



HM Courts &
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Dame Meg Hillier MP
Chair, Public Accounts Committee
House of Commons
SW1A 0AA

3 April 2024

Dear Chair,

VALUE FOR MONEY FROM LEGAL AID

Further to the oral hearing on 25 March 2024 on 'Value for Money from Legal Aid', I am writing to you in response to question 71 of the transcript. This question was asked by Sir Bob Neill MP, who enquired as to the availability of data relating to *“any differential between representation and non-representation of cases that settle, which then save a court hearing”*, with regards to the County Court. My colleague, Jason Latham, did not have this data to hand during the hearing, and therefore you requested we write with the best information available.

We do collect and publish data, within the Civil Justice Statistics Quarterly¹, on the number of defended claims by case type with details of legal representation from 2013. I attach this published data as an annex for all defended claims, and broken down into claim types including money claims, damages claims, mortgage and landlord possession claims, and other non-money claims (such as Return of Goods) for each year from 2013 to 2023. While Jason did not have the data to hand during the hearing, he was able to say that representation in money claims is around 30%. Having had the opportunity to review the published statistics, I can confirm that this is accurate, as the data attached shows the rate to be 31% for the first three quarters of 2023.

We do not collect and publish data on cases that settle combined with details of the legal representation of the parties. Published data within the Civil Justice Statistics Quarterly (Table 1.1) sets out the total number of claims received, the number of claims defended, the number of claims

¹ The *Civil Justice Statistics Quarterly: October to December 2023* is available at <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-october-to-december-2023>

allocated to track, and the number of claims which go on to a trial. This data is set out in the attached annex. Table 1.4 of the Civil Justice Statistics Quarterly also provides data on the number of default judgments from 2009 – that is, where no reply to the claim was received and judgment was entered in default of a reply.

This data is helpful in illustrating how cases flow through the County Courts and the proportion of cases which proceed at each procedural stage. For the first three quarters of 2023 the published data shows that 1,714,391 claims were received by the County Court; that 971,814 resulted in a default judgment (43% of the total claims received); this leaves 742,577 claims received which did not result in a default judgment, of which 258,601 were subsequently defended (35% of the claims received not resulting in a default judgment); of the claims proceedings which were defended, 116,534 were allocated to track (45% of claims defended are allocated to track); and of these claims allocated to track 53,247 go on to a County Court trial (46% of the claims allocated to track). This shows the proportion of cases at each of the main stages of the Civil Court procedures, and the proportion of claims at each stage where the parties do not proceed further with the claim.

I trust this data is satisfactory for the Committee's purposes, but please do not hesitate to contact my office should any further assistance be needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N Goodwin', with a stylized flourish at the end.

Nick Goodwin

Chief Executive, HM Courts & Tribunals Service

Year	Quarter	Parties with legal representation ^{2,3}								Total
		Both Claimant and defendant		Claimant only		Defendant only		Neither claimant nor defendant		
		Number of defences	Percentage	Number of defences	Percentage	Number of defences	Percentage	Number of defences	Percentage	
All defences										
2013		153,888	59%	46,705	18%	11,520	4%	50,759	19%	262,872
2014		142,258	54%	57,635	22%	11,577	4%	53,231	20%	264,701
2015		154,280	58%	52,031	20%	10,377	4%	47,857	18%	264,545
2016		161,914	57%	63,418	22%	10,558	4%	48,425	17%	284,315
2017		172,022	58%	67,641	23%	10,464	4%	47,809	16%	297,936
2018		173,206	58%	63,166	21%	11,146	4%	50,537	17%	298,055
2019		168,892	57%	70,121	23%	11,051	4%	48,541	16%	298,605
2020		153,108	61%	48,774	20%	9,056	4%	39,149	16%	250,087
2021		165,588	60%	63,400	23%	9,325	3%	37,591	14%	275,904
2022	(r)	136,562	55%	62,629	25%	9,698	4%	40,706	16%	249,595
2023	(p)	123,957	48%	81,718	32%	10,094	4%	42,832	17%	258,601
Money claim defences										
2013		33,725	27%	39,294	32%	9,334	8%	41,674	34%	124,027
2014		34,033	25%	50,219	36%	9,326	7%	44,230	32%	137,808
2015		39,235	30%	43,929	34%	8,467	6%	39,290	30%	130,921
2016		43,867	30%	54,776	37%	8,386	6%	39,314	27%	146,343
2017		55,346	34%	59,932	36%	8,537	5%	40,499	25%	164,314
2018		59,311	35%	56,366	33%	9,279	5%	44,395	26%	169,351
2019		65,842	36%	63,273	35%	9,307	5%	43,089	24%	181,511
2020		63,611	42%	43,565	29%	7,966	5%	36,697	24%	151,839
2021		59,382	38%	55,751	35%	8,016	5%	35,111	22%	158,260
2022		47,949	33%	51,997	36%	8,285	6%	35,266	25%	143,497
2023	(p)	51,068	31%	67,473	41%	8,768	5%	35,527	22%	162,836

Damages claim defences

2013	114,760	97%	2,304	2%	813	1%	587	0%	118,464
2014	102,612	97%	1,830	2%	763	1%	472	0%	105,677
2015	109,533	97%	1,976	2%	592	1%	380	0%	112,481
2016	112,427	97%	1,887	2%	702	1%	366	0%	115,382
2017	111,114	98%	1,763	2%	664	1%	390	0%	113,931
2018	108,187	98%	1,531	1%	690	1%	389	0%	110,797
2019	97,551	97%	1,856	2%	724	1%	435	0%	100,566
2020	85,558	96%	2,539	3%	592	1%	331	0%	89,020
2021	101,050	95%	4,254	4%	684	1%	399	0%	106,387
2022	83,610	95%	3,329	4%	602	1%	283	0%	87,824
2023	(p) 67,507	92%	5,191	7%	440	1%	239	0%	73,377

Mortgage and landlord possession defences

2013	2,798	17%	4,274	26%	1,051	6%	8,146	50%	16,269
2014	2,952	17%	4,701	28%	1,131	7%	8,208	48%	16,992
2015	2,661	16%	5,274	31%	980	6%	7,841	47%	16,756
2016	2,527	14%	5,826	33%	1,097	6%	8,381	47%	17,831
2017	2,290	16%	4,821	33%	990	7%	6,602	45%	14,703
2018	2,333	18%	4,183	33%	920	7%	5,428	42%	12,864
2019	2,533	21%	3,882	33%	758	6%	4,631	39%	11,804
2020	833	17%	1,814	38%	280	6%	1,857	39%	4,784
2021	1,422	23%	2,442	40%	403	7%	1,796	30%	6,063
2022	2,011	15%	6,180	45%	630	5%	4,886	36%	13,707
2023	(p) 2,309	13%	7,943	45%	704	4%	6,684	38%	17,640

Other non-money (inc return of goods) defences

2013	2,605	63%	833	20%	322	8%	352	9%	4,112
2014	2,661	63%	885	21%	357	8%	321	8%	4,224
2015	2,851	65%	852	19%	338	8%	346	8%	4,387

2016	3,093	65%	929	20%	373	8%	364	8%	4,759
2017	3,272	66%	1,125	23%	273	5%	318	6%	4,988
2018	3,375	67%	1,086	22%	257	5%	325	6%	5,043
2019	2,966	63%	1,110	23%	262	6%	386	8%	4,724
2020	3,106	70%	856	19%	218	5%	264	6%	4,444
2021	3,734	72%	953	18%	222	4%	285	5%	5,194
2022	2,992	66%	1,123	25%	181	4%	271	6%	4,567
2023 (p)	3,073	65%	1,111	23%	182	4%	382	8%	4,748

Source:

HMCTS CaseMan system (2003 onwards) and manual returns (2000-2002)

Notes:

2) Self-representation is determined by the field 'legal representation' in caseman being left blank. Therefore, this is only a proxy measure and parties without a recorded representative are not necessarily self-representing litigants in person.

3) A claimant is considered 'represented' if at least one party member has a recorded representative, and likewise for defendants.

(p) = provisional

(r)= revised

Q4 2023

Year	Total claims	Claims defended^{1,4}	Claims allocated to track^{2,3}	Claims gone to trial²
2000	1,943,513	248,167	152,641	71,233
2001	1,805,637	252,176	143,486	71,763
2002	1,743,339	263,384	140,721	68,901
2003	1,718,883	264,379	154,705	65,026
2004	1,723,371	258,096	151,527	62,201
2005	1,968,894	275,138	153,328	63,367
2006	2,115,491	292,115	155,149	62,968
2007	1,944,812	338,616	173,751	69,248
2008	1,993,828	298,796	163,905	63,981
2009	1,803,221	315,963	179,983	64,078
2010	1,550,626	290,889	168,693	60,303
2011	1,504,243	275,918	170,615	52,660
2012	1,394,230	259,585	151,120	46,993
2013	1,445,339	262,872	149,637	43,093
2014	1,594,596	264,701	143,529	45,062
2015	1,562,065	264,545	151,234	48,192
2016	1,802,286	284,328	157,055	51,106
2017	2,048,446	297,936	165,052	56,373
2018	2,073,957	298,055	175,745	58,517
2019	2,029,258	298,605	191,572	64,754
2020	1,296,188	250,087	147,128	45,200
2021	1,582,363	275,904	158,420	53,675
2022	1,538,846	249,595	159,277	53,664
2023 (p)	1,714,391	258,601	116,534	53,248

Source: HM Courts and Tribunals Service CaseMan system, Possession Claim Online and manual returns.

Notes:

1) The number of defences is lower than the number of claims issued because the vast majority of claims are not defended.

2) The number of claims allocated is less than the number of claims defended, and the number of trials is less than the total number of claims allocated to trial because claims can be settled or withdrawn at any point.

3) From 2015 we have amended the Claims allocated to track to only include the claim types in table 1_2.

4) From Q3 2023 we have amended the Claims defended to only include the claim types in table 1_2.

(p) = provisional