumes were 19% above 19/20 volumes.22/23 volumes were 9% above 19/20 volumes. |
|  | **Civil Extension Apps – Cost Limit only**Two wk avg is currently 153% of 19/20 and 113% of 22/23.22/23 volumes were 35% above 19/20 volumes.The number of requests to extend the cost limit of civil cases remains high compared with previous years. The civil case cost limit mechanism was introduced in 2013 – there have been no general increases to the limits since then.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 84% of 19/20 and 111% of 22/23.22/23 volumes were 24% below 19/20 volumes. |
|  | **Civil Reg 18(1)(b)**Two wk avg is currently 84% of 19/20 and 109% of 22/23.22/23 volumes were 23% below 19/20 volumes. |

**Criminal Applications (up to & including w/e 3rd September)**

In criminal the 3 most recent financial years have been used as the comparison years, i.e. 2020/21, 2021/22 and 2022/23.

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|  | **All CJA Intimations Received [Police Station]**Two wk avg currently 80% of 19/20 and 101% of 22/23.22/23 volumes were 21% below 19/20 volumes. |
|  | CJA Intimations Received – **Domestic Only** Two wk avg currently 62% of 19/20 and 101% of 22/23.22/23 volumes were 39% below 19/20 volumes. |
|  | **ABWOR summary complaint** Two wk avg currently 98% of 19/20 and 116% of 22/23.22/23 volumes were 15% below 19/20 volumes.Note these figures are composed of both Sheriff & JP court cases. |
|  | **ABWOR non-summary** Two wk avg currently 80% of 19/20 and 103% of 22/23.22/23 volumes were 22% below 19/20 volumes. |
|  | **Summary Sheriff**Two wk avg currently 99% of 19/20 and 105% of 22/23.22/23 volumes were 6% below 19/20 volumes. |
|  | **Summary JP**Two wk avg currently 72% of 19/20 and 100% of 22/23.22/23 volumes were 28% below 19/20 volumes. |
|  | **Solemn** **applications** Two wk avg currently 120% of 19/20 and 106% of 22/23. 22/23 volumes were 14% above 19/20 volumes. |
|  | **Sanction applications** Two wk avg currently 85% of 19/20 and 94% of 22/23.22/23 volumes were 10% below 19/20 volumes. |
|  | **Criminal Appeals – Reg 15 apps.**Two wk avg currently 69% of 19/20 and 106% of 22/23.22/23 volumes were 35% below 19/20 volumes. |

**Children’s Applications (up to & including w/e 13 August)**

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|  | **Children’s A&A**2 week avg volumes are currently 76% of 19/20 and 110% of 22/23.22/23 volumes were 31% 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 102% of 19/20 and 114% of 22/23.22/23 volumes were 11% below 19/20 volumes. |
|  | **Sheriff Court Applications**Two week average volumes are currently 77% of 19/20 and 124% of 22/23.22/23 volumes were 38% below 19/20 volumes. |

**Payments to Solicitor Firms (up to & including w/e 3 September)**

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 114% of 19/20 and 109% of 22/23.22/23 payments were 5% above 19/20 payments. |
|  | **Criminal**2 week avg payments are currently 130% of 19/20 and 128% of 22/23.22/23 payments were 2% above 19/20 payments. |
|  | **Children’s**2 week avg payments are currently 135% of 19/20 and 149% of 22/23.22/23 payments were 9% below 19/20 payments. |
|  | **All Aid Types**2 week avg payments are currently 125% of 19/20 and 122% of 22/23.22/23 payments were 2% above 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 ResourcesN/A |
| 2 | Risk Our analysis of trends and management information is a key mitigation for our corporate risks around the effectiveness of legal aid reforms and our ability to manage change. |
| 3 | Legal and ComplianceN/A |
| 4 | PerformanceThe 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 ImpactN/A |
| 6 | Privacy Impact and Data ProtectionN/A |
| 7 | Communications and EngagementThis 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. |

1. Weeks are defined as week commencing w/c Monday. [↑](#footnote-ref-2)