

1. Country information

Country: England and Wales

Legal Aid Organisation name: Legal Aid Agency

Date of establishment: 1st April 2013

Population: 57 million (2013)

GDP: \$2.6 trillion¹

Legal aid spending: \$2.6bn²

Total number acts of assistance in 2013/14: in total we provided 1.8 million acts of assistance.

2. The Legal Aid Agency

The Legal Aid agency ('LAA') is an executive body of the Ministry of Justice. It was established in April 2013 following the introduction of Legal Aid Sentencing and Punishment of Offenders Act 2012. The LAA replaced the Legal Services Commission.

We provide civil and criminal legal aid and advice in England and Wales. We contract with private legal firms who provide legal services. Legal Aid lawyers must hold a legal aid contract in order to undertake legal aid work, to be awarded a contract they must meet the criterion set out in the tender such as the quality standards, regional presence and financial stability criteria.

Clients are able to select their own legal aid solicitor (provided they hold a contract in the relevant category of law) or choose a duty solicitor (in crime) to represent/ assist them in their case. If the client selects the duty solicitor in criminal cases then the duty solicitor will be assigned on a rota basis.

They can instruct barristers and experts to assist them in the case. We also employ public defender service solicitors and barristers who undertake a small amount of work equating to approximately 0.14% of the total legal aid spend.

In 2013/14 we delivered 1.8m acts of assistance to help people deal with their legal problems. We have a team of around 1,450 staff and offices in towns and cities across England and Wales. Our head office is in London. We maintain a regional office presence in order to be physically close to our providers and justice systems partners.

Our priorities are to:

- improve legal aid casework, for example by speeding up payments and eligibility assessments
- grow the capability of the Legal Aid Agency by investing in staff development and improving our working environment
- work with our partners to deliver changes to legal aid, including informing policy development and increasing online working

¹ GDP figure stated is UK wide GDP.

² This figure excludes administration costs and central funds expenditure.

3. The types of legal services provided in England and Wales

Legal aid is available for both civil and criminal matters. A table setting out the categories of law that are covered and the types of advice available in each area is set out in annex A.

Civil Legal Aid is available for cases involving an individual's life, liberty, physical safety and homelessness through legal advice, family mediation and representation in courts and some tribunals. This is possible where claimants meet the "means" and "merits" test and is available on a range of categories such as housing, debt, family or education problems. Civil Legal Aid includes contracted solicitors, mediators, and advice agencies that provide civil and family legal advice. The largest area of spend is for cases where children are potentially being taken into care by local authorities and here there is no means or merits test. Civil Legal Aid also delivers a national advice line for England and Wales, which includes telephone and internet, based services. We also contract with providers to deliver face-to-face civil legal aid services across a range of categories such as family and community care.

Criminal Legal Aid includes legal advice and representation to people being investigated or charged with a criminal offence. Legal aid is awarded in all criminal cases where the claimant meets the "means" test except at the Police station where it is not means tested. Criminal Legal Aid manages the duty solicitor schemes for police Stations and magistrates' courts, which ensures that those who need advice and representation can see a solicitor. The LAA commissions legal aid in Crown Courts through the Litigator and Advocate Graduated Fee Schemes (LGFS/AGFS), as well as contract directly with providers through the High Cost Cases team. The LAA also funds legal aid cases in the higher courts such as the Court of Appeal and the UK Supreme Court. The PDS provides criminal defence services directly to the public.

The following matter types were aided last year (2013/14):

Total Legal Aid Spend: \$2.7billion³

- Family \$1.2billion
- Other Civil \$0.1billion
- Police Station and Magistrates Court \$580m
- Crown Court \$891million

4. The Public Defender Service (PDS)

Since 2001, the Public Defender Service (PDS) has provided a specialist criminal defence service for legally aided defendants in criminal cases. In 2014, the PDS was expanded with the introduction of advocacy capability focusing on serious and complex Crown Court cases. PDS safeguards access to justice, representing clients anywhere in England and Wales in the event of market failure. PDS also supports wider MoJ and Justice system reform, assisting in the development of policy and leading the way in adopting digital working.

The PDS solicitor service operates from five offices in England and Wales: Darlington, Cheltenham, Pontypridd, Cardiff and Swansea. PDS offers an independent criminal defence service covering the full range of criminal work in the police station and Magistrates' Court through to the Crown Court and higher Courts where necessary. Representation for those under arrest or attending voluntarily at a Police Station is provided 24 hours a day, 7 days a week.

³ An exchange rate of £1 to \$1.55 has been applied

The PDS Advocacy Unit has 23 advocates in post. The Head Office is based in London, with our advocates geographically spread and able to provide advocacy services anywhere in England and Wales. The PDS Advocacy Unit offers an independent criminal defence advocacy service covering the Crown Court and higher Courts where necessary. Legally aided defendants in criminal proceedings can instruct our advocates directly, or via their solicitor.

PDS employees are civil servants who are directly employed by the Legal Aid Agency.

5. Evaluating quality

The LAA evaluates performance of providers through the use of peer review. Peer review is an independent quality assessment tool and is undertaken either on a sample basis or a targeted basis, the files are evaluated using a standard criteria and ratings system. Ratings are awarded based on the quality of advice and legal work. The quality of advice is assessed on a 1-5 rating with one being excellent and five being failure in performance, if a provider receives a four or a five then a further review will be conducted if the rating is not improved, this could have an impact on the providers contract. The LAA also uses contract management mechanisms to monitor quality and evaluate performance of providers. These include; auditing firms and Key Performance Indicators ('KPI's) which measure the providers' performance against the contract and allow contract managers to identify key areas of concern.

6. Reducing the number of court disputes

The Ministry of Justice (MoJ) has strategies to increase awareness of mediation and the availability of legal aid in order to encourage individuals to resolve issues as early as possible and outside of court proceedings. These strategies have included publicity campaigns and requiring parties bringing court proceedings in private family law matters to first consider mediation. The LAA have also begun paying for the first Family Mediation session for both parties where just one party is financially eligible for legal aid.

7. Digital

Our aim is to be a fully online agency. We have already made good progress in achieving this objective with much of our civil and criminal work already managed online; in most cases these are the more simple billing transactions.

In total we have 1.9 million crime and civil transactions fully online and there are approximately 1.2 million transactions still to be brought online.

The majority of our Civil Legal Aid billing is now paperless and exclusively online. Similarly, for Criminal Legal Aid, we are extending the benefits of current online working and we will continue to work to make the remainder of crime legal aid applications available online.

Digital justice system

As part of its reform of the Criminal Justice System (CJS) the Government is investing in technology to improve the efficiency of criminal proceedings. It aims to reduce duplication between CJS agencies and unnecessary attendance at court and remove the need for inefficient paper processes.

The CJS Efficiency Programme brings together the police, courts service, Crown Prosecution Service and National Offender Management Service, in a partnership with the Judiciary and magistracy, to deliver the 'digital courtroom' to both magistrates' courts and the Crown Court.

Magistrates, Judges, defenders, prosecutors, and others who work in a professional capacity in the courts, will be able to work from digital devices and present evidence to the court electronically. This will allow the criminal courts to move away from paper based working to working digitally by default.

A range of technologies are being introduced to enable the drive to efficiency:

- Police forces and prosecutors will be using a digital case file to prepare for first hearing cases.
- A case management data store for criminal courts will allow more efficient cross-system working. Case paperwork will be accessible to the CPS, courts staff, defence practitioners, probation officers, and the Judiciary.
- Wi-Fi will enable professional court users to access case management systems and/or secure email accounts from within the courtroom, and key areas around the courthouse.
- Digital presentation facilities will be available to present evidence and other material in the criminal courts. Presenters can quickly link up the content held on compatible devices to the in-court presentation system.
- Increased use of video links in criminal justice proceedings where this would provide a more cost effective alternative to the physical movement of people – and provided the interests of justice are protected.

Although criminal cases in the Crown Court are generally more complex the Government's vision is to have a complete digital Crown Court solution for all parties. This will increase flexibility to work with case material in preparation for court, and improve the ability to mark up, display and collaborate over digital evidence and case material during proceedings.

8. Legal aid transformation

The ongoing Legal Aid Transformation (LAT) programme continues to play a major part in the MoJ reform agenda. LAT will deliver a reformed legal aid system which costs the taxpayer less and commands the confidence of the public. Working with MoJ policy colleagues we have already begun to deliver reforms to criminal and civil legal aid services which are expected to deliver around an additional £333m of savings by 2018/19.

We have implemented the first two tranches of these reforms including changes to civil and family legal aid fees, introducing a Crown Court eligibility threshold to remove legal aid for the wealthiest defendants, and restricting legal aid for prison law.

Annex A

Civil Legal Aid (Covering advice and representation)		Criminal Legal Aid	Description
Category	Description		
Actions against the Police	In relation to an abuse of position or power by the police or any other public authority with the power to prosecute, detain, or imprison or where the case is a claim for personal injury based on allegations of deliberate abuse of a person whilst in the care of a public authority or other institution.	Advice in the police station	This includes advice when a person voluntarily attends a police station and advice where a person is arrested and questioned outside of the police station.
Community Care	In relation to community care assessments, issues around the delivery of services, grants for the provision of services for disabled persons	Advice and representation at the magistrates court	
Clinical Negligence	Specifically in relation to claims for damages in respect of clinical negligence which caused a neurological injury to a infant which left them severely disabled.	Representation in the Crown Court	
Debt	Where the client owns their own home and is at risk of losing that home	Representation in the Crown Court (Very High Cost Cases)	These are cases that are classified as Very High Cost Cases; they must be likely to last for over 60 days and involve complex matters.
Discrimination	In relation to the Equality Act 2010 and predecessor	Prison law advice and assistance	Prison law is available for disciplinary cases that engage article

Civil Legal Aid (Covering advice and representation)		Criminal Legal Aid	Description
	legislation		6.1 of the ECHR, parole board cases in which the parole board has the power to direct the release of the prisoner and in disputes involving the calculations of a client's sentence.
Education	Special Educational Needs and discrimination only	Judicial review proceedings where they are related to a criminal case	
Family	All public law family cases and those private law family (children and finance disputes) where there is a risk of child abuse or domestic violence	Proceedings in relation to Proceeds of Crime Act	
Family Mediation	Family Mediation and supporting legal advice.		
Housing	Where the client rents their home and is at risk of losing that home.		
Immigration and Asylum	Cases under the refugee conventions and cases involving Articles 2/3 of the Human Rights Convention; advice on immigration detention; immigration advice to victims of trafficking or domestic violence.		
Mental Health	Civil legal services in relation to matters arising from the Mental Health Act 1983, the Mental Capacity Act 2005 and 5(2) of Repatriation of		

Civil Legal Aid (Covering advice and representation)		Criminal Legal Aid	Description
	Prisoners Act schedule 1984. Advice and assistance on inherent jurisdiction of the High Court in relation to vulnerable adults.		
Public Law	Public law challenges to the acts, omissions or decision of public bodies.		
Welfare Benefits	<ul style="list-style-type: none"> • Appeals on a point of law in the Upper Tribunal, Court of Appeal and Supreme Court for all welfare benefits. • Appeals on a point of law relating to a council tax reduction scheme from the Valuation Tribunal to the High Court, Court of Appeal and Supreme Court. 		