

Legal Aid in Northern Ireland  
Annual Statistics  
**User Guide**

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Produced by Information & Analysis Unit (IAU), Legal Services Agency Northern Ireland, Department of Justice.

For further information contact:

Information & Analysis Unit  
Legal Services Agency Northern Ireland  
Department of Justice  
Third Floor  
AIB building  
92 Ann Street  
Belfast  
BT1 3HH

**Email:** [IAU@lsani.gov.uk](mailto:IAU@lsani.gov.uk)

Feedback on this user document can be provided directly to IAU at the email address listed above.

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## 1 The Legal Services Agency Northern Ireland

The Legal Services Agency Northern Ireland (LSANI; “The Agency”) supports the justice system and enables access to justice by administering publicly funded legal services impartially, effectively and efficiently within the established governing legislative and policy framework.

Created on 1 April 2015, upon the dissolution of the Northern Ireland Legal Services Commission (NILSC), LSANI operates as an executive agency within the Department of Justice (DoJ).

The Agency decides on applications for civil legal services against the statutory financial and legal tests to determine whether an individual should receive support. The Judiciary is responsible for granting criminal legal aid for defendants in criminal cases. The Agency also makes payments to the legal profession for services provided under both the criminal legal aid and civil legal aid services schemes while ensuring value for money.

The Agency’s main deliverables include:

- deciding applications for civil legal services in respect of advice, assistance, and representation and authorising independent legal representation for applicants to enable them to enforce and protect their rights;
- deciding requests for civil and criminal authorities to include expert witnesses and interpreter/translator requests;
- assessing and paying bills received for civil and criminal legal aid;
- conducting internal reviews and redeterminations of decisions as necessary;
- operational delivery of interpreting services;
- supporting the independent civil legal services appeals function;
- investigating and tackling fraud and error;
- registering firms, solicitors and barristers who do legal aid work;
- maintaining and developing systems, procedures and relationships which support all our key activities and the wider strategic aims of the DoJ;
- supporting the development and implementation of legal aid reform; and
- processing all business in a modern, digitally enabled, and sustainable way to deliver a high-quality user focused service.

## 2 Administrative Sources

Data underpinning this publication have been extracted from the Legal Aid Case Management System (**LAMS**) as annual snapshots. While the Agency is responsible for adjudicating on applications for civil legal services, the grant of criminal legal aid is a judicial function. Accordingly, legal aid data covering grants of criminal legal aid, while recorded on LAMS, are ultimately sourced from the case management system (**ICOS**) within Northern Ireland Courts and Tribunal Service (NICtS) and shared between the two organisations through a daily interface arrangement.

Prior to 2019/20, legal aid was primarily a paper-based operation, with only a subset of information stored electronically. The respective case management system (Phoenix) has since been decommissioned meaning that comparable data for years prior to those contained within the bulletin are less likely to be available.

As data stored on both the LAMS and ICOS case management systems constitute administrative data they are by nature considered live information that can change during the lifecycle of each case. Accordingly the statistics contained within the annual report are snapshots of data representing the position of these cases at year end.

### 2.1 Types of legal aid schemes

Legal aid is available through three different schemes:

- legal advice and assistance;
- civil legal aid; and
- criminal legal aid.

These schemes can be further defined into Categories of Service.

### 2.2 Categories of Service

#### **Advice and Assistance (AA)**

This Scheme allows an individual to obtain legal advice and assistance from a solicitor on a point of Northern Ireland law but does not include representation or advocacy in proceedings. It is usually the first point of civil legal advice and can be over the telephone or face-to-face, including in a police station (PACE). AA cases are broken down and presented into:

**Criminal (PACE)** – Relates to solicitor advice provided to assisted persons for Police and Criminal Evidence (PACE) cases. All such applicants are entitled to legal aid support and automatically granted on application. These cases are presented alongside criminal courts statistics within the report.

**Civil (Non-PACE)** – Where individuals get solicitor advice on civil matters such as personal injury, divorce, disputes over children, employment matters and housing.

#### **Civil Legal Aid**

##### **Representation in the Higher Courts**

Relates to cases where a solicitor and sometimes barrister carries out preparatory work and represents applicants on civil matters in the Higher Courts. These are usually within County

Court, High Court, Court of Appeal, Supreme Court, Lands Tribunal and the Enforcement of Judgements Office.

### **Representation in the Lower Courts**

Representation Lower Courts allows an assisted person to get a solicitor to prepare and represent them in most civil cases in the Magistrates' Courts. The types of cases heard in the Magistrates' Courts can include separation, maintenance, cases involving children, protection orders like a non-molestation Order and paternity cases. Representation Lower Courts can also be used for proceedings before a Mental Health Review and for prisoners making parole applications.

### **Exceptional Funding**

Exceptional Funding allows a solicitor and sometimes a barrister to represent applicants in cases like inquests which are not covered by any other scheme.

## **2.3 Natures and Matters**

Primary Nature is the highest recordable level of selection within each Category of Service, with each Primary Nature comprised of a further sub-set of Primary Matters. A list of LSANI's nature and matter selections broken down by level of service can be found at: <https://www.justice-ni.gov.uk/articles/nature-and-matter-selections-legal-aid>

While comprised of Natures and Matters, Criminal legal aid is typically administered by Court Tier.

While a criminal case may contain multiple charges (offences), the legal aid case is categorised within LAMS under the most serious charge (referred to as Primary Nature and Matter).

Within civil legal services, cases can be further disaggregated into **Family and Non-Family**, with Family cases further split in **Matrimonial and Non-Matrimonial**.

Children Order cases form a significant part of civil legal aid that spans Advice and Assistance (excluding PACE), Representation Lower and Representation Higher Categories of Service. Within Representation Lower and Representation Higher categories of service, Childrens Order can be separated into **Public Law** and **Private Law**. It is not possible to attribute a public or private law classification to Children Order natures within Advice and Assistance.

## **2.4 Key components of a legal aid case**

In terms of data, a legal aid **case** is comprised of individual **requests** for applications, payments, authorities etc. Similarly, each request is made up of **tasks**. For example, an application request is built on two tasks; a *means test* (to determine an applicant's financial eligibility for legal aid) and a *merit test* (where the likelihood of success and benefit to the applicant is taken into consideration).

### **2.4.1 Cases**

- The adjudication of a legal aid application, and subsequent management of the case operates on a case-level basis. Together with data limitations, it is not possible to identify multiple cases from the same individual.

- A case is considered closed on LAMS once a final bill (Report on Case) is submitted and processed from each attached supplier. However, in specific circumstances, a case can be re-opened to process as additional payment, meaning a case can be closed in multiple years.

## 2.4.2 Requests

### Applications:

- While LSANI adjudicate on applications for civil legal aid, the granting of criminal legal aid is a Judiciary function. Once awarded, information is shared from ICOS to LAMS for LSANI to issue a legal aid certificate and administer legal aid, including payment of bills. As criminal legal aid has been granted by the time the data reaches the LAMS case management system, legal aid is considered granted on receipt. For this reason, the number of criminal legal aid applications granted (determined) equates to the number of criminal applications submitted (or received).
- Civil application requests can result in various outcomes:
  - **Granted** – applicant is eligible for legal aid and has satisfied the means and merit tests;
  - **Escalated** - on completion of the advice element of the case an Advice and Assistance grant can be escalated to a Representation Lower application to progress the case. In this instance, the costs for initial advice will be incorporated within the RL payment;
  - **Refused** – the applicant is ineligible for legal aid or has subsequently failed the means and/or merit test stage of the adjudication assessment;
  - **Undetermined** – where an applicant has not taken up the offer of legal aid which has been made by LSANI with a prerequisite of a financial contribution from the assisted person towards the overall cost of the case; and
  - **Withdrawn** – where the application has been withdrawn negating the need for a final outcome.
- Requests with an ‘escalated’ outcome are only applicable to civil applications for Advice and Assistance and are treated as granted within the compiling of these statistics.
- It is worth noting that applications that are initially rejected at the first decision stage and fall outside the scope of this granted definition are open to a review process, both internally and via an independent appeals panel. Therefore, a small number of these cases may subsequently be granted on appeal, following the provision of additional and more complete information. This could be within the same or a following reporting year.

## Payments:

- A payment request can be submitted by a registered solicitor, barrister or Third party Payee. These requests can be in the form of:
  - *Interim payment* – this may be to cover initial costs incurred by a solicitor to receive an expert report or opinion required to progress the case;
  - *Report on Case* – this represents the final bill submitted by each supplier attached to the case; and
  - *Additional Fees* – this covers any outstanding costs that were unknown or unclaimed within the report on case.

## 2.5 Authorised Expenditure

- Overall expenditure figures presented include VAT (where appropriate) and disbursements and reflect the total amount *authorised for payment* following assessment of individual bills. This represents the value of legal aid work undertaken within a set period.
- Payments made in one financial year do not necessarily reflect work undertaken in that financial year. Cases may have lasted for more than one year and individual earnings may be increased by one exceptional case lasting a number of years for which payment was received during the financial year in question.
- *Authorised expenditure* differs to *closed-case expenditure* (typically quoted in England and Wales), with the latter representing the total value of payments made to all legal aid suppliers throughout the duration of the case. This closed-case cost is used to inform average cost calculations.
- *Authorised expenditure* presented in Official Statistics releases will differ slightly to formal financial positions released by the Department as *Fund expenditure*. This is due to a number of accounting differences. For example, authorisations made in relation to legacy cases are processed and determined through LAMS, but are paid from a separate budget line, so excluded from published fund expenditure. Similarly, recoupments from historical cases can be made outside of LAMS (offline), but will be factored into reporting of fund expenditure. Other payments can be authorised, but delayed at the transaction stage causing the value to fall between reporting periods.



### 3 Suppliers of legal aid services

Since 2019, in order to be granted authority to provide, and be remunerated for, legal aid services in Northern Ireland, suppliers have been required to register (and be approved) on the legal aid case management system (LAMS).

There are three main types of supplier:

- **Solicitor Firms** are made up of solicitors who will be the first point of contact for an eligible person seeking access to justice. Certificates are issued to a Firm who may, given the nature and complexity of the case, employ counsel who will be attached to the case.
- **Barristers** may also be referred to as counsel and comprise a mix of Junior (BL) and Senior (KC) counsel.
- **Third party payees** typically provide an interpretation/translation service. Several third parties are registered with LSANI to provide various forms of such services including face-to-face, sign language and written translation services.

While each registered supplier is capable of submitting their own requests, including the submission of bills, on occasion a single bill may result in payment to a solicitor firm and counsel – for example, upon submission of a taxed bill of costs drafted by the Taxing Master.

## 4 Technical Notes

### Interpreting data

These figures are built from data snapshots extracted from a live IT system (LAMS) at fixed points in time, ensuring consistency of reporting across years. While care is taken when entering, processing and analysing the data, they are subject to inaccuracies inherent in any large-scale administrative recording system.

Furthermore, these databases are dynamic and any updates made subsequent to the taking of an extract, will not be reflected in figures produced from the extract. For this reason, real-time figures may vary slightly to those presented with this publication.

Exercise caution when interpreting these figures as counting rules and data collection methods may have changed over time. Please refer to the linked data sources for further information.

### Numbers and Percentages

Within the report, percentages and expenditure figures have rounded to the nearest whole number. For this reason it may appear that totals do not appear to tally.

Percentages calculated on base numbers of under 100 should be treated with caution to avoid drawing unwarranted conclusions.

### Population analyses

Where statistics have been standardised to enable direct comparison between groups, this has been based on the latest [NI mid-year population estimates](#). In Statistical Bulletin 1/2024, this was NISRA's 2022 update.

### Northern Ireland Multiple Deprivation Measure (MDM)

The [Northern Ireland Multiple Deprivation Measure 2017 \(NIMDM2017\)](#) replaced the NIMDM 2010 as the official measure of deprivation in Northern Ireland.

The MDM provides a mechanism for ranking Northern Ireland's 890 Super Output areas (SOAs) from the most deprived (rank 1) to the least deprived (rank 890).

### Local Geographies

Analyses at local geography level is based on the postcode registered with each application. By nature, this will include addresses such as prisons, hospitals and those applications where, for example, the assisted person is a minor and the associated address is that of a third-party taking proceedings on behalf of the child in a public law case. It is expected that in the majority of cases the registered address will reflect the primary residence of the assisted person.

In instances where address information is unknown or not available, these cases have been excluded from the respective sub-analyses, though will be included in the equivalent Northern Ireland total. On average 11% of applications granted each year do not have a valid postcode recorded.

Typically, NI headline statistics are broken down into the eleven council areas known as [Local Government Districts \(LGDs\)](#).

### **Geographical Location Attribution**

#### **Solicitor Firm**

The assignment of Local Government District (LGD) to solicitor firms are based upon the firm's address postcode provided at registration or during change of details updates. The postcode is linked to NISRA's most recently available [Central Postcode Directory](#) to geographically allocate the firm to an LGD.

#### **Applicant**

Applicants are attributed to a geographical location using the address postcode provided during the registration of an application onto the LAMS system.

It is likely that this will reflect the residing address for the applicant at that point in time. However, users should be aware that in some circumstances an alternative non-residential contact address may be provided e.g. prison, police station, solicitors office, child protection service.

As with solicitor firms, the applicant's postcode is linked to NISRA's most recently available [Central Postcode Directory](#) to allocate them to a geographical location.

#### **Average Distance**

The average distance to solicitor firm is calculated on the basis of straight line distance between the population weighted centroid of [Census Data Zones](#) (DZ2021) and nearest solicitor firm. Each area calculation is then weighted by the population size and aggregated up to LGD level to produce a population weighted average minimum distance to solicitor firm.