

Pro(vider)Bono

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Adjective

The hidden cost of
delivering legal aid

NON-CHARGEABLE TIME IN LEGAL AID WORK

Research by Legal Aid Practitioners Group

Analysis by Dr Jo Wilding of data gathered from legal aid practitioners about the time they spend on casework and non-casework tasks arising from their legal aid contracts

September 2025

Non-chargeable Time in Legal Aid Work – Understanding the Context from a Provider Perspective

Legal Aid Practitioners Group (LAPG) is a membership body with over 40 years' experience of supporting firms and organisations with a contract to conduct legal aid work in England and Wales. Our members are private practice firms, not for profit organisations, barristers, and costs lawyers. Our members conduct all areas of civil and criminal legal aid work and cover the entire range of business models from smaller, niche and/or sole principal firms to many of the largest providers of legal aid services.

For many years we have been concerned about the amount of 'unclaimable' or 'non-chargeable' work that our members must undertake daily to comply with their legal aid contract requirements and in their interactions with the Legal Aid Agency (LAA). Members have consistently told us, and the government, that the administrative and compliance burdens that flow from carrying out legal aid work are not reflected in the remuneration rates that they can claim from the LAA. Guidance issued by the LAA for both criminal and civil legal aid work narrowly defines the tasks that can be included in legal aid bills. However, these guidance documents do not cover all tasks generated by legal aid contracts as they focus primarily on the activities that fee earners carry out when running cases. Members have also expressed frustration that a great deal of time is wasted on processes that could and should be either streamlined or removed. These include form filling; gathering granular evidence of means; using antiquated LAA IT systems; clarifying and challenging LAA decisions; a variety of forms of auditing, quality mark and compliance requirements. The legal aid system generates a huge amount of work for providers that is 'hidden' from the LAA because providers cannot claim for it, but it is necessary for the effective administration of a legal aid contract. It all comes at a cost.

In other areas of legal practice, lawyers can charge their clients fees that reflect the full cost of running their businesses and making a profit. In the legal aid world, where fees are set by the government and have not increased since the mid-90s, providers have little choice but to absorb all the associated costs of running a legal aid contract. The alternative is to stop doing legal aid work, which many have. The number of legal aid providers has been in steady decline for decades, and one of the prevailing factors is the burdensome nature of the legal aid scheme itself. The 2022 LAPG Legal Aid Census demonstrated that providers cited low fee levels (61%), low profit margins (40%), high administrative burdens (28%) and the inability to claim for all work (28%) as the four primary reasons that legal aid work is not cost-effective.

LAPG therefore set out to measure the time spent on tasks that are generated by legal aid contracts but are not paid for by the LAA. The introduction and methodology sections of the report explain our objectives and data collection processes in more detail. We are hoping that by measuring the true 'hidden' costs of legal aid work we can promote open and constructive dialogue with government about the realities of legal aid practice. The government needs to implement solutions that reduce the incidence of practitioners and support staff effectively having to work for free to deliver this vital public service.

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Introduction

The purpose of the research was to capture data on the amount of time spent on non-chargeable tasks generated by both casework and non-casework activities that are required when operating under a legal aid contract. There was anecdotal evidence that these tasks are many and varied, taking differing amounts of time and being required on a daily, weekly or less frequent basis, such as file reviews and audits.

Previously, the Ministry of Justice (MoJ) and the Legal Aid Agency (LAA) have expressed the belief that legal aid rates were sufficient to cover both the legal and administrative/management elements of legal aid work. LAPG members have expressed the view that, if this was ever correct, it has long ceased to be the case given that legal aid fees have not increased since 1996 (except for limited increases in crime fees) and both civil and criminal legal aid rates have been cut in that time.

The objectives of the study were to compile robust empirical data on hidden or non-chargeable costs of doing legal aid work, specifically to:

1. Identify and quantify 'hidden' but unavoidable costs associated with legal aid contracts.
2. Analyse what tasks are intrinsically linked to the proper management of casework but are not currently claimable time in the Cost Assessment Guidance and Criminal Bills Assessment Manual.
3. Evaluate the complexity of the funding scheme and identify elements that may create complexity without adequate justification. This may include identifying the duplication of tasks required by legal aid contracts and regulatory or quality assurance requirements.

Summary of Key Findings

- All participating legal aid organisations undertake a significant amount of unpaid work on non-chargeable casework and non-casework tasks
- Across the sample of 84 employees, the average amount of time spent on non-chargeable tasks was just over one hour and 43 minutes per day, which is approximately one quarter of a standard 7 hour working day
- These tasks are not optional – they must be undertaken to maintain contracts and to complete cases – but providers cannot bill for them.
- Despite the small sample, the data illustrates this phenomenon across different types and sizes of organisations, with different staffing structures and across a wide range of legal aid work
- Means testing, dealing with new client enquiries at the beginning of cases, billing processes at the end of cases, required hard copy and electronic administration, and dealing with formal contacts with the LAA are particularly burdensome
- Non-chargeable tasks are intrinsically linked to the proper management of casework, but are not currently claimable time in the Cost Assessment Guidance and Criminal Bills Assessment Manual

- The data demonstrates the burdensome nature of audits and, to some extent, shows the overlapping burdens of LAA, SQM and other types of professional regulation
- The combined burden of unpaid tasks has led to both organisations and individuals effectively subsidising the state-funded legal aid scheme with other financial resources and unpaid labour and overtime
- As employees are routinely working above their contracted hours because of non-chargeable tasks this raises significant concerns about financial sustainability and the wellbeing of the legal aid workforce

There are three possible solutions which, separately or in combination, would help to restore some sustainability to the legal aid sector. These solutions are set out in our Conclusion section below.

Methodology

The data collection instrument was an Excel spreadsheet with four tabs: the first recorded basic background data including job title, contracted hours, areas of law, and any other information about the participant's working time they wished to mention, as well as asking for consent to store and process the data. The fourth tab gave instructions so that these were always available to each participant.

Participants were then asked to record the non-chargeable time they spent on ten categories of casework tasks and twelve categories of non-casework tasks (plus an 'other' option in each). Participants used six-minute units, as required in legal aid billing, and included a record of their chargeable time on legal aid work as one daily amount. This enabled accurate time recording with the minimum of additional effort. They were asked to record this over a period of ten working days, which need not be consecutive, and to specify the start and end date of their data recording.

The data collection was piloted with one organisation first, before recruiting any others, and the data collection timesheet was reviewed, particularly with a view to identifying common omissions (such as contracted hours or chargeable time) and to ensure that the task categories captured the majority of time recorded, without adding an overwhelming number of sub-categories to the data collection sheet.

Legal Aid Practitioners Group (LAPG) invited member organisations to participate in the research. Each organisation expressing an interest in the research was given a detailed 'on-boarding' with an explanation of how to complete the time recording and contact details for any queries that might arise during their data collection.

Time sheets were collated for each organisation, checked for any missing data (e.g. if the participant had not stated their contracted hours) which was then requested from the participant, and then anonymised with a participant number and organisation code replacing the individual's and organisation's name. All sheets were securely stored by LAPG and then securely transferred to the researcher for analysis.¹

The final sample consists of 84 individuals across ten organisations. Of these, eight are private firms and two are not-for-profits. Although several more organisations had expressed an interest, we made the decision to stop the data collection after the Legal Aid Agency data breach, since this paused many of the normal billing

1. Consolidated data sets can be provided on request submitted to LAPG

and application processes or forced a temporary return to paper-based working. Continuing to collect data would have skewed the data that we collected, and it became clear that there would be at least months of delay before normal processes resumed.

Data analysis

The data was transferred into an analysis spreadsheet with a tab for each organisation and cross checked, before calculating:

- i. Total contracted time for each individual;
- ii. Total chargeable legal aid time;
- iii. Total non-chargeable time on casework tasks;
- iv. Total non-chargeable time on non-casework tasks;
- v. Total non-chargeable time as a number and as a percentage of total legal aid work time;
- vi. Non-chargeable time and legal aid time as a percentage of total contracted work time;
- vii. Mean and median non-chargeable time per individual;
- viii. Totals for each organisation on each of the casework and non-casework task categories.

Data validity and reliability

There are some caveats which need to be acknowledged before considering what conclusions can be drawn from the data.

1. All of the data is self-reported, but the chargeable time recorded is time which the individual participants and their organisations are billing and may be audited on. The non-chargeable time recorded follows the same process, so is reasonably likely to be accurate and reliable unless anyone is deliberately mis-recording;
2. The participants were self-selecting in terms of which organisations signed up to the research, but there is no reason to expect these organisations are doing more non-chargeable work than other comparable organisations since there is no incentive for them to do so. Nor is there any reason to assume they are less 'efficient' than other organisations, since they were continuing to do legal aid work 17 years after the Carter review introduced reforms which aimed to force inefficient providers to leave legal aid, and more than ten years after the further legal aid cuts in the LASPO Act;
3. Individual participants are self-selecting within organisations, in that not all staff are completing the data collection, so it may be that those who have the most non-chargeable tasks are choosing (or being instructed) to take part. This is a caveat to the percentages rather than to the raw numbers, because it does show that those tasks are being undertaken and are unpaid. That means we cannot extrapolate the percentage across the entire staff body of an organisation, but we can draw some conclusions about the kinds of work that have to be done and how much time individuals are spending on those tasks.

4. Some data has been excluded. One of the not-for-profits had very high numbers of minutes recorded as 'other' non-chargeable but gave descriptions which made clear that this included non-legal aid work carried out under other funding. We therefore took the view that the data for 'other' non-chargeable tasks should be excluded, but that the data for specified non-chargeable legal aid work could still be included. This has undoubtedly excluded some non-chargeable legal aid time – which may be the reason why none of their participants were among the highest non-chargeable time totals. However, it enabled us to use some valid data from their responses. This also helps to illustrate the very complex financial models that many not-for-profits operate on, combining numerous different funding streams.
5. The sample size is small. This is in large part because the Legal Aid Agency data breach announced in May 2025 made it impossible to continue collecting meaningful data. However, the organisations which participated represent a range of sizes, geographical areas (not stated in this paper for reasons of confidentiality) and legal specialisms. We do not suggest that the sample is representative of all legal aid organisations, but we cannot identify any reasons why the pattern would be significantly different in other legal aid contract holding organisations. The research does therefore indicate a clear trend of a significant amount of unpaid legal aid casework and non-casework tasks essential to contract compliance and maintenance, which supports other qualitative evidence including that submitted to the Ministry of Justice for the Review of Civil Legal Aid.

Findings

How much non-chargeable time was recorded?

Every participant (N=84) recorded some non-chargeable time. The range was from 102 to 4,458 minutes across the ten-day recording period, or between 10 minutes and 7 hours 26 minutes per day.

These raw numbers do not account for those who work part time or those whose work is funded by a combination of legal aid and non-legal aid, so the averages are potentially misleading at individual level (skewing totals downwards), but they do show a substantial amount of time being spent on non-chargeable casework and non-casework tasks. The median amount of non-chargeable time was 714 minutes across the ten days, or one hour 11 minutes per day, but the mean was higher at 1,031 minutes in total, or just over one hour 43 minutes per day.

Altogether only six individuals spent 200 minutes or less on non-chargeable work. The 102 minutes at the lowest end of the range was by a part time administrative assistant, for whom it amounted to one-eighth of their total legal aid working time. The next-lowest was 162 minutes, by a trainee solicitor, but this made up 90% of the individual's legal aid working time. It is worth noting that these job roles are also likely to be held by the lowest paid employees.

By contrast, thirteen individuals spent over 2000 minutes on non-chargeable tasks over the ten days. Of those, one spent 4,458 minutes and two more spent over 3000 minutes. Another sixteen spent between 1000 and 1,999 minutes (between 1h 45m and 3h 20m per day).

We also received data from the Head of Costs in a private firm. This person recorded 1,440 minutes across the ten days, or 144 minutes (just under 2h 25m) per day.

The totals recorded across each of the ten participating organisations are:

Organisation	Number of ppts	Chargeable time	Non- chargeable time: casework	Non- chargeable time: non casework	Total non- chargeable	Percentage non- chargeable
F-01	1	0	0	1,440	1,440	100%
F-02	20	74355	16830	2280	19110	20%
F-03	19	53,406	7,830	6384	14,214	21%
F-04	7	5,328	4,986*	930*	5,916	53%
F-05	12	17112	8484	2544	11028	39%
F-06	4	4092	6828	1008	7836	66%
F-07	3	4776	1794	1386	3180	40%
F-08	8	13476	9882	3936	13818	51%
F-09	5	300	5580	198	5778	95%
F-10	5	7674	3348	924	4272	36%

Table 1: Total time recorded by all organisations.

*In F-04 the non-chargeable time is an underestimate because we had to exclude their 'other' non-chargeable time.

Which tasks take up substantial time?

Casework tasks

Across the whole sample, non-chargeable casework tasks took up the most time, averaging an hour and 20 minutes per day for each participant in the study, including those employed in a non-caseworking role.

By far the largest amount of time was spent on billing-related work (casework task 9): preparing files for billing, billing process admin including legal helps, escape fee assessment, challenges and appeals. A combined total of 16,374 minutes, or nearly 273 hours, were recorded across the whole sample. That averages at 3 hours 15 minutes for every individual participant over a ten-day period, though in fact the distribution varies, with some organisations delegating much more of this work to specific individuals, while in others the legal workers undertake the billing tasks themselves.

The second-largest casework task was hard copy and electronic admin on individual files (casework task 6), with a combined total of 12,780 minutes or 213 hours recorded over the ten days, averaging at two and a half hours per participant over the recording period. Again, this is unevenly distributed, ranging from 0 minutes (23 individuals) to 1,440 minutes or 24 hours over the ten days.

Task number	Task description	Minutes recorded
C9	Preparation of files for billing, billing process admin including legal helps, escape fee assessment, challenges and appeals	16,374
C6	Hard copy admin (scanning, copying, printing, posting, filing etc); Electronic admin (secure portal use including case type specific and general inter partes, downloads, e-bundles etc)	12,780
C1	New client enquiry/initial encounter/pre retainer advice, including discussions on funding	7,548
C Other	Other	7,032
C7	Case specific supervision, attending to file review outcomes, handovers and cover	6,048
C10	File closing admin and SQM specific compliance	3,432
C5	Legal aid issues (informal/formal appeals, fixer emails etc), CCMS related administration and troubleshooting that you cannot charge for	3,306
C3	Means Test related admin, including ensuring sufficient information is on file to perform the means test	2,892
C2	Administrative file opening procedures and SQM specific compliance	2,562
C8	Referrals and signposting (internal and external)	2,232
C4	ECF and ICC Funding Applications/Non-Standard Funding applications (related admin i.e. correspondence with the LAA, amendments to applications etc)	1,356

Table 2: Casework tasks and total time recorded over ten days (n=84)

It is worth noting that Exceptional Case Funding / Individual Case Contract / non-standard funding applications (casework task 4) ranks last for the overall sample. Given that these are well documented as being time-consuming tasks, this supports anecdotal accounts that legal aid providers avoid this work because they cannot afford the unpaid labour of ECF applications.² That is of concern because the ECF scheme was designed to act as a 'safety net', ensuring that advice is available when there is a risk of a breach of a protected right.

². It may also relate to the areas of law each organisation undertakes

Non-casework tasks

Out of the 84 individual participants, 53 recorded some non-chargeable time on non-casework tasks, ranging from six to 2,430 minutes (40.5 hours, or just over an entire working week). Finance-related admin (non-casework task 5) was the largest contributor to this, taking 4,584 minutes, or just over 91 hours. Typically, this work was concentrated in the workload of one or more individuals within the organisation. Overall, 'Other' tasks were the second largest non-chargeable non-casework demand, indicating that there is a greater range of non-casework tasks that are difficult to group or predict.

The non-casework tasks demonstrate the administrative burden which audits involve. The third largest time consumer was Quality Mark admin, including audit (non-casework task 10) but all of this time (3,162 minutes or nearly 53 hours) was recorded by one firm, which happened to be preparing for audit during its recording period. At the time of the interim analysis of the first five organisations' data, this one firm's time on that task outstripped all other firms' non-casework time recording. Although this skews the comparison, it also indicates the vast amount of non-chargeable time that audit preparation takes. LAA audit liaison and preparation (non-casework task 2) ranked fourth across the sample, with six of the ten organisations recording some time (90-912 minutes) against that task. This is in addition to the 948 minutes (just under 16 hours) spent on non-casework task 1: 'Formal contact from LAA (Contract Manager visits, peer review, core testing)'.

Task number	Task description	Minutes recorded
NC5	Finance admin (internal and external) i.e. internal processes relating to client/office ledgers, disbursements, allocation etc	4,584
NC Other	Other	3,474
NC10	Quality mark admin including audit	3,162
NC2	LAA Audit liaison and preparation.	2,358
NC6	General supervision requirements	2,286
NC9	Training (for competency and panel accreditation purposes)	1,740
NC3	Informal contact initiated by the LAA (requests for information or to complete surveys etc.)	966
NC1	Formal contact from LAA (Contract Manager visits, peer review, core testing)	948
NC7	File review of others - required for LAA to show upon audit	894
NC8	Training (for regulatory purposes) specifically to meet SQM accreditation	282

Task number	Task description	Minutes recorded
NC11	Panel Accreditation admin	204
NC4	IT system amends in relation to LAA Contract compliance, Quality Mark compliance, Peer Review compliance i.e. changes to precedents and work types within system related to LAA functionality, bulk upload etc	90
NC12	Tender processes	42

Table 3: Non-casework tasks and total time recorded over ten days (n=84)

Tender processes took up very little time because the data collection did not coincide with any major tenders and only two organisations recorded any time in that category.

The fifth highest ranked non-casework task was general supervision requirements, i.e. those which are not attached to specific files (non-casework task 6), yet only half of the organisations recorded any time in this category. As might be expected, this task is concentrated in the workload of certain individuals, with only 17 of the 84 participants (20%) recording time spent on the task. That time ranged from six minutes to 600 across the two weeks.

Two organisations (both private firms) had particularly high supervision time – in one, two out of 20 participants recorded time supervising others: these gave their job titles as caseworker and caseworker / supervisor and the other participants included seven solicitor-apprentices and four paralegals; in the other, 12 of 19 participants recorded supervision time, in a participant group which included eight solicitors (two of whom were also directors) and only three trainee or apprentice solicitors.

This is not a particularly surprising finding, and caution is needed because it may not be representative of the organisations' overall composition (as opposed to the subset who participated in the study), but it underlines the time and resource investment required to train new solicitors and caseworkers, and the difficult balance between employing relatively cheap trainees and diverting the time of experienced fee-earning staff. The fact that half of the organisations did not record any general supervision time, together with the job titles stated, suggests they may have opted not to train any new legal workers.

Who is doing the non-chargeable work?

There is variation in the percentage of non-chargeable time between individuals in each organisation, and variation between organisations as to who undertakes each task. Job titles differ but typically fall into groupings: legal workers had titles including paralegal, caseworker, solicitor, and chartered legal executive, with qualifiers including trainee, apprentice, assistant, associate, senior, or supervising, and additional roles including

owner, director, head, partner, and COLP/COFA. Non caseworking roles included practice manager and administrator, and a range of financial roles such as billing clerk or administrator, costs lawyer, draftsman, head, manager or clerk, legal cashier, finance manager, and so on. Other roles included a New Client Co-ordinator and a hybrid role as Head of Costing and Wellbeing.

Typically, those recording the highest non-chargeable time are a mixture of very senior staff and paralegals, indicating that the work splits into that which has to be done by someone very senior because of its importance and that which can be delegated to (presumably) much more junior staff. On one hand that delegation is likely to be cheaper than having all staff undertake the non-chargeable work themselves, but on the other, it requires organisations to employ and fund an additional person to undertake the lower-level non-chargeable work.

As can be seen in the tables below, the highest amounts of non-chargeable time across both caseworking and non-caseworking tasks may be undertaken by either legal workers or others within the organisation. Within non-chargeable casework tasks, only half of the top ten have a caseworking role and the other half have a financial-related or hybrid role: costs lawyer, billing clerk, legal cashier, finance manager and billing supervisor. Of the caseworking staff, those in the top ten do not appear to be very senior, with two solicitor apprentices, two paralegals and one caseworker, none of whose titles explicitly suggest seniority.

Job title	Non-chargeable casework (minutes)
Costs Lawyer	3738
Billing clerk	3078
Caseworker	2940
Paralegal	2670
Solicitor Apprentice	2472
Legal Cashier	2412
Housing Paralegal	2346
Solicitor Apprentice	2076
Finance Manager	1914
Civil billing supervisor	1890

Table 4: top ten non-chargeable casework totals, by job titles

This is in contrast with the top ten recorders of non-chargeable non-casework tasks: although six have a job title which suggests some kind of legal role, two of those have ‘supervising’ and ‘director’ in their job titles, suggesting seniority, while non-caseworking job titles indicate seniority, including practice manager, head of costs, and billing manager.

Job title	Non-chargeable non-casework (minutes)
Civil Billing administrator/ HCC manager	2430
Practice Manager	2394
Head of Costs	1440
Caseworker/ Solicitor	1200
Trainee Paralegal	996
Solicitor	930
Solicitor apprentice	768
Solicitor/ Director	762
Costs Lawyer	720
Supervising Solicitor	684

Table 5: top ten non-chargeable non-casework totals, by job titles

Not all staff in each organisation participated, and some participant cohorts clearly contain a larger or smaller proportion of caseworking and non-caseworking staff. However, it also appears that not all organisations have the same proportion and type of non-caseworking staff – perhaps because the organisation is unable to afford non-fee earning staff - meaning that the caseworking staff undertake more of the (ostensibly) non-casework tasks in those organisations. The tables below show a range of organisations’ job titles and chargeable and non-chargeable time data to illustrate these variations.

Table 6 shows the percentage of their *legal aid time* (not necessarily their entire contract time) which is spent on non-chargeable activities. A trainee paralegal and the new client co-ordinator spent all of their legal aid time on non-chargeable work – yet another trainee paralegal spent the smallest proportion of legal aid time on non-chargeable work. The next five highest proportions of non-chargeable work were all recorded by workers with finance-related job titles.

Job title	Chargeable (minutes)	Non-chargeable Casework (minutes)	Non-chargeable non-casework (minutes)	Total time	Total non-chargeable	Percentage non chargeable
Trainee Paralegal	0	156	996	1152	1152	100
New Client Co-Ordinator	0	654	0	654	654	100
Finance Manager	24	1914	180	2118	2094	99
Head of costing & wellbeing	246	1374	138	1758	1512	86
Costs Draftsman	180	48	630	858	678	79
Legal Cashier	1410	2412	210	4032	2622	65
Costing Clerk	180	0	294	474	294	62
Senior Paralegal	726	102	0	828	102	35
Senior Paralegal	1554	660	84	2298	744	32
Paralegal	2856	720	0	3576	720	21
Administration Assistant	2214	216	12	2442	228	10
Trainee Paralegal	7722	228	0	7950	228	3

Table 6: chargeable and non-chargeable time by job title; Firm 5

This firm's data illustrates how tasks and activities may be delegated differently: it employs a New Client Co-ordinator, who undertook well over two thirds of the work on new client enquiries in that organisation, with one trainee paralegal undertaking almost all of the rest of that task. By contrast, in Firm 4 (a not-for-profit organisation), every participant undertook at least some non-chargeable time in that category, ranging from 36 to 456 minutes across the ten days. The immigration senior caseworker undertook an average of just over 45 minutes per day on new client enquires, while a housing solicitor undertook an average of just over half an hour per day, out of a 7.5 and 7-hour working day respectively. Where a lower-paid employee can be given

a particular task, this potentially saves money, but the organisation needs to have the resource to employ an additional (potentially non-fee earning) worker to benefit from the potential saving.

The breakdown for Firm 2 is shown for comparison. This too is a private firm. The solicitor-owner noted in the initial 'details' section that their own work is 100% legal aid and, 'I work seven days per week which is barely sufficient for the volume of work I am expected to undertake to support our practice.' This is despite the presence of a Practice Manager whose legal aid time is wholly non-chargeable, along with a paralegal who recorded 41% of their legal aid time as non-chargeable.

Job title	Chargeable (minutes)	Non-chargeable Casework (minutes)	Non-chargeable non-casework (minutes)	Total time	Total non-chargeable	Percentage non chargeable
Practice Manager	0	2940	330	3270	3270	100
Solicitor / owner	1845	1278	0	3123	1278	41
Paralegal	1890	1296	0	3186	1296	41
Caseworker/ Solicitor	3828	2472	0	6300	2472	39
Paralegal	4260	2076	0	6336	2076	33
Caseworker and Public Law Supervisor	6000	1296	1200	8496	2496	29
Caseworker	2574	594	126	3294	720	22
Solicitor Apprentice	1968	474	0	2442	474	19
Solicitor Apprentice	4026	762	42	4830	804	17
Solicitor Apprentice	4500	426	240	5166	666	13
Solicitor Apprentice	1692	222	0	1914	222	12
Caseworker	5082	582	0	5664	582	10
Solicitor Apprentice	4710	300	240	5250	540	10

Job title	Chargeable (minutes)	Non-chargeable Casework (minutes)	Non-chargeable non-casework (minutes)	Total time	Total non-chargeable	Percentage non chargeable
Solicitor Apprentice	4614	408	42	5064	450	9
Paralegal	4296	390	0	4686	390	8
Solicitor, COLP and COFA	3960	300	0	4260	300	7
Solicitor	5760	414	0	6174	414	7
Solicitor Apprentice & Caseworker	5160	204	60	5424	264	5

Table 7: chargeable and non-chargeable time by job title; Firm 2

This is also the organisation with the largest amount of non-chargeable non-casework supervision time, discussed above, which is attributable to the relatively large number of solicitor apprentices and trainees. The solicitor apprentices themselves are all within the lower proportions of non-chargeable time.

What does it cost?

Clearly, given the different job roles undertaking the various tasks, it is impossible to come up with a clear figure for the cost of this non-chargeable time. However, we can calculate the cost of the non-chargeable time if paid at the minimum wage and at other hypothetical salary points.

Minimum wage (age 21+) = £12.21 per hour; cost to employer = £13.96 per hour.³

Median amount of non-chargeable time: 1 h 11 min/day, costing around £16.75 per day or £4,221.50 per year.⁴

Mean amount of non-chargeable time: 1 h 43 min/day, costing around £23.99 per day or £6,045 per year.

London legal aid firm paying £36,000 to newly qualified solicitors⁵ = approximately £19.05 per hour; cost to employer = £21.78 per hour.

³. Derived from 'real cost of employment' calculator and from <https://www.crunch.co.uk/knowledge/article/how-much-does-it-cost-to-hire-an-employee>

⁴. Based on 252 working days per year

⁵. Pay scale published on website

Median amount of non-chargeable time: 1h 11 min/day, costing around £26.14 per day or £6,856.37 per year.

Mean amount of non-chargeable time: 1h 43 min/day, costing around £32.39 per day or £8,161.02 per year.

London legal aid firm advertising a practice manager job at £60,000 – £65,000 a year.⁶
A salary of £60,000 = approximately £31.74 per hour; cost to employer = £36.29 per hour.

Median amount of non-chargeable time: 1h 11 min/day, costing around £43.55 per day or £10,973.84 per year.

Mean amount of non-chargeable time: 1h 43 min/day, costing around £61.69 per day or £15,546.64 per year.

Working overtime

The section above indicates that legal aid organisations are subsidising the legal aid system by paying their employees to undertake essential but non-chargeable work on legal aid cases or the overall contract. The data also shows that many individuals are also subsidising the legal aid scheme by working clearly beyond their contracted hours, which increases the risk of burnout. 25 participants (30%) recorded more minutes in legal aid work (chargeable and non-chargeable combined) than their total contracted work time over the ten working days.

The outcomes varied across organisations. In Firm 2, six out of eleven staff worked above their contracted hours, recording between 104-117% of their full-time working hours on chargeable and non-chargeable legal aid work. The business owner did not declare a contracted number of hours but stated that they work seven days a week. One worker did not give their contracted hours and was excluded from this calculation. The remaining participant cohort was wholly made up of caseworking staff. In Firm 3, three out of nineteen staff worked on legal aid (chargeable and non-chargeable) tasks for more than 100% of their contracted hours, recording between 115-134% of their contracted working hours per week. Again, all but one participant who gave their job title (one did not) were caseworking staff.

In Firm 6, one participant, whose job title was 'costs lawyer' recorded 136% of their contracted minutes on legal aid tasks, explaining that they usually work a 50+ hour week, compared with 35 hours per week contracted time. Their highest task-time was spent on billing related admin, followed by hard copy and electronic admin, and formal contact from the LAA, such as contract manager visits and core testing. In Firm 8, a participant identified as a housing paralegal recorded time totalling 137% of their 30 contracted hours on legal aid work, with new client enquiries and initial encounters, and competency training for general and panel accreditation purposes filling the most non-chargeable time.

⁶. Job advertised on firm's website and other job advertisement sites

Although the sample size is too small to draw firm conclusions, the analysis potentially indicates that caseworking / legal staff are more likely to work above their contracted hours on legal aid work, which is likely to reflect the demands of carrying out casework directly with clients, combined with required non-negotiable, non-chargeable tasks both within and alongside that client-facing work.

There does not appear to be any correlation between those who worked the most hours over their contracted time and the percentage of their time which is non-chargeable. In other words, working overtime does not appear to reduce the percentage of their overall time which is non-chargeable.

Audit

Firm 3 was preparing for its Quality Mark audit during its main recording period. They also carried out a separate period of recording audit preparation after the conclusion of their main data recording period to enable us to obtain a better understanding of this process.

Six of Firm 3's workers recorded non-chargeable time spent on 'Quality Mark admin including audit' totalling 3,162 minutes or 52 hours 42 minutes. The largest proportion of this was recorded by the Practice Manager, taking up 69% of that individual's working time across the ten-day period. The other workers recording time in this category were two solicitor-directors, one other solicitor, one solicitor apprentice and a paralegal.

The firm also undertook an audit-specific data collection and recorded a total of 9786 minutes on non-chargeable tasks to prepare for audit. This equates to 163 hours 6 minutes, or 20.4 eight-hour working days. The audit-specific data collection aimed to capture all time spent on audit, rather than the work towards audit that was contained within ten normal working days across all staff, so gives a better indication of the full burden of preparation. Audit preparation time during the main recording period was diluted by time recorded on non-audit activities and may not include all staff working on audits.

Again, the largest time demand was on the Practice Manager, who recorded 3,720 minutes, or 62 hours, which was 38% of the total time recorded by the firm. The next highest times were recorded by two solicitor apprentices, whose combined time totalled 3,192 minutes or just over 53 hours, followed by two solicitor-directors who recorded a combined total of 1,212 minutes or just over 20 hours.

Though clearly there is not enough data here to draw wider conclusions, these two time-recording processes indicate two tentative findings: first that preparation for audit takes significant (unpaid) time and secondly that the most substantial work is undertaken by the most senior members of the organisation (with financial implications), with some matters delegated to much more junior staff. Although there is an expectation that audit merely checks files which are already complete and in an 'audit-ready' state, providers have explained elsewhere that the consequences of minor errors are so severe that they cannot risk going into an audit without this level of preparation.

Conclusions

The overarching conclusion is that all legal aid organisations are compelled to undertake a significant amount of unpaid work on non-chargeable casework and non-casework tasks which they must undertake to maintain their contracts and to complete their cases but which they cannot bill for.

Despite the small sample, the data clearly illustrates this phenomenon across a range of organisations. It reveals that means testing and dealing with new client enquiries at the beginning of cases, billing processes at the end of cases, required hard copy and electronic administration, and dealing with formal contacts with the LAA are particularly burdensome.

These tasks are intrinsically linked to the proper management of casework, but are not currently claimable time in the Cost Assessment Guidance and Criminal Bills Assessment Manual.

Both the main data collection and the additional data collected on audit preparation demonstrate the burdensome nature of audits and, to some extent, show the overlapping burdens of LAA, SQM and other professional regulation, with one single firm's SQM audit preparation having been sufficient to make that the third-highest ranked non-casework task, followed by LAA audit liaison and preparation, recorded by six out of ten participant organisations.

This combined burden of unpaid tasks has led to both organisations and individuals effectively subsidising the state-funded legal aid scheme with other financial resources and unpaid labour and overtime.

There are three possible solutions which, separately or in combination, would help to restore some sustainability to the legal aid sector:

1. to increase fees so that the chargeable time is better able to subsidise the non-chargeable time;
2. to amend guidance so that practitioners can claim for the work actually carried out to deliver legal aid services;
3. to review, amend or even remove processes to reduce the administrative burden on providers.

Glossary of terms

Criminal Bills Assessment Manual – a Legal Aid Agency (LAA) guide that sets out the LAA’s approach to assessing legal aid costs claimed in relation services provided to clients under a criminal legal aid contract.

Cost assessment guidance – a LAA framework for determining the reasonable and proportionate costs to be paid by the LAA for services provided to clients under a civil legal aid contract.

Tender processes – involve the LAA inviting organisations to submit applications (tenders) for contracts to provide legal aid services.

Not-for-profits – a small number of legal aid providers such as Law Centres and Citizen’s Advice operate legal aid contracts on a non-profit-making basis.

Legal help – part of the legal aid scheme to help people pay for legal advice, mediation, and representation in courts and tribunals if they can’t afford it themselves.

Secure portal – refers to the new, secure online system called Sign in to Legal Aid Services (SILAS), which replaced the previous LAA portal after a major cyberattack in April 2025.

File reviews – a LAA mandated method for checking whether caseworkers are providing good-quality legal advice as well as following all the LAA’s rules, conducted by supervisors employed by legal aid providers.

Means test – a financial assessment to determine an applicant’s eligibility for government funding for legal advice and representation, examining both their income and capital (assets) against specific thresholds.

ECF (Exceptional Case Funding) Applications – provides legal aid for cases that are outside the scope of the standard legal aid scheme but where refusing funding would breach a person’s ECHR or EU law rights.

ICC (Individual Case Contract) Funding Applications – this is a specific type of contract that allows legal aid providers without a standard crime or civil contract to apply for funding in specific cases.

Specialist Quality Mark – is a quality assurance standard set by the LAA in the UK for legal service providers who receive legal aid funding.

Contract Manager visits – these are on-site reviews where a LAA Contract Manager checks a legal provider’s compliance with their contract, typically by reviewing a sample of case files to ensure accurate claiming and adherence to contractual requirements.

Peer Review – the LAA uses peer review to assess the quality of legal advice given to clients. A peer reviewer, who is a lawyer experienced in the relevant area of law and is independent of the LAA, reviews a sample of files and assesses them against a quality framework.

Core testing – a process used by the National Audit Office to check legal aid provider files to assess the level of error in payments and applications for legal aid.

Panel accreditation – a quality standard set by bodies like The Law Society or professional associations such as Resolution, which verifies that solicitors and legal professionals have the required knowledge, skills, and experience to represent clients in specific categories of legal aid.

