

Data on legal aid for children & young people

Compiled by JustRights, 19/10/11

1. Summary of Key Data

- Current annual civil legal aid spending on children and young people (out of a total budget of £860m):
 - £145m on 41,000 cases involving under 18s (of which £120m is on family cases)
 - £125m on 124,000 cases involving 18-24 year olds (of which £90m is on family cases)
 - Over 80% of current spend is on legal representation (of which 60% is accounted for by under 18s), with remainder on legal help (of which three-quarters is accounted for by 18-24s)
- 6,000 children under 18 and 69,000 young people aged 18-24 will lose entitlement to civil legal aid if the proposals contained in the Legal Aid, Sentencing and Punishment of Offenders Bill become law including:
 - 25,840 social welfare law cases, costing £5.8m per year, including:
 - 9,040 debt cases costing £2.1m
 - 1,990 employment cases costing £0.5m
 - 5,680 housing cases costing £1.4m
 - 9,130 welfare benefits cases costing £1.8m.
 - 10,990 immigration and asylum cases costing £21.7m
 - 34,580 family cases (all for 18-24s) costing £25m
 - 1,090 clinical negligence cases costing £5.5m
 - 210 education cases costing £0.6m
 - 2,025 other cases costing £2.9m
- The total cost of all the cases being taken out of scope is £10m for children under 18 and £40m for young people aged 18-24
- Community Legal Advice telephone service helped 21,149 children and young people in 2010/11
 - Total cost of CLA for C&YP was £2m in 2010/11, up from £1.1m in 2008/09 – an 89% increase
 - Average cost of a CLA case for people of all ages has increased by 19.9% in two years
 - 18-24 young adults' cases cost on av. £20.38 (17%) less than those of adults aged 25 & over; whilst children's cases cost £28.50 (24%) less

2. Legal aid volumes & costs (staying in/out of scope post reforms), broken down by age and category of law

Based on 2009-10 closed cases.

Data provided by MOJ on 10/10/11 in response to Freedom of Information request made jointly by JustRights and The Children's Society.

MOJ's Table Notes:

- 1) Figures have been rounded appropriately therefore the totals may not sum to their individual components therefore the percent figures may not exactly relate to rounded totals.
- 2) The figures sum legal help (excluding telephone advice) and legal representation
- 3) Some categories which are remaining in scope may have some of the category out of scope in the figures. Similarly, some categories which are to be out of scope may have some of the category in scope in the figures. This is due to mis-reporting of data.

a) Civil Legal Aid – All Ages

	Volume			Cost (£m)			% Volume		% Cost	
	Current	In Scope	Out of Scope	Current	In Scope	Out of Scope	In Scope	Out of Scope	In Scope	Out of Scope
Family	371,610	124,590	247,020	594	425	167	34%	66%	72%	28%
Asylum	71,380	70,920	460	56	56	0	99%	1%	100%	0%
Immigration	59,390	5,830	53,560	29	6	23	10%	90%	20%	80%
Mental Health	38,180	38,180	0	35	35	0	100%	0%	100%	0%

Community Care	8,050	7,960	90	5.3	5.3	0.0	99%	1%	99%	1%
Debt	107,440	27,020	80,420	26	7	18	25%	75%	28%	72%
Employment	14,870	2,940	11,930	5.1	1.1	4.0	20%	80%	21%	79%
Housing	113,530	72,640	40,890	49	38	11	64%	36%	76%	24%
Welfare Benefits	109,800	30	109,770	23	0	23	0%	100%	1%	99%
Actions Against Police	4,510	2,250	2,260	3.8	1.8	2.0	50%	50%	47%	53%
Consumer	3,545	0	3,545	3.2	0.0	3.2	0%	100%	1%	99%
Education	1,990	1,040	960	2.6	1.6	1.0	52%	48%	59%	41%
Clinical Negligence	5,600	820	4,780	17	6	11	15%	85%	34%	66%
Miscellaneous	4,860	980	3,880	5.8	2.1	3.7	20%	80%	36%	64%
Personal Injury	2,760	180	2,580	4.0	0.7	3.3	6%	94%	18%	82%
Public Law	2,660	2,420	240	6.6	6.5	0.1	91%	9%	98%	2%
Grand Total	920,200	357,800	562,300	864	591	273	39%	61%	68%	32%

b) Civil Legal Aid – Under 18s

	Volume			Cost (£m)			% Volume		% Cost	
	Current	In Scope	Out of Scope	Current	In Scope	Out of Scope	In Scope	Out of Scope	In Scope	Out of Scope
Family	23,310	23,310	0	122	122	0	100%	0%	100%	0%
Asylum	7,950	7,930	20	8.5	8.5	0.0	100%	0%	100%	0%
Immigration	2,700	210	2,490	1.5	0.4	1.1	8%	92%	24%	76%
Mental Health	710	710	0	0.7	0.7	0.0	100%	0%	100%	0%
Community Care	990	990	0	1.1	1.1	0.0	100%	0%	100%	0%
Debt	360	80	280	0.1	0.0	0.1	23%	77%	38%	62%
Employment	110	20	90	0.0	0.0	0.0	15%	85%	17%	83%
Housing	1,480	1,050	430	0.6	0.5	0.1	71%	29%	78%	22%
Welfare Benefits	1,330	0	1,330	0.3	0.0	0.3	0%	100%	2%	98%

Actions Against Police	180	90	90	0.2	0.1	0.1	49%	51%	44%	56%
Consumer	25	0	25	0.0	0.0	0.0	0%	100%	0%	100%
Education	330	220	110	1.0	0.6	0.4	65%	35%	57%	43%
Clinical Negligence	870	230	640	6.9	2.3	4.6	27%	73%	33%	67%
Miscellaneous	150	50	100	0.6	0.3	0.3	33%	67%	53%	47%
Personal Injury	330	30	300	1.8	0.2	1.6	9%	91%	12%	88%
Public Law	290	270	20	0.6	0.6	0.0	93%	7%	99%	1%
Grand Total	41,100	35,200	5,900	146	137	9	86%	14%	94%	6%

c) Civil Legal Aid – 18 to 24

	Volume			Cost (£m)			% Volume		% Cost	
	Current	In Scope	Out of Scope	Current	In Scope	Out of Scope	In Scope	Out of Scope	In Scope	Out of Scope
Family	54,550	19,970	34,580	90	64	25	37%	63%	72%	28%
Asylum	14,300	14,220	80	11.0	11.0	0.0	99%	1%	100%	0%
Immigration	9,420	1,020	8,400	4.7	0.9	3.7	11%	89%	20%	80%

Mental Health	4,370	4,370	0	3.9	3.9	0.0	100%	0%	100%	0%
Community Care	1,000	990	10	0.7	0.7	0.0	99%	1%	100%	0%
Debt	11,370	2,610	8,760	2.6	0.6	2.0	23%	77%	24%	76%
Employment	2,390	490	1,900	0.7	0.2	0.5	20%	80%	23%	77%
Housing	15,420	10,170	5,250	5.5	4.2	1.3	66%	34%	77%	23%
Welfare Benefits	7,800	0	7,800	1.6	0.1	1.5	0%	100%	7%	93%
Actions Against Police	650	330	320	0.6	0.3	0.3	50%	50%	47%	53%
Consumer	270	0	270	0.1	0.0	0.1	0%	100%	1%	99%
Education	140	40	100	0.3	0.1	0.2	31%	69%	28%	72%
Clinical Negligence	520	70	450	1.4	0.4	0.9	13%	87%	32%	68%
Miscellaneous	520	100	420	0.4	0.2	0.2	20%	80%	45%	55%
Personal Injury	470	20	450	0.3	0.0	0.3	4%	96%	13%	87%
Public Law	360	330	30	0.7	0.7	0.0	90%	10%	96%	4%
Grand Total	123,600	54,700	68,800	125	88	37	44%	56%	71%	29%

d) Civil Legal Aid – 25 Plus

	Volume			Cost (£m)			% Volume		% Cost	
	Current	In Scope	Out of Scope	Current	In Scope	Out of Scope	In Scope	Out of Scope	In Scope	Out of Scope
Family	293,750	81,310	212,440	382	239	142	28%	72%	63%	37%
Asylum	49,130	48,770	360	36	36	0	99%	1%	99%	1%
Immigration	47,270	4,600	42,670	23	5	18	10%	90%	20%	80%
Mental Health	33,100	33,100	0	30	30	0	100%	0%	100%	0%
Community Care	6,060	5,980	80	3.5	3.5	0.0	99%	1%	99%	1%
Debt	95,710	24,330	71,380	23	7	16	25%	75%	29%	71%
Employment	12,370	2,430	9,940	4.4	0.9	3.5	20%	80%	21%	79%
Housing	96,630	61,420	35,210	43	33	10	64%	36%	76%	24%
Welfare Benefits	100,670	30	100,640	21	0	21	0%	100%	1%	99%

Actions Against Police	3,680	1,830	1,850	3.0	1.4	1.6	50%	50%	47%	53%
Consumer	3,250	0	3,250	3.1	0.0	3.1	0%	100%	1%	99%
Education	1,520	780	750	1.3	0.9	0.4	51%	49%	68%	32%
Clinical Negligence	4,210	520	3,690	8.9	3.0	5.9	12%	88%	34%	66%
Miscellaneous	4,190	830	3,360	4.8	1.6	3.2	20%	80%	33%	67%
Personal Injury	1,960	130	1,830	1.9	0.5	1.4	6%	94%	24%	76%
Public Law	2,010	1,820	190	5.3	5.2	0.1	90%	10%	98%	2%
Grand Total	755,500	267,900	487,600	593	366	227	35%	65%	62%	38%

3. Current legal aid volumes & costs for under 18s and 18-24s, showing split between legal help and civil representation

Provided by MOJ to The Children's Society in July 2011.

MOJ notes: The volumes relate to matters/proceedings closed in 2009/10.

a) Spending on legal help for under 18 year olds

Category group	Category	Volume	Gross Spend
Family	Family	3,821	989,457
Asylum & Immigration	Asylum	7,945	8,517,008
	Immigration	2,633	1,232,808
Mental Health	Mental Health	702	614,152
Social Welfare Law	Community Care	763	345,880
	Debt	353	79,411
	Employment	112	29,740
	Housing	1,324	302,329
	Welfare Benefit	1,324	261,365
Low volume	Actions Against Police	159	68,472
	Consumer	23	5,342

	Education	158	84,662
	Clinical Negligence	181	52,112
	Miscellaneous	77	9,084
	Personal Injury	122	35,701
	Public Law	171	56,398
Grand Total		19,868	12,683,920

b) spending on legal help for 18-24 year olds

Category group	Category	Volume	Gross Spend
Family	Family	37,515	9,176,574
Asylum & Immigration	Asylum	14,300	11,248,449
	Immigration	9,143	3,896,000
Mental Health	Mental Health	4,356	3,846,896
Social Welfare Law	Community Care	886	363,235
	Debt	11,363	2,554,196
	Employment	2,387	734,974

	Housing	14,167	3,084,972
	Welfare Benefit	7,801	1,549,970
Low volume	Actions Against Police	579	219,876
	Consumer	246	43,432
	Education	120	51,212
	Clinical Negligence	320	94,123
	Miscellaneous	454	49,246
	Personal Injury	367	96,108
	Public Law	258	93,038
Grand Total		104,262	37,102,299

c) spending on legal representation for under 18 year olds

Category group	Category	Volume	Gross Spend
Public Family	Other Public Law Children Act	2,657	8,025,356
	Special Childrens Act	13,168	93,860,626
Private Family	Combined Family Matters	1	2,955

	Domestic Violence	361	682,323
	Financial Provision	59	221,242
	Help with Mediation	0	0
	Other Family Matters	63	276,214
	Private Law Children Act	3,177	18,130,310
Non-Family	Actions Against Police	21	87,426
	Community Care	227	710,258
	Consumer	2	2,147
	Debt	4	20,926
	Education	174	981,633
	Employment	0	0
	Housing	158	312,126
	Immigration	73	230,521
	Clinical Negligence	691	7,016,784
	Mental Health	4	55,542
	Miscellaneous	74	601,350
	Personal Injury	205	1,948,740

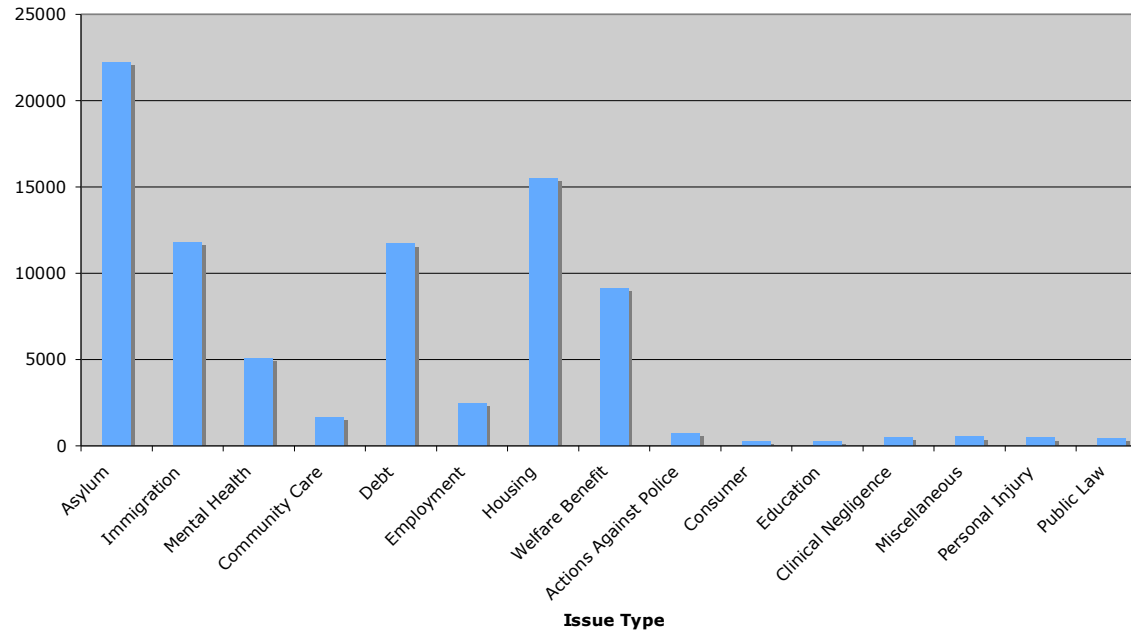
	Public Law	117	764,633
	Welfare Benefit	2	5,701
Grand Total		21,238	133,936,811

d) spending on legal representation for 18-24 year olds.

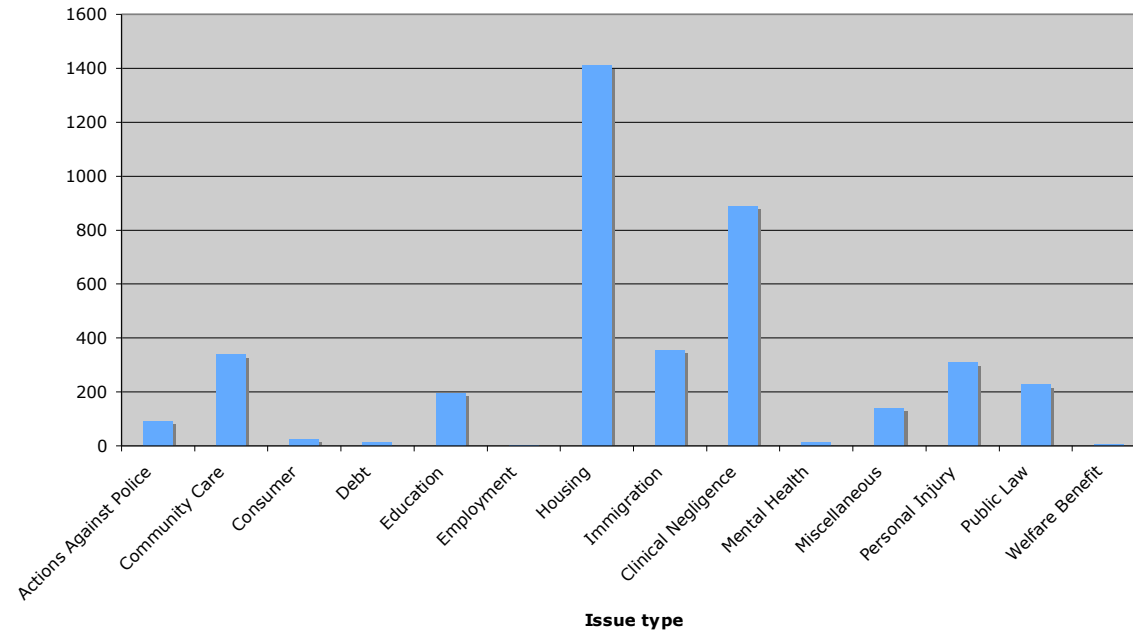
Category group	Category	Volume	Gross Spend
Public Family	Other Public Law Children Act	573	4,755,237
	Special Childrens Act	3,550	41,405,263
Private Family	Combined Family Matters	6	23,501
	Domestic Violence	4,139	9,628,189
	Financial Provision	259	756,300
	Help with Mediation	13	4,565
	Other Family Matters	173	437,672
	Private Law Children Act	8,319	24,404,166
Non-Family	Actions Against Police	70	393,192
	Community Care	110	362,855

	Consumer	21	142,664
	Debt	9	37,067
	Education	22	272,186
	Employment	3	1,562
	Housing	1,252	2,477,782
	Immigration	281	787,002
	Clinical Negligence	198	1,314,491
	Mental Health	11	64,051
	Miscellaneous	65	343,347
	Personal Injury	104	256,205
	Public Law	109	582,820
	Welfare Benefit	3	117,488
Grand Total		19,290	88,567,606

Legal Help for Under 25 year olds - volume of cases



Legal representation for under 25 year olds



4. Community Legal Advice – telephone advice stats, by age

Data provided by MOJ on 23/09/11 following Freedom of Information request by JustRights.

Matter Type Part 1	(All)
Matter Type Part 2	(All)

Values			
Row Labels	Sum of Actual Case Cost	Count of Matter Type Part 1	Average of Actual Case Cost2
2008/09	£ 8,686,356.29	90919	£ 95.54
0 to 17	£ 46,761.99	559	£ 83.65
18 to 25	£ 1,081,694.43	12395	£ 87.27
25 +	£ 7,395,736.52	75114	£ 98.46
Unknown	£ 162,163.35	2851	£ 56.88
2009/10	£ 12,742,965.51	122554	£ 103.98
0 to 17	£ 66,631.64	791	£ 84.24
18 to 25	£ 1,644,640.17	17893	£ 91.92
25 +	£ 10,953,228.59	102443	£ 106.92
Unknown	£ 78,465.12	1427	£ 54.99

2010/11	£ 14,202,138.02	123987	£ 114.55
0 to 17	£ 74,426.52	828	£ 89.89
18 to 25	£ 1,991,715.67	20321	£ 98.01
25 +	£ 12,059,866.66	101867	£ 118.39
Unknown	£ 76,129.16	971	£ 78.40
Grand Total	£ 35,631,459.82	337460	£ 105.59

5. Legal aid for children in clinical negligence cases – and proportion of all legal aid recipients who are children or have disability

Parliamentary answer by Jonathan Djanogly MP (Parliamentary Under Secretary of State (HM Courts Service and Legal Aid), Justice; Huntingdon, Conservative) in response to question by Mark Williams MP

Hansard (Citation: HC Deb, 20 July 2011, c1112W)

To ask the Secretary of State for Justice what proportion of individuals in receipt of legal aid were (a) under the age of 18 and (b) identified as having a physical or mental disability in the latest period for which figures are available; and how many cases in that period in respect of which such aid was granted concerned clinical negligence.

Figures relate to civil representation only for the financial year 2009-10.

	Overall proportion of legal aid recipients (percentage)	Total number of clinical negligence cases
Under 18	18	1,017
Physical or mental disability	11	1,589

6. Legal aid for children in clinical negligence cases – and damages

Parliamentary answer by Simon Burns (Minister of State (Health), Health; Chelmsford, Conservative) in response to question by Yvonne Forvargue MP

To ask the Secretary of State for Health how many settled claims funded by legal aid and brought against the NHS Litigation Authority were brought on behalf of a minor in each of the last three years; what proportion of all legally-aided claims that figure represents in each such year; and how much was paid out (a) in total and (b) on average in each such year.

Hansard (Citation: HC Deb, 8 June 2011, c360W)

The information to show how many settled claims funded by legal aid and brought against the NHS Litigation Authority that were brought on behalf of a minor in each of the last three years is in the following tables:

Number of clinical negligence claims funded by legal aid closed 2008-09 to 2010-11

Year of closure	Legally aided claims on behalf of a minor			All legally aided claims		Legally aided claims on behalf of a minor as % of all legally aided claims			
	Settled nil damages	Settled with damages	Total	Settled nil damages	Settled with damages	Total	Settled nil damages	Settled with damages	Total

2008-09	244	313	557	598	994	1,592 41	31	35
2009-10	251	349	600	573	1,068	1,641 44	33	37
2010-11	264	454	718	629	1,373	2,002 42	33	36
Total	759	1416	1,875	1,800	3,435	5,235 42	32	36

Number of clinical negligence claims funded by legal aid and settled as periodical payments 2008-09 to 2010-11

Year of settlement	Legally aided claims on behalf of a minor	All legally aided claims	Legally aided claims on behalf of a minor as % of all legally aided claims
2008-09	104	126	83
2009-10	100	107	93
2010-11	101	116	87
Total	305	349	87

Total value of clinical negligence claims funded by legal aid closed 2008-09 to 2010-11

Year of closure	Legally aided claims on behalf of a minor			All legally aided claims		
	Number settled with damages	Total payments (damages + costs) (£)	Average total payments (£)	Number settled with damages	Total payments (damages + costs) (£)	Average total payments (£)

2008-09	313	144,984,359	463,209	994	242,190,356	243,652
2009-10	349	106,465,010	305,057	1,068	196,185,439	183,694
2010-11	454	193,153,391	425,448	1,373	376,956,348	274,549
Total	1,116	444,602,760	398,390	3,435	815,332,143	237,360

Total value of clinical negligence claims funded by legal aid and settled as periodical payments 2008-09 to 2010-11

Year of settlement	Legally aided claims on behalf of a minor			All legally aided claims		
	Number of claims	Total damages + costs paid (£)	Average total damages + costs paid (£)	Number of claims	Total damages + costs paid (£)	Average total damages + costs paid (£)
2008-09	104	521,565,382	5,015,052	126	579,971,849	4,602,951
2009-10	100	475,373,847	4,753,738	107	492,964,405	4,607,144
2010-11	101	507,527,119	5,025,021	116	547,988,200	4,724,036
Total	305	1,504,466,348	4,932,677	349	1,620,924,454	4,644,483

Note: For periodical payment orders (PPOs) total damages have been added as if the claim had settled on a lump sum basis to the actual costs payments. *Source:* National Health Service Litigation Authority (May 2011)

7. Legal aid – children at risk of abuse; international child abduction

Parliamentary answer by Jonathan Djanogly MP (Parliamentary Under Secretary of State (HM Courts Service and Legal Aid), Justice; Huntingdon, Conservative) in response to question by Andy Slaughter MP

Hansard (Citation: HC Deb, 18 July 2011, c736W)

To ask the Secretary of State for Justice how many cases where legal aid advice or representation was provided, involved (a) children at risk of abuse and (b) international child abduction in 2009-10; and what the cost to the public purse was of the legal aid provided in such cases.

Table 1 shows the number of public law family cases and spend for 2009-10. It is considered that it is likely that children funded in these categories may be at risk of abuse.

Table 2 shows the number of international child abduction cases and expenditure funded under a legal aid certificate. However, there may also be other types of matters, such as wardship which involve issues of child abduction. These figures exclude advice and assistance under Legal Help as the LSC do not record this level of detail under legal help.

Table 1: Public law family cases, 2009-10

Category	Volume of closed cases	Closed case spend (£000)
Special Children Act	27,233	265,690
Other public law children	7,078	38,097

Table 2: International child abduction cases, 2009-10

Proceeding code	Volume of closed cases	Closed case spend (£000)
Child Abduction/Custody Act 1985	182	2,231
Child Abduction/Custody free (non means-tested) 188		2,598