

Pro(vider)Bono

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Adjective

The hidden cost of
delivering legal aid

NON-CHARGEABLE TIME IN LEGAL AID RESEARCH PROJECT

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

Report Summary

September 2025

Non-chargeable Time in Legal Aid Research Project

The research aimed to compile robust empirical data on hidden or non-chargeable costs of doing legal aid work, i.e. work which a legal aid provider organisation must do, but which it cannot claim payment for under the current regulations and contract rules.

In total 84 participants from ten organisations (8 private firms and 2 not-for-profits) completed a data recording period of ten working days, entering time spent on legal aid work in three categories: chargeable time, non-chargeable time on casework activities, and non-chargeable time on non-casework activities (such as management and administrative tasks).

Some participants were employed in a legal role (solicitor, caseworker, paralegal) while others were employed in a wholly non-legal role such as finance, administration or practice management.

How much time is 'non-chargeable'?

Every participant recorded some non-chargeable time, with the lowest averaging 10 minutes per day and the highest averaging 7 hours 26 minutes per day. The mean was just over one hour 43 minutes per day.

Across the whole sample, non-chargeable casework tasks took up the most time, averaging 1 hour 20 minutes per day for each participant in the study, including those employed in a non-caseworking role.

Across the ten days, 53 participants recorded some non-chargeable time on non-casework tasks, with the highest being 40.5 hours, or just over an entire working week. Finance-related admin was the largest contributor to this, taking just over 91 hours across the sample. Typically, this work was concentrated in the workload of one or more individuals within the organisation.

What's taking so long?

By far the largest amount of time was spent on billing-related work, averaging 3 hours 15 minutes over the ten-day period for every individual participant, 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, averaging at two and a half hours per participant over the recording period.

What about auditing and quality marks?

Audit-related work was a significant contributor, with one firm recording nearly 53 hours on preparation for its Specialist Quality Mark audit. This or a similar accreditation is required for all legal aid providers. This firm also separately recorded time spent on preparation for a Legal Aid Agency audit, counting a total of 163 hours 6 minutes, or 20.4 eight-hour working days on non-chargeable tasks to prepare for audit. The largest time demand was on the Practice Manager, who recorded 62 hours; the financial and time consequences of an 'error' being identified on audit are so severe that firms dedicate significant time from senior staff to prepare.

Who is doing the non-chargeable work?

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.

What does this mean for those doing the work?

The data shows that many individuals are 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.

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, but then being required to undertake non-negotiable non-chargeable tasks both within and alongside that client-facing work.

What does non-chargeable work cost?

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

Minimum wage (age 21+); cost to employer = £13.96 per hour.¹

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

Newly qualified solicitor (London) £36,000; cost to employer = £21.78 per hour.

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

Practice manager job (London) £60,000 - £65,000 a year; cost to employer = £36.29 ph.

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

What next?

LAPG has published this research to inform policymakers and encourage the MOJ to find solutions to this wholly unsustainable position. Solutions could include: increasing fees to reflect the cost of all required tasks; amending guidance to allow claims for all work carried out delivering legal aid; and amending or even removing processes to reduce the administrative burden on providers.

¹. 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>