



The Real Impact of Legal Aid
Advice Cuts

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The Legal Action Group (LAG) decided to cross check the data presented by the Ministry of Justice (MoJ) in its Impact Assessment entitled “Legal Aid Reform in England and Wales-Cumulative Legal Aid Reform Proposals” [see Table 1]. LAG’s investigation was prompted by conversations with Julie Bishop, Director of the Law Centres Federation, who had observed that figures for social welfare law cases were greater using the 2009/10 case data rather than the 2008/09 data on which the MoJ estimates were based. In comparing the figures LAG found discrepancies which were more than just those which could be attributed to using the earlier data as opposed to the data for 2009/10. By using the older data, by counting only completed cases as opposed to new cases and by, it appears, not including telephone advice data, the MoJ has understated the numbers of the public potentially hit by the proposed cuts in legal aid by over 150,000.

Reduction in Legal Help Cases using LSC 2008/09 Figures

In an attempt to verify the MoJ’s data, LAG looked at the total cases per area of law started and completed from 2008/09 as recorded in the Legal Services Commission’s Statistical Informationⁱ 2008/09 for “controlled work”. This is initial advice work undertaken under what is called the legal help scheme in face to face interviews and over the telephone with members of the public. A small proportion of advice in this category is also undertaken by the Community Legal Advice Services, which are partnerships between the Legal Services Commission and Local Councils and serve nine local areas across the country.

The percentage reduction in cases reflected in the MoJ table was applied to the figures in the LSC’s report to try and verify the reduction in cases completed for 2008/09. This research produced drastically different results than those reported by the MoJ [see Table 2]. Whereas the total projected reduction in cases completed reported by the MoJ was only 502,000, the figures taken directly from LSC data coupled with the MoJ’s percentage reductions showed 575,418 fewer cases completed. This discrepancy of 73,418 cases completed raised serious concerns in LAG. A possible explanation for the difference in numbers was that the MoJ did not include telephone cases, which would also be reduced by the cuts in the scope of legal aid. The data used by the MoJ was also for cases completed as opposed to cases started. This led to the figures being understated by over 40,000. **Based on the 2008/09 figures, the projected number of the public who would lose out on legal advice services is 615,880 as against the MoJ’s figure of 502,000.**

Reduction in Legal Help Cases using LSC 2009/10 Figures

Using the same method of comparing the LSC controlled work statisticsⁱⁱ with the figures from the MoJ’s impact assessment LAG cross checked the figures for both cases started and completed from the most recent data for 2009/10 [see Table 3]. The outcomes of these calculations show an even greater number of members of the public who would lose legal aid advice services if the cuts in legal aid were introduced. Comparison with the 2009/10 data reveals that a reduction of 68% in cases completed would actually be a reduction of 617,096, a difference of 115,096 more cases. If the same percentages are applied to cases started, a 68% overall reduction in Legal Aid Services would mean a **653,659 decrease in cases started. This would mean 151,659 more people than the Government’s official figures suggest would not receive legal advice.**

LAG believes the overall numbers of cases increased in the year 2009/10 due to the combined impact of the Baby Peter case (though this would not have increased legal help cases), the recession and the last government's 5% increase in eligibility levels for legal aid. Using the 2009/10 figures, family cases for example show an increase of nearly 23,000 on the previous year. In another example reflecting the impact of the recession employment law cases, which are set to be completely removed from legal aid, show a rise of 3,500 which is an increase of over 12% on the previous year.

This data uncovered by LAG raises grave concerns over the extent of the planned government cuts. The government has used outdated and understated statistics which underestimate the impact of the proposals. We would hope the publication of these figures will give the government reason to think again before introducing cuts in legal aid which would deny access to justice to over 650,000 members of the public.

*Jessica Freitas and Steve Hynes,
Legal Action Group 19th March 2010.*

ⁱ Statistical Information 2008/09 Page 8 pub LSC

ⁱⁱ Statistical Information 2009/10 Page 4 pub LSC

Table 1

Legal Aid Reform in England and Wales Cumulative Legal Aid Reform Proposals Impact Assessment (IA)

Legal Department or agency:
Ministry of Justice

Annex 1A: Derivation of Legal Aid Savings

1. If there is no client behavioural change the reduction in legal aid is a pure transfer payment. In this case, approximately 500,000 cases might no longer fall within the scope of legal aid funding. The legal aid clients affected would no longer receive around £279m worth of legal services funded by the legal aid budget. Tables 1 and 2 break this down by category. These figures relate to the steady state position once the reforms are fully implemented. The figures relate to net legal aid costs of **cases closed** in 2008/09.
(emphasis added)

Table 1: Reduction in legal aid for customers (by volume of cases) 2008/09

LSC Statistical Category	Legal Help	
	Reduction in case volumes	Proportion of existing cases
Combined Family	n/a	n/a
Financial Provision	n/a	n/a
Help with Mediation	n/a	n/a
Other Family Matters	n/a	n/a
Priv. Law Children Act	n/a	n/a
Total Family	211,00	83%
Actions Against Police	2,200	55%
Consumer	3,200	100%
Education	2,100	97%
Clinical Negligence	3,600	100%
Community Care	0	0%
Debt	75,000	75%
Employment	13,300	100%
Housing	38,000	36%
Immigration	37,300	41%
Miscellaneous	3,800	75%
Personal Injury	0	0%
Public Law	0	0%
Welfare Benefits	113,100	100%
Total Civil	291,00	60%
Grand Total	502,000	68%

2. In Table 1 above and Table 2 below, where savings fall below 100% this is either because only part of the LSC statistical category in question is being removed from scope and/or because some excluded cases would continue to be funded.

Table 2**Reduction in Legal Help Cases using LSC 2008/09 Figures**

Category of Law	[Controlled Work] New Matters Started	Scope cut	Reduction in Case Volume	Completed Matters	Scope	Reduction in Case volume
Family	287,004	83%	238,213	255,120	83%	211,750
Housing	139,771	36%	50,318	133,613	36%	48,101
Welfare Benefits	137,557	100%	137,557	135,074	100%	135,074
Debt	132,936	75%	99,702	125,928	75%	94,446
Immigration	94,983	41%	38,943	102,792	41%	42,145
Mental Health	36,374	0%	0	35,322	0	0
Employment	28,218	100%	28,218	24,618	100%	24,618
Community Care	7,527	0%	0	6,045	0%*	0
Education	7,102	97%	6,889	6,547	97%	6,351
Miscellaneous	6,871	75%	5,153	5,138	75%	3,854
Actions against Police, ect.	4,709	55%	2,590	4,182	55%	2,300
Clinical Negligence	3,597	100%	3,597	3,583	100%	3,583
Consumer	3,084	100%	3,084	3,196	100%	3,196
Public Law	2,463	0%	0	1,773	0%	0
Personal Injury	1,616	100%	1,616	2,001	100%	2,001
Total Non-Family	606,808	62%	377,667	589,812	62%	363,668
Total	893,812	68%	615,880	844,932	68%	575,418

Table 3**Reduction in Legal Help Cases Using 2009/10 LSC Figures**

Category of Law	[Controlled Work] New Matters Started	Scope cut	Reduction in Case Volume	Completed Matters	Scope Cut	Reduction in Case volume
Family	309,708	83%	257,058	273,272	83%	226,816
Housing	140,575	36%	50,607	132,852	36%	47,827
Welfare Benefits	143,814	100%	143,814	137,987	100%	137,987
Debt	146,735	75%	110,051	142,016	75%	106,512
Immigration	98,643	41%	40,444	117,218	41%	48,059
Mental Health	38,177	0%	0	38,113	0%	0
Employment	31,725	100%	31,725	31,218	100%	31,218
Community Care	8,794	0%	0	7,423	0%	0
Education	5,335	97%	5,175	4,867	97%	4,721
Miscellaneous	4,751	75%	3,563	4,279	75%	3,209
Actions against Police, ect.	4,905	55%	2,698	4,253	55%	2,339
Clinical Negligence	4,024	100%	4,024	3,367	100%	3,367
Consumer	2,776	100%	2,776	3,131	100%	3,131
Public Law	2,218	0%	0	1,684	0%	0
Personal Injury	1,724	100%	1,724	1,910	100%	1,910
Total Non-Family	634,196	62%	396,601	630,318	62%	390,280
Total	943,904	68%	653,659	903,590	68%	617,096