# The Value of Legal Aid in Northern Ireland

# **Final Report**

The Law Society of Northern Ireland in association with Rocket Science





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# **Executive summary**

# Introduction and approach

Legal Aid plays a vital role in providing access to justice for tens of thousands of people in Northern Ireland every year. While Legal Aid is generally seen as delivering a range of benefits to society, in Northern Ireland there is a gap in research that demonstrates *how* these positive outcomes are created and their *scale*. Being able to quantify the value of interventions such as this is becoming more and more important for securing funding and engaging policy makers. The Law Society of Northern Ireland (LSNI) therefore commissioned Rocket Science to conduct a study to understand the value of Legal Aid in Northern Ireland.

To do this, we have adopted a social return on investment (SROI) approach. SROI is an evaluative method which quantifies social, economic and environmental impacts of an intervention in a common currency which can then be compared to expenditure in order to assess whether the benefits outweigh the costs. Our approach began with a qualitative phase involving consultation with solicitors and other stakeholders in order to first understand the mechanisms through which Legal Aid creates outcomes. We then undertook a survey of Legal Aid solicitors (which received 346 responses) to gather quantitative data to estimate the scale and value of these outcomes.

## **Establishing and measuring outcomes**

Our study considers outcomes separately across family, civil (non-family) and criminal Legal Aid for cases between April 2021 and December 2023. Between the three areas of law, we quantified 12 different outcomes which are experienced by clients and their families, the criminal justice system, the police service, and social services. A larger number of important outcomes were identified in our consultation, but it was not possible to quantify all of these in the SROI analysis.

Using data from the Legal Services Agency for Northern Ireland (LSA) on the number of cases during the relevant time period, combined with estimates of the number of cases per person, we estimate the following number of Legal Aid recipients:

- 13,286 for family law
- 10,504 for civil law
- 29,598 for criminal law.

## Key assumptions and inputs

Using a combination of our survey of solicitors and evidence from wider literature, we estimated the proportion of Legal Aid recipients that each outcome applies to. In order to accurately estimate the outcomes that were directly caused by Legal Aid as opposed to other things, we made the following adjustments in our calculation.

**Table 1: Adjustments in calculation** 

Adjustment	Value	
	During case	2 years
Duration: how long the benefits last during	After case	2 years
and after a Legal Aid case	During and after case	4 years
	Non-molestation order	1 year
Drop-off: how much of the benefit is lost in the years after the case	50% in year two post-cas	se
Attribution: how much of the benefit is caused specifically by Legal Aid	75%	
Deadweight: the proportion of benefits	Family	25%
that would have happened without Legal	Civil	23%
Aid	Criminal	18%
Displacement: the amount of pre-existing activity that Legal Aid is replacing	0%	

For the costs of Legal Aid, we used the latest figures from the LSA's March 2024 statistical release.<sup>1</sup> From April 2021 to December 2023, £70m was spent on family Legal Aid, £29m on civil (non-family) and £99m on criminal.

## **Results**

Combining the above evidence, we have calculated the following impacts of Legal Aid in Northern Ireland.

<sup>&</sup>lt;sup>1</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. <u>Link</u>

- For every £1 invested in **family** Legal Aid, it generates **£3.62** in social value. 50% of the gross benefits accrue to clients and their families, 35% to public services, and the remainder to the criminal justice system.
- For every £1 invested in **civil** (non-family) Legal Aid, it generates £4.55 in social value. 63% of this related to clients and their families and 37% to the criminal justice system.
- For every £1 invested in **criminal** Legal Aid, it generates £12.71 in social value. Clients and their families experience 77% of this, while 14% goes towards public services and 10% to the criminal justice system.
- Overall, for every £1 invested in Legal Aid, it generates £8.32 in social value. This is split as 71% for clients and their families, 16% for public services, and 13% for the criminal justice system.

Our analysis indicates that the greatest value of Legal Aid is created from benefits such as improved quality of life and future opportunities due to avoiding criminal convictions, improved financial and employment situations, having fewer children placed into care, and fewer cases going to court. This is not to mention other critical benefits that were not quantified but which were consistently mentioned in our consultation. This includes factors such as the sense of justice delivered by Legal Aid, and the empowerment it provides people to engage in the legal system and enabling themselves and others to seek justice in the future.

# 1. Introduction

Legal Aid is a vital feature of the justice system in Northern Ireland which provides access to legal advice or representation for people who are unable to afford it – quite often the most vulnerable people facing challenging situations. People requiring legal services can have the costs of this covered, provided (in most cases) that they satisfy:

- A means test to assess whether the individual has sufficient income to pay for legal services
- A merit test which considers the likely outcome of the case and the implications for upholding justice.

In 2022/23, a total of £101.7m was spent on Legal Aid in Northern Ireland, across 63,976 cases.<sup>2</sup> Legal Aid can be used to cover costs for civil and family cases in relation to:

- Advice and Assistance written or oral advice given by a solicitor
- Representation Lower which allows solicitor representation in most civil cases in the Magistrates'
   Courts, Family Proceedings Court and some Tribunals such as the Mental Health Review Tribunal
- Representation Higher which allows solicitor and barrister representation in the County Court,
   High Court, Family Care Centre, High Court, Court of Appeal, Supreme Court, Lands Tribunal, and
   the Enforcement of Judgements Office
- Exceptional Funding which relates to representation in certain situations not covered by the previous three scenarios, such as inquests.

And for criminal cases on:

- PACE Advice and Assistance provided by a solicitor at the police station
- Magistrates Court
- Crown Court
- Court of Criminal Appeal.

Because of the importance of Legal Aid in ensuring anyone in Northern Ireland can access justice, it is important to regularly investigate how effectively Legal Aid is working and demonstrate its value in order to secure sustainable funding. The LSNI therefore commissioned Rocket Science to conduct a

<sup>&</sup>lt;sup>2</sup> Legal Services Agency Northern Ireland. (2023). Annual Report and Accounts 2022-23. <u>Link</u>

social return on investment (SROI) analysis in order to understand more about the impact that Legal Aid has on society.

#### 1.1 Rationale for this research

In one sense, there are obvious benefits of Legal Aid that explain why it is present in the legal system. It increases access to justice, it provides compensation to people who deserve it, and it brings financial savings for those who are least well off. However, identifying the full breadth of these benefits and understanding what they are worth is a greater challenge and one which has not yet been addressed in Northern Ireland.

Demonstrating how value is created and the scale of this is becoming more and more important for securing funding and engaging policy makers. Having evidence to support these can satisfy both the desire to illustrate the economic benefits of Legal Aid, as well as the social benefits created from increased access to justice. In recent years, several studies have been undertaken in other jurisdictions to do just that; there is now an opportunity to do the same in Northern Ireland.

## 1.2 What is social return on investment (SROI)?

SROI is an evaluation methodology used to assess the value created by an intervention and compares this against the costs. In order to make this comparison, SROI quantifies impacts in financial terms. However, at the core of the method is the ability to understand how this value is created and who experiences it – only when this has been understood can the quantitative results be considered. In addition, despite being presented in financial terms, the value can include non-financial impacts such as social or environmental benefits.

While there are various options for assessing the value of Legal Aid, SROI was the preferred approach due to its ability to provide a well-rounded narrative of how value is created, as well as capturing non-financial, societal benefits which are central to Legal Aid. Other more transactional approaches, such as cost benefit analysis, do not have this flexibility. In addition, there have been other recent studies on Legal Aid which focus on social value and align with the SROI approach, providing precedent and points of comparison for similar research in Northern Ireland.<sup>3</sup>

<sup>&</sup>lt;sup>3</sup> Recent research includes studies by <u>Pragmatix Advisory</u>, the <u>World Bank</u>, and an <u>SROI of Legal Aid in Scotland</u>.

SROI can be implemented in different ways. For this study, we have broadly followed the framework established by Social Value UK.<sup>4</sup> This provides guidance on how to identify and quantify impacts, and sets out eight principles that should be followed in order to achieve a robust SROI:

- 1. Involve stakeholders
- 2. Understand what changes
- 3. Value the things that matter
- 4. Only include what is material
- 5. Do not over-claim
- 6. Be transparent
- 7. Verify the result
- 8. Be responsive.

Our specific approach is explained in more detail below. In broad terms, we have sought to understand the changes caused by Legal Aid, estimate their value, and fulfil the eight criteria above by answering the following questions:

- Who changes?
- What changes?
- Which changes are (most) important?
- How big was the change?
- What was the duration of the change?
- How much do people value the different changes?
- What caused the change?

<sup>&</sup>lt;sup>4</sup> Social Value UK. (no date). The Principles of Social Value. <u>Link</u>

# 2. Context review

This section summarises the findings from our context review of Legal Aid services in Northern Ireland, which can be found in Appendix 1.

## 2.1 Legal aid in Northern Ireland

#### 2.1.1 Historical backdrop

Within Northern Ireland's historical and socio-economic context, Legal Aid is essential for access to justice. This is reflected in the country's comparatively high expenditure on Legal Aid – &42.71 per capita (2020) while the European average was &8.61. $^5$  In a society stricken with decades of conflict and division, Legal Aid plays a central role in ensuring that all individuals are treated equally before the law through access to professional legal representation. In turn, equality before the law and equal representation strengthens society's confidence in the rule of law and justice system.

Northern Ireland's high expenditure on Legal Aid is also partly a result of the socio-economic characteristics of its population. Northern Ireland has lower median incomes, and a higher proportion of its population in receipt of benefits, compared to the rest of the UK.<sup>7</sup> For example, 70% of households receive a benefit of any kind, compared to 62% in the UK.<sup>8</sup> In addition, the Northern Irish employment rate is typically lower than that of the UK. The employment rate in Northern Ireland currently stands at 71.8% compared to 74.5% in the UK as a whole, and since 2009 has averaged 4.8% lower than the UK.<sup>9</sup> A similar trend is also seen with regards to health, further pointing to lower living standards and therefore a greater need for Legal Aid in Northern Ireland. In the 2021 Census, 82% of people in England and Wales reported their health to be either 'good' or 'very good', 10 whereas in Northern Ireland the 2022/23 health survey this was 72%. 11

Northern Ireland also has lower rates of inequality compared to the rest of the UK; however, this may be because of the lower number of high-income earners and certain elements of the benefits system

<sup>&</sup>lt;sup>5</sup> Council of Europe. (2022). European judicial systems CEPEJ Evaluation Report: Part 1. Figure 2.26. <u>Link</u>

<sup>&</sup>lt;sup>6</sup> The Law Society of Northern Ireland. Access to Justice. <u>Link</u>

<sup>&</sup>lt;sup>7</sup>Joeseph Rowntree Foundation. (2022). Poverty in Northern Ireland 2022. Link

<sup>&</sup>lt;sup>8</sup> Northern Ireland Statistics and Research Agency. (2023). Family Resources Survey: Northern Ireland 2021/22.

<sup>&</sup>lt;sup>9</sup> Northern Ireland Statistics and Research Agency. (2024). Northern Ireland Labour Market Report. Link

<sup>&</sup>lt;sup>10</sup> Office for National Statistics. (2023). General health, England and Wales: Census 2021. Link

<sup>&</sup>lt;sup>11</sup> Department of Health. (2023). Health Survey (NI) First Results 2022/23. Link

providing a stronger safety net.<sup>12</sup> Nonetheless, there are 349,000 individuals (18% of the population) living in relative poverty in Northern Ireland.<sup>13</sup> As Legal Aid supports those without the financial means to access private legal advice or representation, it is essential for access to justice for the most vulnerable residents of Northern Ireland. This is further evidenced by the fact that 35% of all applications for Legal Aid granted in Northern Ireland were from the most deprived 20% of postcodes.<sup>14</sup>

#### 2.1.2 Current provision

The LSA is responsible for paying for Legal Aid. <sup>14</sup> Legal Aid in Northern Ireland falls under two main types: civil (including family law), and criminal, each of which has sub-categories as set out in the introduction. To qualify for Legal Aid, in most cases, an individual must pass a financial means check, and a test to check the merits of the case. The eligibility criteria and the process for determining whether an individual meets the criteria, vary across the different civil Legal Aid schemes. For criminal Legal Aid, an individual's financial eligibility is assessed by a judge who grants criminal Legal Aid if the applicant's means are insufficient to fund their own defence and it is in the interests of justice to do so.

Over the last three years, Northern Ireland has granted over 197,000 applications for Legal Aid. 62% of these were for criminal Legal Aid, however the majority (51%) of expenditure was on civil cases. 14 Of the 459 firms registered to provide Legal Aid services in 2022/23, 36% were located in Belfast, with all other regions except Armagh City, Banbridge and Craigavon having fewer than 50 firms registered.

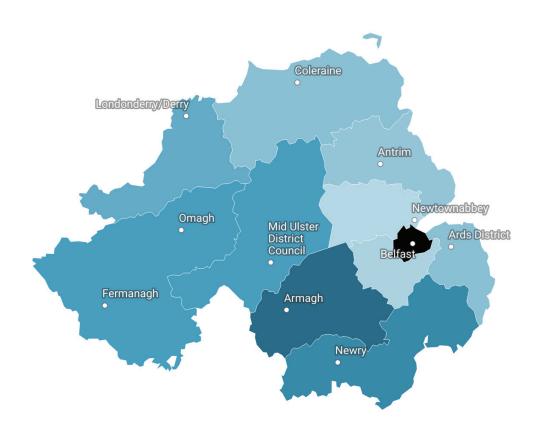
<sup>12</sup> Orme, S. (2023). Income and inequality: How does Northern Ireland compare with the UK as a whole? <u>Link</u>

<sup>&</sup>lt;sup>13</sup> Northern Ireland Statistics and Research Agency. (2024). Northern Ireland Poverty and Income Inequality Report 2022/23. <u>Link</u>

<sup>&</sup>lt;sup>14</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023 – Tables. <u>Link</u>

Figure 1: Registered solicitor firms 2022/23 [Source: Legal Aid in Northern Ireland: Annual Statistics to March 2023]





# 2.2 Previous economic analyses of Legal Aid

Previous research has explored the far-reaching impacts that Legal Aid has had on individuals and society. For example, providing Legal Aid can create savings for the criminal justice system, as individuals are professionally represented in court, easing the efficiency of the courts and improving outcomes. Savings to other public services can also result from Legal Aid through reduced demand on social assistance due to individuals maintaining employment, avoiding homelessness, and having improved mental health while dealing with legal problems. Research on Legal Aid has also discussed how proper legal support can have social benefits which are harder to quantify, including reduced life challenges and experiences of trauma, which are experienced by both the individuals receiving support and their families. Savings are savings to the criminal justice system, as individuals and improving the criminal justice system, as individuals and individuals are savings for the criminal justice system, as individuals and individuals and improving outcomes. The criminal justice system, as individuals and individuals are professionally represented in court, easing the efficiency of the courts and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system, as individuals and improving outcomes. The criminal justice system is a criminal justice system, as individuals and improving outcomes. The criminal justice system is a criminal justice system, as individuals and improving outcomes. The criminal justice

<sup>&</sup>lt;sup>15</sup> Graham, C. (2011). Unintended Consequences: The Cost of The Government's Legal Aid Reforms. <u>Link</u>

<sup>&</sup>lt;sup>16</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. <u>Link</u>

Several studies have quantified these impacts and conducted economic analyses – including SROI and other methods – to compare the cost of Legal Aid and the benefits it generates. The World Bank conducted a review of economic analyses of Legal Aid and found that approximately 50 cost benefit analysis (CBA) examples from various countries have all shown Legal Aid to have a net benefit.<sup>17</sup>

In 2017, Rocket Science and the Law Society of Scotland published a SROI of Legal Aid in Scotland, which estimated the social and economic benefits of criminal, housing, and family Legal Aid. <sup>18</sup> Similar to the present research, the methodology included a combination of outcomes mapping workshops, desk review, a solicitor survey, and analysis of data provided by the Scottish Legal Aid Board. <sup>18</sup> Further research in 2021 by Pragmatix identified the impact of free legal advice for those receiving the support as well as savings to public spending, including to national and local governments and the NHS. <sup>19</sup>

These two reports provided examples of good practice of economic analysis of Legal Aid, which informed the methodology and approach of this present study. Principally, a range of sources including primary research with legal professionals, a desk review of existing evidence, and analysis of data provided by the relevant Legal Aid authority, were used to inform the selection of benefits to include in the analysis and the estimation of the extent to which each benefit is realised. Accurate figures concerning the impact of Legal Aid provision on an individual's life and their future use of public services, is unavailable. Therefore, the analysis of a variety of data sources helps to ensure that the estimates are precise.

In addition, previous studies have reflected on the suitability of the SROI methodology itself for examining the benefits of Legal Aid. First, it was noted that the choice of the counterfactual situation (i.e. what the outcome would have been if an individual did not have access to Legal Aid) can significantly influence the interpretation and estimation of the benefits of Legal Aid.<sup>20</sup> Due to the nature of the counterfactual, data on what would have happened in the absence of Legal Aid is not available, and thus must estimated by the researcher. Without Legal Aid, the situation could potentially be resolved by itself, the situation could escalate, or the individual could seek legal assistance elsewhere.<sup>21</sup> Therefore, it is important to understand what benefits of resolving a legal

<sup>&</sup>lt;sup>17</sup> World Bank. (no date). A Tool for Justice: The Cost Benefit Analysis of Legal Aid. Link

<sup>&</sup>lt;sup>18</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

<sup>&</sup>lt;sup>19</sup> Leckie, C., Munro, R., and Pragnell, M. (2021). Defending the Public Purse: The Economic Value of the Free Legal Advice Sector. Link

<sup>&</sup>lt;sup>20</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. <u>Link</u>

<sup>&</sup>lt;sup>21</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. Link

issue may have been accomplished through alternative representation or self-litigation, or otherwise arise without support from Legal Aid. This was accounted for in this research through an adjustment for deadweight, discussed in Section 6.

Similarly, the services and costs covered through Legal Aid schemes vary by nation, and often by the financial status of the recipients. In Scotland, for instance, the Scottish Legal Aid Board (SLAB), covers between 40% and 80% of the costs of Legal Aid cases, and this was used as the basis for the attribution adjustment in the SROI of Scottish Legal Aid.<sup>22</sup> This is a crucial difference from Northern Ireland, where all reported legal costs are covered.<sup>23, 24</sup> As a result, an alternative approach was used to inform the proportion of benefits which could be attributed to Legal Aid, and this is further discussed in Section 6.

<sup>&</sup>lt;sup>22</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

<sup>&</sup>lt;sup>23</sup> NIDirect. (no date). Legal Aid. <u>Link</u>

<sup>&</sup>lt;sup>24</sup> In some instances, individuals can be asked to contribute up to £134 towards the costs of the case.

# 3. Methodology

# 3.1 Scope

The analysis considers Legal Aid funded cases within Northern Ireland between April 2021 and December 2023. This period was chosen to offer the maximum timeframe without case numbers being significantly skewed by the Covid-19 pandemic, which had the most impact between March 2020 and April 2021.

We have included all aspects of Legal Aid funded services and we have split our analysis to focus on:

- Family Legal Aid
- Civil (non-family) Legal Aid
- Criminal Legal Aid.

As described above, the aim of this research is to understand and quantify the benefits of Legal Aid to wider society. It is **not** designed to comment or make recommendations on Legal Aid processes, efficiency, or remuneration for practitioners.

## 3.2 Our approach

In order to set the parameters, gather data and conduct the calculations for the SROI, we took the following steps.

#### 3.2.1 Scoping

We carried out a preliminary phase of desk research focusing on the Northern Ireland Legal Aid landscape, best practice in SROI, and approaches taken in other recent studies around the value of legal aid. This allowed us to refine our approach to data collection and set the parameters for the analysis.

#### 3.2.2 Identifying outcomes

To identify the benefits that will be measured in the SROI, we held four outcomes mapping workshops with Legal Aid practitioners – one per legal area and one with representatives from the

LSA. These were attended by 12 people in total. In these sessions, we discussed the journeys of people going through the Legal Aid system, the outcomes that occur along the way, and who benefits from these.

The output of the workshops was a longlist of potential outcomes to include in the SROI, which was then refined into a shortlist of outcomes to capture data on. The decision around which outcomes to retain was based on factors such as whether:

- The outcome is specific and can be accurately measured
- A suitable financial proxy is available to quantify it
- Data relating to the outcome can be provided by practitioners highly personal benefits could not be captured
- There is no overlap between different outcomes that may cause double counting
- The outcome applies to a large number of people and is not limited to exceptional circumstances
- The outcome is a direct consequence of the support provided by Legal Aid, rather than a secondary effect.

The resulting set of benefits for inclusion in the SROI were broken down separately for family, c (non-family) and criminal Legal Aid, however there was some overlap between the different area law. There are certain outcomes which did not fulfil the above criteria but are nonetheless relevanted Legal Aid and the things that people value. We have included a discussion of these and why they have been excluded from the calculation in Appendix 3.

#### 3.2.3 Data collection

We collected data on the outcomes above using a survey which was distributed by LSNI to Legal Aid practitioners across the country, with different questions being asked for family, civil (non-family) and criminal Legal Aid practitioners. The questions asked practitioners to estimate the percentage of their cases that each outcome applied to, with all the responses then being averaged to reach an overall estimate. These average percentages were then combined with the total number of Legal Aid cases in the relevant time period – provided by LSA – to give an estimate of the number of people that experienced each outcome. For example, if the survey respondents on average said that 50% of their clients experienced improved mental health as a result of receiving Legal Aid, and there were 300 individuals in total that received Legal Aid during the relevant time period, then we would conclude that 150 people (50%\*300) experienced the outcome of improved mental health.

We note that the Legal Aid data from LSA provides the number of *cases*, not the number of *individuals*. Because the same person can have multiple cases, the number of cases is higher than the number of people who received Legal Aid, and so to use the number of cases would result in double counting. To calculate the number of individuals, we used an estimate of the number of cases per person and adjusted the LSA case numbers on this basis. More detail is provided at section 5.1.

The survey received 346 responses, representing 30% of all registered Legal Aid practitioners in Northern Ireland. The respondents were evenly split between family, civil (non-family) and criminal law. As shown in the table below, a significant proportion answered questions in more than one legal area.

Table 2: Survey responses by legal area

Legal area	Number of responses	Percentage of responses
Family	185	53%
Civil (non-family)	195	56%
Criminal	177	51%
Total unique responses	346	100%

As well as the outcome-specific questions, the survey also gathered data on practitioners' demographics and areas of work, which is provided in Appendix 2. Taking into account the high overall response rate, even spread across the three legal areas, and wide representation of other demographic details, we consider the results to be robust and are likely to be an accurate reflection of the whole population.

#### 3.2.4 Analysis

Combining the data collected on outcomes, financial proxies and beneficiary numbers with the annual costs of Legal Aid provided by LSA, we then calculated the total value of benefits and the SROI. This was supplemented by further desk research to inform any assumptions and adjustments required to ensure the results were robust and avoided over-claiming. In particular, we factored in adjustments for:

- Duration the total time period over which the benefits endure
- Drop-off the rate at which benefits decline within the time period

- Attribution the proportion of the benefits that are caused by Legal Aid
- Deadweight the proportion of benefits that would have happened anyway without Legal Aid
- Displacement the extent to which Legal Aid simply replaces an existing activity.

#### 3.3 Limitations

Before setting out the detail of our analysis and results, there are some limitations in our approach that are worth reflecting on. These are largely factors that were unavoidable due to the nature of the methodology and the subject matter. We do not consider them to impact the validity of our findings.

Ideally, SROI would involve data collection directly from service users – in this case Legal Aid recipients. Our analysis instead relies on data provided by practitioners who represent the recipients of Legal Aid. As such, there is a risk that certain perspectives and outcomes that are only known to this group have been omitted. Despite this, there are several benefits of using practitioners rather than their clients to provide data which may outweigh this limitation, specifically:

- a. We were able to easily contact practitioners through LSNI, whereas there would likely be more practical challenges in accessing their clients. At the same time, practitioners were consistently well-engaged in the research and wider issues, which may not have been the same for clients. As such, in using practitioners it is likely that we were able to collect data from a larger sample than if clients had been relied on.
- b. One of the benefits of Legal Aid is that it frees people from having to be as heavily involved in the legal process. Practitioners therefore typically have more awareness of the extent of what Legal Aid provides and how things would be different if it was not available.
   Consequently, it is the practitioners rather than recipients of Legal Aid who can provide the most insight into the outcomes associated with it.

Another limitation is that there are some benefits of Legal Aid which, although highly valued, are omitted from the analysis. This includes broad benefits which can be considered intrinsic to Legal Aid such as the fact that it creates a sense of justice and gives access to services for people that cannot afford it. Factors such as these underpin Legal Aid as a whole and arose in our consultation, but cannot be categorised as outcomes nor quantified.

There are two main limitations to our survey of practitioners. The first is that it relied primarily on using hypothetical questions to collect data – asking what would happen in the counterfactual

scenario where Legal Aid was not available. During our consultation, it became clear that in some cases it was challenging to imagine this counterfactual. By requiring respondents to speculate rather than provide definitive answers, the results are therefore inherently uncertain and will not be equal to the true value. However, this limitation is mitigated to an extent by the large number of survey responses.

Second, practitioners may have an incentive to promote Legal Aid which led them to overstate the extent of the benefits that arise. Practitioners we consulted evidently had a vested personal and professional interest in Legal Aid which, given the purpose of this research in demonstrating the value of these services, could make their responses biased. By taking a conservative approach throughout our analysis to avoid over-claiming, and applying downward adjustments such as optimism bias to the calculations, we have been able to counteract this effect. However, due to not knowing whether or to what extent it has occurred, we cannot say whether it has fully been negated.

# 4. Establishing outcomes

Table 3 below shows the full list of outcomes that are included in the SROI calculation, along with the rationale for why it has been included and any supporting evidence as relevant. The outcomes were identified through the outcomes mapping workshops as described in the methodology. From these workshops we reached a longlist of potential outcomes, which was shortened to those shown in Table 3. The decision around which outcomes to retain was based on factors such as whether:

- The outcome is specific and can be accurately measured
- A suitable financial proxy is available to quantify it
- Data relating to the outcome can be provided by practitioners highly personal benefits could not be captured
- There is no overlap between different outcomes that may cause double counting
- The outcome applies to a large number of people and is not limited to exceptional circumstances
- The outcome is a direct consequence of the support provided by Legal Aid, rather than a secondary effect.

We note that although separate workshops were held with criminal, family and civil (non-family) Legal Aid practitioners, many of the same points were raised, and this is reflected by the fact that several of the outcomes in the table below apply to all three areas of law. A discussion around the outcomes that were identified but excluded from the analysis is provided in Appendix 3.

For each outcome, we have identified who the beneficiary group is, to help us understand how the benefits of Legal Aid are distributed. In reality, many of the outcomes will benefit multiple groups. However, for simplicity we have focussed on the group we consider to be the primary beneficiary based on the nature of the outcome and the context of the discussion with practitioners.

**Table 3: Outcomes included in the SROI** 

Area(s) of law	Beneficiary group	Outcome	Rationale	Supporting evidence
Family, civil,	Clients and their	Improved mental	Legal aid supports clients to take on a	95% of 1,001 GPs considered that a lack of legal
and criminal	families	health	case without worrying about the cost.	advice on social welfare issues negatively affects
			The relief from financial worry can have	patients' health, to varying extents. <sup>25</sup>
			significant impacts on the individuals'	
			mental health. By not representing	Those who received advice from legal aid reported an
			themselves, clients also avoid stress	improvement of physical health and / or levels of
			and disruption to their life.	stress 44.1% of the time, compared to 23.3% for
				other sources of advice. <sup>26</sup>
Family, civil,	Clients and their	Improved	Legal Aid prevents people from	71% of Citizens Advice Bureau advisors in England
and criminal	families	relationships	representing themselves, which takes	and Wales said the experience of going to court
			up a substantial amount of time and	without a lawyer negatively impacts relationships with
			creates stress which can negatively	family and friends. <sup>27</sup>
			impact relationships with friends and	
			family.	Research on civil and social justice has shown that
				involvement in the justice system can cause
				relationships to break down. <sup>28</sup>
Family, civil,	Clients and their	Improved financial	Legal aid prevents clients from going	The Equality and Human Rights Commission (Great
and criminal	families	situation	into debt from representing themselves	Britain) find there to be financial problems for

<sup>&</sup>lt;sup>25</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. <u>Link</u>

<sup>&</sup>lt;sup>26</sup> Bradely. L. (2011). Cutting Legal Aid: Advice Sources and Outcomes in Civil Justice. Link

<sup>&</sup>lt;sup>27</sup> Vaughan, K., Parker, I., & Bunt., L. (2015). Standing Alone: Going to the Family Court without a Lawyer. <u>Link</u>. p. 4

<sup>&</sup>lt;sup>28</sup> Sandefur, R. (2010). The Impact of Counsel: An Analysis of Empirical Evidence. <u>Link</u>

Area(s) of law	Beneficiary group	Outcome	Rationale	Supporting evidence
			in a case or from bringing a case forward.	individuals across all areas of law, which can quickly lead to debts. <sup>29</sup>
Family, civil, and criminal	Criminal justice system	Fewer cases go to court	More cases are able to be resolved by a solicitor before being taken to court.	It has been shown that the removal of Legal Aid leads to more in-person litigants, which creates substantial court costs. <sup>30</sup>
Criminal	Criminal justice system	People get a better legal outcome and therefore are less likely to reoffend	Supporting people through legal system may reduce future reoffending.	Citizens Advice Bureau suggests worse legal outcomes are reached for those without representation, partly because they do not have the ability to adequately make their case. <sup>31</sup>
Criminal	Clients and their families	Clients maintain employment, and therefore income, during a case	Legal Aid saves clients time and stress compared to if they represented themselves, which enables them to maintain full-time employment during a case.	47% of Citizens Advice Bureau advisors in England and Wales agreed that going to the family court without legal representation places extra pressure on people's relationship with their employer. <sup>32</sup>
Criminal	Social services	Fewer children enter the care system	If a sole parent / carer enters prison, their children require social services intervention and will enter the care	Research has shown that children who entered court- supervised care remain in care for less time if their parents had legal representation. <sup>33</sup>

<sup>&</sup>lt;sup>29</sup> Organ, J., and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. <u>Link</u>

<sup>&</sup>lt;sup>30</sup> House of Commons Justice Committee. (2015). Impact of Changes to Civil Legal Aid Under Part 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012. Link

<sup>&</sup>lt;sup>31</sup> Vaughan, K., Parker, I., & Bunt., L. (2015). Standing Alone: Going to the Family Court without a Lawyer. <u>Link</u> p. 4

Vaughan, K., Parker, I., & Bunt., L. (2015). Standing Alone: Going to the Family Court without a Lawyer. <u>Link</u>
 National Legal Aid and Defender Association. (2020). Civil Legal Aid Helps Keep Families Together and out of the Child Welfare System. <u>Link</u>

Area(s) of law	Beneficiary group	Outcome	Rationale	Supporting evidence
			system and therefore incur additional	
			public expenditure.	
Criminal	Clients and their	Retain	Legal Aid can result in individuals	Citizens Advice Bureau suggests worse legal outcomes
	families	employment and	receiving a different legal outcome and	are reached for those without representation, partly
		therefore income	avoid a conviction or prison sentence.	because they do not have the ability to adequately
		due to avoiding	This can help them maintain their	make their case. <sup>34</sup>
		prison	employment and have a positive impact	
			on their future employment prospects.	
Criminal	Clients and their	Improved quality	Legal Aid can result in individuals	Citizens Advice Bureau suggests worse legal outcomes
	families	of life and future	receiving a different legal outcome and	are reached for those without representation, partly
		opportunities due	avoid a conviction or prison sentence.	because they do not have the ability to adequately
		to avoiding prison	This can limit future opportunities	make their case. <sup>35</sup>
		/ criminal	including social connections, mental	
		convictions	wellbeing, and travel opportunities.	
Civil	Clients and their	Migrants are able	If clients are able to get status as	N/A
	families	to get legal status	refugees or victims of trafficking, they	
		in the UK and	are able to move into work or	
		therefore enter	education, and may not have to rely on	
		work or education	support services.	

<sup>&</sup>lt;sup>34</sup> Vaughan, K., Parker, I., & Bunt., L. (2015). Standing Alone: Going to the Family Court without a Lawyer. <u>Link</u> <sup>35</sup> Vaughan, K., Parker, I., & Bunt., L. (2015). Standing Alone: Going to the Family Court without a Lawyer. <u>Link</u>

Area(s) of law	Beneficiary group	Outcome	Rationale	Supporting evidence
Family	Criminal justice	Fewer children	Minimising the level of disruption	A programme which provided young people with Legal
	system	enter the criminal	caused to the family by a legal case and	Aid support to access specialist services, was found to
		justice system in	obtaining a more positive legal outcome	have lowered rearrest rates by 31% to 45%. <sup>36</sup>
		future	may reduce future offending for	
			children involved in family cases.	
Family	Criminal justice	Reduced police	A non-molestation order usually occurs	Injunctions including non-molestation orders are
	system / police	and health	after several instances of police	recommended by the UK Government and charities as
		interventions from	involvement in domestic incidents, as	effective interventions for domestic abuse victims. <sup>37,</sup>
		domestic violence	well as fewer hospital admissions for	38, 39
		interventions	physical injuries. Once the perpetrator	
			is removed, it may reduce police	
			callouts and involvement in the family.	

<sup>&</sup>lt;sup>36</sup> Abel, L. & Vignola, S. (2010). Economic and Other Benefits Associated with the Provision of Civil Legal Aid. <u>Link</u>
<sup>37</sup> UK Government. (No date). Get an Injunction if You've Been the Victim of Domestic Abuse. <u>Link</u>

<sup>38</sup> Victim Support. (No date). Crime Info. <u>Link</u>
39 National Centre for Domestic Violence. (No date). Non- Molestation Order. <u>Link</u>

# 5. Measuring and valuing outcomes

This section sets out how we have quantified the outcomes identified in the previous section. There are two elements to this. First, we calculate the number of people experiencing each outcome – referred to as beneficiaries. This was done by estimating the number of individuals who received Legal Aid in the years 2021/22 and 2022/23 and then using data from our solicitor survey to calculate the percentage of these individuals that each outcome applies to. Second, we source financial proxies to indicate the monetary value per person of the outcomes.

#### 5.1 Number of beneficiaries

The LSA provided data on the number of annual Legal Aid cases broken down by area of law. The latest figures were released on 28 March 2024 and cover up to the end of 2022/23.<sup>40</sup> However, this data only reflects the number of *cases*, not the number of *individual people* who received Legal Aid. Because one person can be granted Legal Aid on multiple cases, using the number of cases to calculate the SROI would overstate the number of beneficiaries and value of benefits. We have therefore made an adjustment to the LSA data to estimate the number of individual people receiving Legal Aid. To do this, we used multipliers which denote the average number of cases per person in Scotland, provided by the Scottish Legal Aid Board (SLAB).<sup>41</sup> Although these figures will not represent the exact number of unique individuals receiving in Northern Ireland, this was the closest approximation available. Similarly, it is not possible to know how many people received Legal Aid in more than one area, meaning that the total number of individuals receiving any form of Legal Aid may be lower than the sum of the final column in the table below.

Table 4: Estimated number of individuals receiving Legal Aid, 2021/22-2022/23

Legal area	Total applications granted	Multiplier	Unique individuals
Family	26,307	1.98	13,286
Civil	20,798	1.98	10,504
Criminal	85,833	2.9	29,598

The solicitor survey provided data on the percentage of individuals experiencing each outcome. We therefore combined the number of unique individuals with the percentage from the solicitor survey

<sup>&</sup>lt;sup>40</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. Link

<sup>&</sup>lt;sup>41</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

to calculate the number of people experiencing each outcome. The results from this are set out in the table below. We note that the percentages have been rounded for presentational purposes, which may lead to differences between the figures shown in the final column of the table compared to what is calculated by multiplying the second and fourth columns.

Table 5: Number of people experiencing each outcome

			%	Number
Legal	Number of		experiencing	experiencing
area	individuals	Outcome	outcome	outcome
Family	13,286	Improved mental health	25.0%	3,322
Family	13,286	Improved relationships	50.0%	6,643
Family	13,286	Improved financial situation	32.9%	4,367
Family	13,286	Fewer children enter the criminal justice system in future	3.3%	437
Family	13,286	Reduced police and health interventions from domestic violence interventions	17.7%	2,353
Family	13,286	Fewer children enter the care system	19.7%	2,613
Family	13,286	Fewer cases go to court	23.7%	3,154
Civil	10,504	Improved mental health	25.0%	2,626
Civil	10,504	Improved relationships	50.0%	5,252
Civil	10,504	Improved financial situation	21.3%	2,234
Civil	10,504	Migrants are able to get legal status in the UK and therefore enter work or education	0.7%	72
Civil	10,504	Fewer cases go to court	38.4%	4,032
Criminal	29,598	Improved mental health	25.5%	7,399
Criminal	29,598	Improved relationships	50.5%	14,799
Criminal	29,598	Improved financial situation	46.0%	13,605
Criminal	29,598	Clients maintain employment, and therefore income, during a case	60.8%	17,996
Criminal	29,598	People get a better legal outcome and therefore are less likely to reoffend	8.8%	2,598

Criminal	29,598	Fewer children enter the care system	15.8%	4,670
Criminal	29,598	Retain employment and therefore income due to avoiding prison	53.4%	15,795
Criminal	29,598	Improved quality of life and future opportunities due to avoiding prison / criminal convictions	87.8%	25,977
Criminal	29,598	Fewer cases go to court	32.7%	9,677

These figures suggest that some of the most significant positive impacts arising from Legal Aid include:

- Improved relationships and financial situation in family legal cases. This is primarily associated with the positive impacts of people not having to represent themselves for their case, which we found to incur substantial debt, as well as have damaging effects on stress levels and overall quality of life.
- Alongside improved relationships, the most wide-reaching benefit in civil cases is the reduction in
  the number of cases that go to court. As a result, fewer public resources are required to resolve
  the cases and the level of congestion in the legal system is reduced.
- Clients in criminal cases most commonly benefit from being able to maintain employment during their case. By having proper legal representation, this avoids stress and reduces the amount of time required from the individual, allowing them to maintain their job.
- By achieving a better outcome in their case, many criminal Legal Aid clients also benefit from
  greater liberty leading to improved quality of life future and opportunities in the long-term. This
  improves overall quality of life by enabling them to maintain social connections and enjoy
  experiences such as travel which convicted criminals cannot.

## 5.2 Financial impact

To assign a financial value to the outcomes above, we have used financial proxies which estimate the value associated with an impact based on the known price or cost of a similar activity. The financial proxies are sourced from either the Greater Manchester Combined Authority's (GMCA) unit cost database (updated in 2022) or from other SROI reports, with references provided in Table 6. These are both reliable and verified sources.

By their nature, it has not been possible to obtain financial proxies which exactly reflect each outcome. In cases where the proxy value is less representative of the outcome, we have considered multiple options for proxies and chosen the one we believe to be the most accurate and robust. The values were also checked against those used in the Legal Aid SROI conducted in Scotland. This should reduce the uncertainty associated with using proxies, which is further accounted for through an adjustment for optimism bias. Optimism bias accounts for the fact that people tend to overstate benefits and understate costs by making a downward adjustment to our estimated financial benefit. We have chosen the percentage of optimism bias for each financial proxy according to the guidance from HM Treasury. On this basis, we applied a 40% downward adjustment to all values, except for the proxy measure of "can rely on family" which was from a more recent study and has a 15% adjustment.

The financial proxies used for each outcome are shown in Table 6. All values have been updated to 2022/23 prices to align with the most recent year of Legal Aid case and cost data.

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<sup>&</sup>lt;sup>42</sup> HM Treasury. (2024). Supporting Public Service Transformation: Cost Benefit Analysis Guidance for Local Partnerships. <u>Link</u>

Table 6: Financial proxies used in calculation

Outcome	Financial proxy source	Financial proxy measure	Value (2022/23 prices)
Improved mental health	GMCA unit cost database <sup>43</sup>	Average cost of service provision for adults suffering from depression and/or anxiety disorders, per person per year	£5,333
Improved relationships	Routes to Impact SROI <sup>44</sup>	Can rely on family	£7,312
Improved financial situation	Community Investment Activities SROI <sup>45</sup>	Relief from being heavily burdened with debt	£13,091
People get a better legal outcome and therefore are less likely to reoffend	GMCA unit cost database	Average costs of incident of crime across all types of crime	£1,160
Reduced police and health interventions from domestic violence interventions	GMCA unit cost database	Domestic violence - average cost per incident	£3,331
Fewer children enter the care system	GMCA unit cost database	Children taken into care- average fiscal cost across different types of care settings, England, per year	£69,513
Fewer cases go to court	GMCA unit cost database	Unit cost of a court event: Violence against a person over 18 (per person per court event)	£17,148
Migrants are able to get legal status in the UK and therefore enter work or education	GMCA unit cost database	Not in Education, Employment, or Training (NEET)  Average future annual costs per individual related to earlier NEET status (average of men and women)	£7,495

<sup>&</sup>lt;sup>43</sup> Greater Manchester Combined Authority. (no date). Cost Benefit Analysis. <u>Link</u>

<sup>&</sup>lt;sup>44</sup> SeBlonka, L. (2023). Routes to Impact – Understanding the Social Value of Employability and Skills Interventions in the Third Sector. <u>Link</u>

<sup>&</sup>lt;sup>45</sup> Trotter, L., Vine, J., and Fujiwara. (2015). Community Investment Activities: Measuring the Indirect Impact of Improved Health on Wellbeing. <u>Link</u>

Outcome	Financial proxy source	Financial proxy measure	Value (2022/23 prices)
Clients maintain employment, and therefore income, during a case	Community Investment Activities SROI	Value of full-time employment	£17,316
Retain employment and therefore income due to avoiding prison	GMCA unit cost database	Not in Education, Employment, or Training (NEET)  Average future annual costs per individual related to earlier NEET status (average of men and women)	£7,495
Improved quality of life and future opportunities due to avoiding prison / criminal convictions	DWP guidance paper <sup>46</sup>	Cost of not meeting up with friends a number of times a week	£22,111

<sup>&</sup>lt;sup>46</sup> Fujiwara, D., Oroyemi, P., and McKinnon, E. (2013). Wellbeing and Civil Society: Estimating the Value of Volunteers Using Subjective Wellbeing Data. <u>Link</u>

# 6. SROI adjustments

The financial values and number of beneficiaries in section 5 form the basis of the SROI calculation. However, there are several other adjustments that must be made to ensure the results account for other factors that might affect the scale and duration of the benefits measured. These adjustments serve to make the analysis more robust and fulfil the fifth principle of SROI – do not over-claim. We have given consideration to:

- Duration how long the benefits last during and after a Legal Aid case
- Drop-off how much of the benefit is lost in the years after the case
- Attribution how much of the benefit is caused specifically by Legal Aid
- Deadweight the proportion of benefits that would have happened without Legal Aid
- Displacement the amount of pre-existing activity that Legal Aid is replacing.

The following subsections explain our rationale for each adjustment, the final values of which are summarised in the table below.

Table 7: Summary of adjustments in calculation

Adjustment	Value		
	During case	2 years	
Duration	After case	2 years	
Duration	During and after case	4 years	
	Non-molestation order	1 year	
Drop-off	50% in year two post-case		
Attribution			
	Family	25%	
Deadweight	Civil	23%	
	Criminal	18%	
Displacement	0%		

#### 6.1 Duration

There are two facets to consider around the duration of benefits. First, whether they occur during or after the case. Second, how long they last for, or how long we can reasonably say they are caused by

Legal Aid. Because SROI generally measures benefits in years, the period over which they are calculated can have a material impact on the result – a two-year duration could double the value of benefits compared to a one-year period. At the same time, the duration of benefits will vary between each person and, when looking at future years, will be inherently speculative. Therefore, the time period used to calculate benefits comes down to a degree of judgement, and it is important to choose a duration that is realistic and avoids over-claiming.

Regarding the first element of duration, we have made a judgement on an outcome-by-outcome basis as to whether they occur during, after, or during *and* after the client's case. This judgement was based on the nature of the outcome and how it was framed in our consultation with practitioners.

Appendix 4 sets out the full SROI calculation including the timeframe for each outcome.

Second, for the number of years that benefits last for, we took a different approach for those that are during and after the case. For benefits that occur *during* the case, we used data from LSA on the average duration (in years) of different types of Legal Aid cases within criminal, representation higher, representation lower, and advice and assistance. To estimate the duration of a criminal case, we took the average duration across all types of criminal cases. These ranged from one to five years and averaged 2.4 years. For family and civil cases, we took the weighted average – weighted by the proportion of cases falling under that category – across the three types of Legal Aid. This also gave an average case duration of 2.4 years. The data on durations does not distinguish between family and non-family civil cases, so we have used the same duration for both. This calculation is shown below.

Table 8: Duration of family and civil Legal Aid cases [rounded to one decimal place]

Legal area	Weighting	Average	Weighted average
Advice and assistance	0.7	1.1	0.7
Representation lower	0.2	2.9	0.5
Representation Higher	0.2	6.7	1.2
Exceptional grant funding	0	0	0
All civil Legal Aid	1	3.6	2.4

The resulting averages for family, civil and criminal Legal Aid were then rounded down to the nearest year to provide a round figure and reduce the risk of over-claiming benefits. The data from LSA suggests that there are a wide range of durations depending on the nature of the case – from one year up to nine. As such, the average does not reflect the full range of different cases and how long the associated benefits might last. However, our analysis of outcomes does not distinguish between

the specific outcomes associated with every different type of case, and to do so would be challenging and disproportionately detailed. In addition, although some cases last much longer than two years, it is possible that the extent of the associated benefits will decline as the case goes on, and new adverse effects may come into play as clients grow fatigued of the lengthy process. Therefore, we consider the estimated average case duration of two years to be realistic.

For outcomes that arise *after* the case has closed, we have opted to measure these for a period of two years. We consider this duration to strike a balance between reflecting the fact that many of the outcomes are significant changes to people's lives that should last over multiple years, whilst avoiding over-claiming.

One exception in the duration of benefits after case closure is for the outcome of reduced police and health interventions for domestic violence issues, associated with non-molestation orders being granted. For this outcome we have assigned a duration of one-year post-case due to the fact that a non-molestation order lasts for one year before it must be renewed. The resulting durations for all types of outcomes are shown in the table below.

Table 9: Duration of outcomes in SROI calculation

Nature of outcome	Duration
During case (family, civil and criminal)	2 years
After case (family, civil and criminal)	2 years
During and after case (family, civil and criminal)	4 years
Non-molestation order (family)	1 year

# 6.2 Drop-off

Drop-off accounts for any decline in the benefit in the years after the case has closed, and applies only to the benefits that occur after, not during the case. This typically occurs from year two onwards (i.e. the first year post-case has no drop-off) and is applied as a fixed percentage at a rounded figure such as 0%, 25%, 50%, 75% or 100%. There is a lack of conclusive evidence to say that the drop-off rate should be a certain level, so we have opted for the mid-point of **50% drop-off** applying to the benefits in the second year post-case.

#### 6.3 Attribution

We have assumed an **attribution rate of 75%** – meaning that 25% of the benefits are due to other factors. This is primarily based on the rate used in a 2016 SROI study on a law advice centre and was cross-checked against the attribution rate used in the Scottish Legal Aid SROI.<sup>47</sup> The rate used in the latter study was based on the proportion of legal costs covered by Legal Aid, which equated to 75% for family cases and 70% for criminal. In Northern Ireland, Legal Aid covers the full legal costs and so this approach could not be used here, but anything higher than this may be unrealistic.

## 6.4 Deadweight

Our adjustment for deadweight was accounted for through the survey, where we asked solicitors what proportion of their clients would have access to legal support without Legal Aid. This assumes that these people would have experienced the same benefits even if Legal Aid was not available and so are not included in the SROI calculation. The table below shows the percentage of deadweight applied for each area of law.

Table 10: Deadweight adjustment

Legal area	Deadweight
Family	25%
Civil	23%
Criminal	18%

# 6.5 Displacement

There is no direct replacement for Legal Aid, and so we have assumed a displacement rate of 0%.

<sup>&</sup>lt;sup>47</sup> 'Holdgate, O., et al. (2016). Assessing the Social Value of the Employment Law Centre using Social Return on Investment Methodology. <u>Link</u>

# 7. Costs of Legal Aid

Data on the costs of Legal Aid is provided by LSA, with the latest figures coming from the 28 March 2024 statistical release.<sup>48</sup> These are disaggregated into different specific Legal Aid services, but for the purpose of our analysis we have considered the total annual costs for family, civil and criminal cases.

Table 11: Annual Legal Aid expenditure

Legal area	2021/22	2022/23	Total	Percentage
Family	£32,392,313	£37,220,242	£69,612,555	35%
Civil	£14,686,904	£13,867,601	£28,554,505	14%
Criminal	£48,208,122	£50,679,427	£98,887,549	50%
Total	£95,287,339	£101,767,270	£197,054,609	100%

<sup>&</sup>lt;sup>48</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. <u>Link</u>

# 8. Results

The total benefits resulting from each of the individual outcomes, both during and after the conclusion of the cases, were calculated using the following formulas.

Table 12: Formulas for the calculations of total gross benefit

Step	Figure	Formula
А	Annual value	Beneficiaries $\times$ financial proxy $\times$ (1 – deadweight) $\times$ (1 – displacement) $\times$ attribution $\times$ (1 – optimisim bias)
В	Benefit during the case	$B = A \times duration of case$
С	Benefit one year after the case	$C = A \times 1/(1 + discount rate)$
D	Benefit two years after the case	$D = (C \times dropoff) \times 1/(1 + discount rate)^2$
Е	Total gross benefit	E = B + C + D

The total benefits of each outcome were summed to get the total gross benefits by type of law and overall. The results showed that across all of the outcomes, Legal Aid in Northern Ireland generates a total of £1,638,720,331 in gross benefits. We estimate that this is spread over 53,388 individuals who received Legal Aid, resulting in an average benefit of £30,695 per person. Accounting for the expenditure, Legal Aid generates a net benefit of £1,441,665,722.

To calculate the return on investment, the total gross benefits were divided the total costs for each type of Legal Aid. The results are as follows:

- For every £1 invested in family Legal Aid, it generates £3.62 in benefits
- For every £1 invested in civil (non-family) Legal Aid, it generates £4.55 in benefits
- For every £1 invested in criminal Legal Aid, it generates £12.71 in benefits
- Overall, for every £1 invested in Legal Aid, it generates £8.32 in benefits.

Overall, the analysis suggests that Legal Aid has a positive return on investment across all areas of law. Criminal Legal Aid generates 77% of the gross benefits but accounted for only 50% of the total costs of Legal Aid. In comparison, family Legal Aid saw the lowest return on investment, as it accounts for 15% of the gross benefits but 35% of the total costs. This relative split of benefits is broadly consistent with the proportion of Legal Aid cases accounted for by each category, but is weighted more towards criminal. This appears to be partly driven by the larger number of outcomes accounted for within criminal Legal Aid, which had nine outcomes compared to five for civil Legal Aid and seven for family. It is also important to remember that these calculations only include outcomes that could feasibly be measured. There will be other benefits beyond these which were not possible to reflect in this analysis, some of which are discussed in Appendix 3.

Table 13: Summary of benefits and beneficiaries

	Family	Civil	Criminal	Total
Individuals	13,286	10,504	29,598	53,388
Gross benefits	£252,100,149	£129,839,140	£1,256,781,041	£1,638,720,331
Total cost	£69,612,555	£28,554,505	£98,887,549	£197,054,609
Benefit:cost ratio	£3.62	£4.55	£12.71	£8.32
Net benefit	£182,487,594	£101,284,635	£1,157,893,492	£1,441,665,722

In family Legal Aid, the outcome relating to reducing the number of children entering the care system had the highest gross benefit (£87,425,641) which accounted for 35% of the gross benefits of family Legal Aid. For civil Legal Aid, the outcome 'fewer cases go to court' generated 37% (£47,772,288) of the gross benefits of civil Legal Aid. Improved quality of life and future opportunities due to avoiding prison or criminal convictions generated £301,303,200 in gross benefits, which comprised 24% of the benefits of criminal Legal Aid.

Our analysis considers the beneficiaries of Legal Aid to be clients and their families, the criminal justice system, and other public services including the police and social services. 71% (£1,169,268,837) of the benefits of Legal Aid are for the client and their families. Public services receive 16% (£257,695,552) of the gross benefits and the criminal justice system received 13% (211,755,942).

Table 14: Gross benefits by beneficiary and type of Legal Aid

	Family	Civil	Criminal	Total gross benefits
Clients and their families	£125,125,131	£82,066,853	£962,076,854	£1,169,268,837
Criminal justice system	£39,549,378	£47,772,288	£124,434,277	£211,755,942
Public services	£87,425,641	N/A	£170,269,911	£257,695,552

Family Legal Aid has the highest proportion of its benefits (35%) where public services are the main beneficiaries. In comparison, 14% of the benefits of criminal Legal Aid are for public services and there were no measured outcomes of civil Legal Aid which benefited public services.

It is important to note that although there were no *measured* outcomes for which public services were the primary beneficiaries of civil Legal Aid, this does not mean that civil Legal Aid creates no benefits for public services. For example, if an individual is injured in an accident, any health service charges or benefits claimed because of this injury, may be recovered by the Health Service Trust or Department of Communities.<sup>49</sup> However, through our consultation and research, we concluded that this – and other key outcomes relating to public services – would not be feasible to measure and thus were excluded from the calculations. Appendix 3: Outcomes not included in analysis further details additional benefits of Legal Aid which were not able to be included in the analysis.

<sup>&</sup>lt;sup>49</sup> NI Direct. (no date). Compensation Recovery. <u>Link</u>

## **Appendix 1: Context review**

### Previous studies and best practice

#### **Evidence on the impacts of Legal Aid**

Legal Aid services provide free, or subsidised, access to legal services and representation. These services allow individuals, who may not otherwise have the financial means to access legal advice and representation. These are considered to be essential for access to justice. As summarised by the World Bank:

"Legal Aid is intrinsically tied to the concept of the state and its duty to guarantee equality of arms as an element of equality under the law."<sup>50</sup>

Previous research has explored the multitude of benefits that the provision of Legal Aid creates for individuals, public services, and the criminal justice system (CJS). A review of the Legal Aid system in England and Wales suggested that without Legal Aid, there would be a rise in self-litigants, or individuals who represent themselves in court. <sup>51</sup> This would contribute to poorer results for the litigants, a greater burden on the court system, and more work for their opponents as they oppose individuals who are unfamiliar with court procedures. <sup>52</sup> For example, evidence from Australia indicates that 54% of self-litigants have their cases thrown out compared to 34% of represented litigants, demonstrating how self-litigants may be more likely to have poorer legal outcomes. <sup>53</sup> Additionally, in England and Wales, it was estimated that cases involving self-litigants could be up to 50% more expensive. <sup>54</sup> Legal Aid therefore can help increase efficiencies in the CJS through reducing the amount of time spent on cases, which reduced the costs.

Evidence from Florida also suggests that Legal Aid can decrease re-arrest and offending rates in young people.<sup>55</sup> This creates future savings for the police, courts, and probation as cases move quicker through the courts, and there are fewer individuals entering the CJS.

<sup>&</sup>lt;sup>50</sup> World Bank. (no date). A Tool for Justice: The Cost Benefit Analysis of Legal Aid. Link

<sup>&</sup>lt;sup>51</sup> Graham, C. (2011). Unintended Consequences: The Cost of The Government's Legal Aid Reforms. <u>Link</u>

<sup>&</sup>lt;sup>52</sup> Graham, C. (2011). Unintended Consequences: The Cost of The Government's Legal Aid Reforms. Link

<sup>&</sup>lt;sup>53</sup> Graham, C. (2011). Unintended Consequences: The Cost of The Government's Legal Aid Reforms. Link

<sup>&</sup>lt;sup>54</sup> Graham, C. (2011). Unintended Consequences: The Cost of The Government's Legal Aid Reforms. Link

<sup>&</sup>lt;sup>55</sup> Abel, L. & Vignola, S. (2010). Economic and Other Benefits Associated with the Provision of Civil Legal Aid. <u>Link</u>

Further, the economic importance of Legal Aid is regularly demonstrated through the savings it creates for other public services. For example, if the representation provided by Legal Aid can prevent an individual from being evicted from their home and being made homeless, this would incur savings from the local authority. These costs to other public services may arise from unresolved legal problems, leading to negative consequences such as unemployment or homelessness. <sup>56</sup> Alternatively, individuals representing themselves in court may receive a worse legal outcome which could incur costs for other public services (e.g. the prison system).

However, it must also be remembered that positive outcomes in court do not always ensure sustained positive impacts on the lives of the individual.<sup>57</sup> For example, although Legal Aid could create benefits for individuals by preventing an eviction and avoiding short-term homelessness, further support would be needed to sustain this in the long-term.<sup>58</sup> Thus, caution must be taken when attributing long-term impacts to the Legal Aid support. Additionally, the stress and financial toll of seeking private legal advice, or representing oneself in court can lead individuals to seek medical services from the National Health Service (NHS), or seek financial and social assistance from public services. <sup>59</sup>

Beyond economic benefits, research conducted by the University of Liverpool examined the emotional and social impacts of individuals of Legal Aid. In the absence of Legal Aid, individuals' legal problems may not be resolved, they may privately pay for legal services, or they may try to resolve their problems themselves.<sup>60</sup> Unresolved legal problems were found to negatively affect individuals' physical and mental health, as well as their employment.<sup>61</sup>

The additional emotional and financial stress of representing oneself in court, or struggling to pay solicitor fees, can also have significant financial impacts, such as being unable to afford essentials, or entering debt to pay legal fees. For example, evidence from Canada found that, as a direct result of experiencing legal problems, over 2% of Canadians will seek welfare benefits or other publicly-funded assistance. This demonstrates how facing legal problems without professional support can lead to

<sup>&</sup>lt;sup>56</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. <u>Link</u>

<sup>&</sup>lt;sup>57</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. <u>Link</u>

<sup>&</sup>lt;sup>58</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. Link

<sup>&</sup>lt;sup>59</sup> Organ, J. and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. <u>Link</u>

<sup>&</sup>lt;sup>60</sup> Organ, J. and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. Link

<sup>&</sup>lt;sup>61</sup> Organ, J. and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. Link

<sup>&</sup>lt;sup>62</sup> Organ, J. and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. Link

<sup>&</sup>lt;sup>63</sup> Canadian Forum on Civil Justice. (2017). The Cost of Experiencing Everyday Legal Problems. <u>Link</u>

financial insecurity and an increase in individuals accessing other public services and benefits. Furthermore, it was found that 20% of individuals receiving welfare benefits will face legal problems due to the application process or benefits system itself. <sup>64</sup> This can create a cycle for which individuals face an increasing need for both welfare benefits and legal advice. As a result, providing Legal Aid in the first instance can incur savings for both individuals and other public services.

Receiving Legal Aid can have wider benefits which are harder to quantify, such as alleviating people from life challenges and experiences of trauma.<sup>65</sup> For example, the Equality and Human Rights Commission in GB highlighted that there is a risk of parents who are not professionally represented in proceedings losing contact rights with their children, even when this is not the best outcome for the child.<sup>66</sup> This can negatively impact mental health and family relationships for the children and parent.<sup>67</sup> There is also evidence to suggest that Legal Aid reduces instances of domestic abuse.<sup>68</sup> Receiving protection from domestic abuse may have significant, and long-term, impacts on an individual and result in improved physical and mental health and decreased expenses for police and health services.

#### Previous economic analyses of Legal Aid

As demonstrated above, Legal Aid can have far-reaching benefits to individuals and public services; several studies have quantified these impacts and conducted economic analyses to compare the cost of Legal Aid to the state and the benefits it generates. The World Bank conducted a review of economic analyses of Legal Aid and found that approximately 50 cost benefit analysis (CBA) examples from various countries have all shown Legal Aid to have a net benefit.<sup>69</sup>

In November 2017, Rocket Science and the Law Society of Scotland published a SROI of Legal Aid in Scotland, which estimated the social and economic benefits of criminal, housing, and family Legal Aid.<sup>70</sup> Calculating the benefits to both individuals and public services, this research found that every £1 spent on Legal Aid generated £11 in benefits for housing related cases, and £5 in benefits for

<sup>&</sup>lt;sup>64</sup> Canadian Forum on Civil Justice. (2017). The Cost of Experiencing Everyday Legal Problems. Link

<sup>&</sup>lt;sup>65</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. Link

<sup>&</sup>lt;sup>66</sup> Organ, J., and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. Link

<sup>&</sup>lt;sup>67</sup> Organ, J. and Sigafoos, J. (2018). The Impact of LASPO on Routes to Justice. Link

<sup>&</sup>lt;sup>68</sup> Abel, L. & Vignola, S. (2010). Economic and Other Benefits Associated with the Provision of Civil Legal Aid. Link

<sup>&</sup>lt;sup>69</sup> World Bank. (no date). A Tool for Justice: The Cost Benefit Analysis of Legal Aid. Link

<sup>&</sup>lt;sup>70</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

family and criminal cases.<sup>71</sup> Similar to the present research, the methodology included a combination of outcomes mapping workshops, desk review, a solicitor survey, and analysis of data provided by the Scottish Legal Aid Board.<sup>72</sup> This data was used to inform the selection of the benefits created by Legal Aid, to ensure that they could be directly linked to the receipt of Legal Aid and to estimate the number of individuals who experience each benefit.

Similarly, in 2021 research conducted research to estimate the economic benefits of free legal advice services on public services in the UK found free legal advice to have impacts on both those receiving the support and on public spending, including to national and local governments and the NHS. Savings to the NHS arose through reductions in medical treatments associated with factors such as living conditions and disabilities, as well as costs linked to homelessness. This research also revealed positive results, and found that the provision of free specialist legal advice saves the HM Treasury £8,000 per case.<sup>73</sup>

These two reports provided examples of good practice when conducting an economic analysis of Legal Aid, and informed the methodology and approach of this present study. Principally, a range of sources including primary research with legal professionals, a desk review of existing evidence, and analysis of data provided by the relevant Legal Aid authority, were used to inform the selection of benefits to include in the analysis and the estimation of the extent to which each benefit is realised. Accurate figures concerning the impact of Legal Aid provision on an individual's life and their future use of public services, is unavailable. Therefore, the analysis of a variety of data sources helps to ensure that the estimates are precise.

In addition, previous studies have reflected on the SROI methodology itself for examining the benefits of Legal Aid. First, it was noted that the choice of the counterfactual situation (i.e. what the outcome would have been if an individual did not have access to Legal Aid) can significantly influence the interpretation and estimation of the benefits of Legal Aid.<sup>74</sup> Due to the nature of the counterfactual, data on what would have happened in the absence of Legal Aid is not available, and thus must estimated by the researcher. Without Legal Aid, there are several possible scenarios: the situation could be resolved by itself, the situation could escalate, or the individual could seek legal

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<sup>&</sup>lt;sup>71</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

<sup>&</sup>lt;sup>72</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

<sup>&</sup>lt;sup>73</sup> Leckie, C., Munro, R., and Pragnell, M. (2021). Defending the Public Purse: The Economic Value of the Free Legal Advice Sector. <u>Link</u>

<sup>&</sup>lt;sup>74</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. <u>Link</u>

assistance elsewhere. <sup>75</sup> Therefore, it is important to understand what benefits of resolving a legal issue may have been accomplished through alternative representation or self-litigation, or might otherwise arise without support from Legal Aid. This was accounted for in this research through the calculation for deadweight, which asked legal professionals the proportion of individuals who would have received support without Legal Aid.

In addition, the services and costs covered through Legal Aid schemes vary by nation, and often financial status of the recipients. Therefore, this must be accounted for in the calculation of the total costs. In Scotland, the Scotlish Legal Aid Board (SLAB), covers between 40% and 80% of the costs of Legal Aid cases. Therefore, in the Scotland SROI, the researchers made the determination to only attribute the benefits to Legal Aid in proportion to the percentage of costs covered by the SLAB. In Northern Ireland, individuals can be asked to contribute towards the costs of the case in some instances, otherwise all reported costs are covered. As a result, secondary literature was used to inform the proportion of benefits which could be attributed to Legal Aid.

#### Northern Irish context

The Legal Services Agency of Northern Ireland (LSA) is responsible for paying for Legal Aid in Northern Ireland. The Legal Aid in Northern Ireland falls under two main types: civil (including family law), and criminal. Legal Aid can be used to cover costs for civil and family cases in relation to:

- Advice and Assistance written or oral advice given by a solicitor
- Representation Lower which allows solicitor representation in most civil cases in the Magistrates'
   Courts, Family Proceedings Court and some Tribunals such as the Mental Health Review Tribunal
- Representation Higher which allows solicitor and barrister representation in the County Court,
   High Court, Family Care Centre, High Court, Court of Appeal, Supreme Court, Lands Tribunal, and
   the Enforcement of Judgements Office
- Exceptional Funding which relates to representation in certain situations not covered by the previous three scenarios, such as inquests.

And for criminal cases on:

<sup>&</sup>lt;sup>75</sup> Productivity Commission. (no date) Measuring the Benefits of Legal Assistance Services. Link

<sup>&</sup>lt;sup>76</sup> Rocket Science. (2017). Social Return on Investment in Legal Aid: Technical Report. Link

<sup>&</sup>lt;sup>77</sup> NIDirect. (no date). Legal Aid. Link

<sup>&</sup>lt;sup>78</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. <u>Link</u>

- PACE Advice and Assistance provided by a solicitor at the police station
- Magistrates Court
- Crown Court
- Court of Criminal Appeal.

To qualify for Legal Aid, in most cases, an individual must pass a financial means check, and a test to check the merits of the case. The eligibility criteria and the process for determining whether an individual meets the criteria, vary across the different civil Legal Aid schemes. For criminal Legal Aid, an individual's financial eligibility is assessed by a judge who grants criminal Legal Aid if the applicant's means are insufficient to fund their own defence and it is in the interests of justice to do so.

Across all of the years included in the analysis, advice and assistance was the most common type of civil (family and non-family) legal aid, although this saw a significant drop in 2022/23. The figures in the table below show the number of applications granted by LSA within each period.

Table 15: Applications granted, by type [Source: Legal Aid in Northern Ireland: Annual Statistics to March 2023]

	202	20/21	202	1/22	2022/23			
	Family	Civil (non- family)	Family	Civil (non- family)	Family	Civil (non- family)		
Advice and assistance	4,188	8,766	3,537	8,551	1,394	4,491		
Representation lower	7,208	402	7,206	382	6,710	409		
Representation Higher	3,519	3,144	3,892	3,321	3,568	3,583		
Exceptional Funding	-	31	-	30	-	31		

In total, over 197,700 applications for Legal Aid have been granted over the last 3 years. From 2020/21 to 2022/23, 21% of the applications granted were for family Legal Aid, 17% were for civil (non-family) Legal Aid, and 62% of the applications were for criminal Legal Aid.

Although criminal legal aid accounts for approximately two-thirds (62%) of the applications granted within the examined period, it accounted for only 49% of the expenditure on Legal Aid. In comparison, family Legal Aid accounted for 35% of the overall expenditure, but 21% of the cases granted. From 2020/21 to 2022/23 both family and criminal Legal Aid expenditure saw increases of over £10 million, whereas civil Legal Aid remained constant. The total expenditure by case type is summarised in the chart below.

Table 16: Expenditure on Legal Aid [Source: Legal Aid in Northern Ireland: Annual Statistics to March 2023]

	2020/21	2021/22	2022/23
Family	£25,495,396	£32,392,313	£37,220,242
Civil	£14,052,243	£14,686,904	£13,867,601
Criminal	£35,916,726	£48,208,122	£50,679,427

#### **Providers of Legal Aid in Northern Ireland**

In 2022/23 there were 459 firms registered as providing Legal Aid services and 410 of these firms received payment for Legal Aid services provided in this year.<sup>79</sup>

Table 17: Providers of Legal Aid services in 2022/23 [Source: Legal Aid in Northern Ireland: Annual Statistics to March 2023]

Providers of Legal Aid services	Registered	Received payment
Solicitor firms	459	410
Barristers	621	492

Belfast has the highest concentration of solicitor firms (46.8 firms per 100,000 people), with 36% (n= 163) of firms being located here.<sup>80</sup> In comparison, Derry City and Strabane had 20.6 firms per 100,000 and Antrim and Newtownabbey had 9.6 solicitor firms per 100,000 people.<sup>81</sup> This is summarised in the chart overleaf.

<sup>&</sup>lt;sup>79</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. Link

<sup>&</sup>lt;sup>80</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. Link

<sup>&</sup>lt;sup>81</sup> Department of Justice. (2024). Legal Aid in Northern Ireland – Annual Statistics to March 2023. Link

Table 18: Number of solicitors firms and members by geography [Source: Legal Aid in Northern Ireland: Annual Statistics to March 2023]

	Number of solicitor firms	Number of firms per 100,000 population
Belfast City	163	46.8
Armagh City, Banbridge and Craigavon	52	23.6
Newry, Mourne and Down	42	23.0
Fermanagh and Omagh	35	29.9
Mid Ulster	35	23.2
Derry City and Strabane	31	20.6
Causeway Coast and Glens	24	17.0
Ards and North Down	24	14.6
Mid and East Antrim	22	15.8
Lisburn and Castlereagh	16	10.7
Antrim and Newtownabbey	14	9.6
Total	459	24.0

## **Appendix 2: Survey respondents**

The solicitor survey received a total of 346 responses. Almost one-half (n=161) of the respondents operate from Belfast City. This reflects the findings from the desk research, which indicated that 36% of the firms providing Legal Aid are in Belfast. The full geographic breakdown of the respondents is presented in the chart below.

Table 19: Survey respondents by geography [Source: Rocket Science survey]

	Count	Percentage				
Antrim and Newtownabbey	27	8%				
Ards and North Down	40	12%				
Armagh City, Banbridge and Craigavon	38	11%				
Belfast City	161	47%				
Causeway Coast and Glens	17	5%				
Derry City and Strabane	29	8%				
Fermanagh and Omagh	29	8%				
Lisburn and Castlereagh	32	9%				
Mid and East Antrim	23	7%				
Mid Ulster	26	8%				
Newry, Mourne and Down	40	12%				

Just over half of the solicitors who responded to the survey indicated that they practice in a mixture of a rural and urban setting (n=190, 55%). 29% (n=100) of the respondents operated in an urban area and 7% (n=25) operated in a predominately rural area.

Almost one-half of the respondents (n=160, 46%) worked for a small business (between 10 and 49 employees), this includes all staff members. The second most common response (n=127, 37%) was that the respondents worked for a firm with between 2 and 9 employees total.

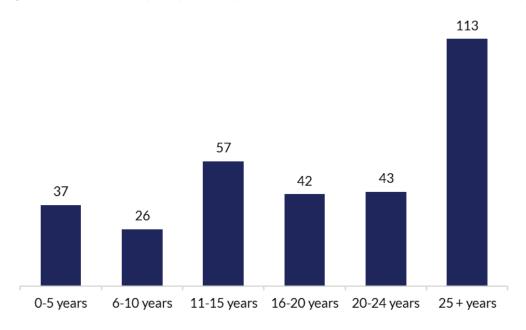
Table 20: How many employees does your business have (including all staff members)? [Source: Rocket Science survey]

	Count	Percentage
No response	29	8%
Sole practitioner	11	3%
Micro business (2 to 9 employees)	127	37%
Small business (10 to 49 employees)	160	46%
Medium business (50 to 249 employees)	17	5%
Large business (250+ employees)	2	1%

In terms of the respondents' role within their organisation, more than one-half (n=201, 58%) indicated that they were a Principal / Partner. The next most common response (n=101, 29%) was the respondents was an Assistant Solicitor.

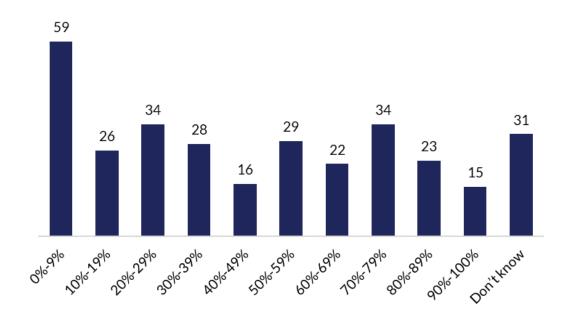
Overall, the respondents were experienced solicitors, with 33% (n=113) having more than 25 years of experience post-qualification. More than one-half (n=198, 57%) had more than 16 years of experience. This demonstrates the significant amount of legal experience of the respondents to the survey and supports the credibility of the information provided in the survey.

Figure 2: How many years post-qualified experience do you have? [Source: Rocket Science survey]



In terms of the revenue of the firms coming from Legal Aid, the most common response (n=59, 17%) was that between 0%-9% of the business' revenue came from Legal Aid. The distribution of results is visualised in the chart below.

Figure 3: What proportion of your revenue in the last full financial year came from Legal Aid? [Source: Rocket Science survey]



Of note, just over one-half of the respondents (n=176, 51%) indicated that they would still be carrying out Legal Aid services in 5 years' time, and 23% (n=81) were not sure if they would be providing these services. However, as one-third of the respondents have more than 25 years of experience, the low proportion of individuals believing they will be providing Legal Aid in the future may reflect personal timelines rather than the individual's commitment to Legal Aid.

# Appendix 3: Outcomes not included in analysis

The desk review and outcome mapping workshops revealed the diversity and far-reaching impacts that Legal Aid can have on an individual and the wider community. This section will outline the outcomes of Legal Aid which arose from the research, but were not included in the SROI calculations.

Across all areas of the law examined, solicitors and the secondary literature described how Legal Aid contributes to the general population's confidence in the rule of law and maintains access to justice. This is because individuals know that if they are accused of a crime, they will be able to receive professional legal representation, even if they cannot afford to pay for it privately. This outcome was felt to be of particular importance in Northern Ireland with a history of division and conflict; confidence in the rule of law is vital in allowing all individuals to be treated equally before the law – something which in the past has not been the case. Although strengthening the rule of law and trust in the legal system is an evident benefit of Legal Aid, the researchers determined that this outcome was too broad to be accurately measured. The number of beneficiaries who would experience this outcome, and the impact that it would have on their lives, cannot be accurately measured, and therefore it is unsuitable for inclusion in a SROI.

In the outcome mapping session, the solicitors discussed how receiving Legal Aid can help avoid relationship breakdown, through reducing stress and strain, or through allowing supervised contact between parents and children. The solicitors hypothesised that maintaining these relationships could have future benefits, especially concerning the young person's future education and counselling needs. It was decided to not include this outcome in the calculation as it was too similar to the outcome pertaining to maintaining relationships, and thus would double-count the benefits.

Next, secondary literature and the solicitors consulted suggested that Legal Aid helps courts run more efficiently, as there are less individuals representing themselves in court. These efficiencies would decrease the time each case spends in court, thereby reducing costs. This outcome was not included because of its similarity with the outcome 'Fewer cases go to court,' may have resulted in double-counting these benefits. Additionally, sufficient evidence concerning the amount of extra time and resources self-litigants use was not available, and thus the extent of the impact could not be accurately calculated.

In the outcome mapping session, solicitors highlighted that if a person is able to obtain a non-molestation order through the court, then people will feel safe from potential violence and abuse in their homes. However, it is important to note that obtaining a non-molestation order may not necessarily lead to feelings of safety, especially if the survivor has a history of domestic abuse or violence. Therefore, the extent to which this would be experienced by the beneficiaries is too vague to be included in the SROI calculations.

Moreover, the sense of justice of being able to seek redress was also an outcome of Legal Aid proposed during the outcome mapping sessions. Solicitors described how Legal Aid can support individuals to seek redress in cases such as negligence, or harmful government decisions. As a result, the situation could be righted, or the individual could receive financial compensation for irrefutable harm. Although this sense of justice, and tangible benefits of redress are important outcomes of Legal Aid, they were not included in the analysis. This was because the breadth and variety of potential reparations under this outcome make it too broad to measure accurately.

Again during the outcome mapping session, solicitors described how Legal Aid can be used to get a court determination on the additional assistance required to support students with learning difficulties and disabilities. The solicitors described that Legal Aid would therefore create savings for public services, as these support packages would otherwise have to be determined in the education system. In the researcher's professional opinion, the benefits of Legal Aid on the education system in this context are too distant to be calculated accurately, and this outcome was therefore not included in the calculations. In a similar manner, an outcome relating to improved educational attainment as a result of accessing additional support for young people with learning difficulties through Legal Aid was also proposed. However, this outcome was also not included, as consultation with the LSNI indicated that this was not particularly relevant in the Northern Irish context.

Secondary literature consulted in the literature review suggested that Legal Aid might reduce the uptake in benefits. For example, medical negligence cases might reduce costs to the NHS as insurance companies would have to cover these costs. This outcome was not included in the SROI analysis because it extends beyond the examined timeframe and an accurate number of beneficiaries and resulting benefits cannot be accurately estimated.

Additionally, the solicitors in the outcome mapping session described how Legal Aid can help prevent individuals from being evicted from their homes. This would therefore reduce the strain on social housing and prevent the socio-economic situation of the individual and their family from worsening.

After consultation with the LSNI, it was decided to exclude this outcome from the analysis as it was not sufficiently relevant to the Northern Irish context.

The final two outcomes which were not included in the analysis related to benefits to victims of human trafficking. First, during the outcome mapping session, it was discussed that victims of human trafficking victims will have improved mental health when they are supported by police and solicitors with their cases. This outcome was not included in the calculations as it was already covered by the broader outcome of improved mental health. In addition, one solicitor suggested that supported trafficking victims may be able to assist police with their investigations, which would save police resources. This outcome was not included in the SROI calculations because of the infrequent occurrence and uncertain impact that this would have.

## **Appendix 4: Full SROI calculation**

The charts below show the full SROI calculation for all benefits.

Type of law	Beneficiary •	Final Outcome	Timing (during	Duration of impact during case (years)	impact after	Percentage that the benefit applies to	Financial proxy value (2022/23 terms)	Displacement	Deadweight	Attribution		Optimism Bias	Discount rate	Number of beneficiaries		Benefit 1 year after case	Benefit 2 years after case	Total gross benefits
Family	1	Improved mental health	During	2	0	25.0%	£5,333	0%	25%	75%	0%	40%	3.5%	3,322	£12,032,936			£12,032,936
Family	Clients and their families	Improved relationships	During	2	0	50.0%	£7,312	0%	25%	75%	0%	15%	3.5%	6,643	£46,743,627			£46,743,627
Family	Clients and their families	Improved financial situation	During + after	2	2	32.9%	£13,091	0%	25%	75%	50%	40%	3.5%	4,367	£38,832,637	£18,759,728	£8,756,203	£66,348,568
Family	Criminal justice system	People get a better legal outcome and therefore are less likely to reoffend		0	2	3.3%	£1,160	0%	25%	75%	50%	40%	3.5%	437		£166,232	£77,590	£243,822
Family	Criminal justice	Reduced police and health interventions from domestic violence interventions	Non-molestation	1	0	17.7%	£3,331	0%	25%	75%	50%	40%	3.5%	2,353		£2,572,081		£2,572,081
Family	Public services	Fewer children enter the care system	After	0	2	19.7%	£69,513	0%	25%	75%	50%	40%	3.5%	2,613		£59,604,788	£27,820,853	£87,425,641
Family	Criminal justice system	Fewer cases go to court	During	2	0	23.7%	£17,148	0%	25%	75%	0%	40%	3.5%	3,154	£36,733,475			£36,733,475

Type of	law Beneficiary	Final Outcome	Timing (during	impact during			Financial proxy value (2022/23 terms)			Attribution	Dropoff	Optimism Bias	Discount rate	Number of beneficiaries	case	Benefit 1 year after case	Benefit 2 years after case	Total gross benefits
Civil	Clients and their families	Improved mental health	During	2	0	25.0%	£5,333	0%	23%	75%	0%	40%	3.5%	2,626	£9,677,357			£9,677,357
Civil	Clients and their	Improved relationships	During	2	0	50.0%	£7,312	0%	23%	75%	0%	15%	3.5%	5,252	£37,593,050			£37,593,050
Civil	Clients and their families	Improved financial situation	During + after	2	2	21.3%	£13,091	0%	23%	75%	50%	40%	3.5%	2,234	£20,211,071	£9,763,802	£4,557,307	£34,532,180
Civil	Clients and their families	Migrants are able to get legal status in the UK and therefore enter work or education		0	2	0.7%	£7,495	0%	23%	75%	50%	40%	3.5%	72		£180,171	£84,096	£264,266
Civil	Criminal justice system	Fewer cases go to court	During	2	0	38.4%	£17,148	0%	23%	75%	0%	40%	3.5%	4,032	£47,772,288			£47,772,288

Type of lav	v Beneficiary	Final Outcome	Timing (during or after)	impact during	Duration of impact after case (years)	Percentage that the benefit	Financial proxy value (2022/23 terms)	Displacement	Deadweight	Attribution	Dropoff	Optimism Bias	Discount rate	Number of beneficiaries		Benefit 1 year after case	after case	Total gross benefits
Criminal	Clients and their families	Improved mental health	During	2	0	25.0%	£5,333	0%	18%	75%	0%	40%	3.5%	7,399	£29,214,698			£29,214,698
Criminal	Clients and their families	Improved relationships	During	2	0	50.0%	£7,312	0%	18%	75%	0%	15%	3.5%	14,799	£113,488,595			£113,488,595
Criminal	Clients and their families	Improved financial situation	During + after	2	2	46.0%	£13,091	0%	18%	75%	50%	40%	3.5%	13,605	£131,853,829	£63,697,502	£29,731,150	£225,282,481
Criminal	Clients and their families	Clients maintain employment, and therefore income, during a case	During	2	0	60.8%	£17,316	0%	18%	75%	0%	40%	3.5%	17,996	£230,692,650			£230,692,650
Criminal	Criminal justice system	People get a better legal outcome and therefore are less likely to reoffend		0	2	8.8%	£1,160	0%	18%	75%	50%	40%	3.5%	2,598		£1,077,680	£503,013	£1,580,693
Criminal	Public services	Fewer children enter the care system	After	0	2	15.8%	£69,513	0%	18%	75%	50%	40%	3.5%	4,670		£116,086,102	£54,183,809	£170,269,911
Criminal	Clients and their families	Retain employment and therefore income due to avoiding prison	After	0	2	53.4%	£7,495	0%	18%	75%	50%	40%	3.5%	15,795		£42,335,097	£19,760,133	£62,095,230
Criminal		Improved quality of life and future opportunities due to avoiding prison / criminal convictions		0	2	87.8%	£22,111	0%	18%	75%	50%	40%	3.5%	25,977		£205,421,579	£95,881,621	£301,303,200
Criminal	Criminal justice system	Fewer cases go to court	During	2	0	32.7%	£17,148	0%	18%	75%	0%	40%	3.5%	9,677	£122,853,584			£122,853,584

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