

# Applicant Survey 2009

December 2009

## Background

The Applicant Survey provides valuable insight into people's experience of the civil legal aid system and gauges levels of satisfaction with the services provided by solicitors and the Board. The Board wanted to measure levels of satisfaction with the services we provide and the services provided by people's solicitors. We also wanted to understand how people identify legal problems and access solicitors. This information will be used to further develop legal aid policy, practices and procedures. The last major survey of civil applicants was undertaken in 2007.

## Aims and objectives

The overall aim of the research was to seek the views of civil legal aid applicants as to how the legal aid system is working and to identify areas where the system can be improved. Specifically the survey helps:

- Measure knowledge of, and levels of satisfaction with, the Board, the profession, and the legal aid system as a whole
- Explore how applicants try to resolve their legal problems
- Identify any problems in accessing justice
- Identify how and where the legal aid system can be improved
- Identify any differences in opinion between groups of applicants
- Provide comparisons with previous applicant surveys

## Methodology

The Board commissioned Progressive Partnership to carry out and report the research.

The survey was undertaken over March and April 2009. A total of 765 people were interviewed over the phone. The sample included people who had applied for advice and assistance as well as civil legal aid. It included people who had to pay a contribution toward their aid and those who were fully financially eligible and did not pay a contribution. It also included those whose

application was refused and those whose application was abandoned.

The questionnaire reflected the pathways that people typically move through when identifying and trying to resolve a legal problem through legal aid. The survey examined how people identify legal problems and access solicitors, their views on the application process for legal aid and any financial processes that followed. Following on from previously commissioned court user research, we also added a new, small section that looked at people's understanding and experience of the court process and views on In Court Advice Services.

## Summary of findings

### Advice seeking behaviour

Approximately nine in ten applicants go to their solicitor to first get information on their legal problem. Three quarters said they contacted a solicitor 'straight away' after identifying a legal problem.

Less than half (42%) of respondents were sure that they could get legal aid before they spoke to anyone about the problem, with 36% indicating that they thought they were not eligible.

The majority (64%) of those interviewed were made aware of legal aid by their solicitor. Some of the other common ways of finding out about legal aid was through the media and through family or friends.

### Accessing justice

The survey suggests that for the vast majority of those interviewed there were few problems accessing justice. However this survey does not report anything about people who may have tried in some way to seek legal help for a problem under legal aid but who failed to apply. Key findings on accessing justice from this survey include:

- Only 5% of applicants had difficulty finding a legal aid solicitor.

- 82% of applicants used the first solicitor that they contacted for their case.
- Personal recommendation was the most frequently cited route to finding a solicitor (29%).
- Awareness of the Board's support services was low, with 16% aware that the Board's website contains a list of solicitor's firms, and 16% aware of the Board's helpline. However it is important to note that only 5% of respondents had any problems finding a solicitor, suggesting that demand for the helpline is likely to be focused on a specific group of potential applicants.

### Views on solicitors

Overall the majority of applicants (87%) were either very or fairly satisfied with the service provided by their solicitor. Applicants were most satisfied that solicitors treated them with respect and courtesy (93% very or fairly satisfied) and that solicitors explained things clearly in a way that could be understood (91% satisfied). Applicants were also satisfied that solicitors dealt with things without delay (84% very or fairly satisfied) and that solicitors kept them informed of progress (83% very or fairly satisfied).

Applicants were least satisfied that solicitors clearly explained about the 'clawback' process (72% very or fairly satisfied).

Just over half of applicants (60%) said they were given the guide 'Civil Legal Aid - Information for Applicants' by their solicitor when they applied for legal assistance.

### Overall experience of legal aid and of the whole legal system

Those surveyed were typically satisfied with their overall experience of legal aid and of the legal system. In addition, all scores across satisfaction measures have increased since the 2007 survey. Key findings include:

- 91% of respondents were very or fairly satisfied with the ease of starting to use the legal aid system.
- 85% of legal aid applicants were very or fairly satisfied with the work of the Board.
- 84% of applicants indicated that they were very or fairly satisfied with the overall experience of the full legal system.
- 88% of applicants would recommend legal aid to a friend.
- For many, but not all questions, those whose application was refused aid tended to be less satisfied.

### Contact with the Board

Those interviewed were typically satisfied with their contact with the Board. Where comparable, all satisfaction scores have increased compared to 2007. Key findings include:

- 83% of respondents were either very or fairly satisfied with the speed with which the Board decided if legal aid was to be granted or refused. Only 9% reported that they were fairly or very dissatisfied (the remainder were either neutral or didn't know).
- 70% were fairly or very satisfied that the Board's response answered the applicant's questions. Only 5% reported that they were dissatisfied (very or fairly).
- 74% were fairly or very satisfied that things were explained clearly in a way the applicant could understand. Only 3% reported that they were dissatisfied (very or fairly).
- 71% were fairly or very satisfied that that it did not take long to get an answer. Only 3% reported that they were dissatisfied (very or fairly).
- The majority of applicants (83%) were satisfied that the Board explained clearly what they would have to pay and the majority (87%) found it easy to pay by the method they chose.
- 80% of applicants agreed that the leaflet 'Civil Legal Aid - Information for Applicants' was easy to understand. Only 4% tended to disagree or strongly disagreed.
- 70% agreed that the financial forms were easy to fill in. 15% tended to disagree or strongly disagreed that the forms were easy to fill in.
- 39% filled in the forms themselves, with 58% requiring assistance. Assistance came from their solicitor in nine out of ten cases.

### Knowledge of court processes

Those who had applied for legal aid were asked about their levels of understanding of the court process. It is important to note that just over half of those interviewed said they had not reached the end of their case and may not have actually attended court.

Half of those interviewed said that they had received guidance on what could happen to them in court. Most (86%) of those that did receive guidance were satisfied that it prepared them for what would happen in court.

The majority (81%) of those interviewed were unaware of the in-court advice services. This is a low level of awareness but it is worth factoring in

that in court advice services do not operate at every court across the country and more importantly they do not typically provide advice to people involved in family related cases, the main group of cases in the sample for this survey.

## Next steps

The findings have been considered by the Board and will be used to inform and further develop the way the Board delivers and promotes its services.

The results are on the whole positive in terms of the Board's services and access to justice issues. However there are a number of areas where the Board will seek to further investigate or improve upon. This includes mapping where we can highlight key messages such as awareness of the requirement on the Board to allow 14/28 days notice for opponents to make representations in relation to an application for legal aid, or the right to ask for review or to re-apply. More generally we will look at ways of better and wider communication around our Helpline, the eligibility rules and the existence of In Court Advice Services.

The survey provides evidence for the Board's ongoing Simplification Programme and in particular the plans to redesign and 'simplify'

financial forms for civil legal aid. The improvements made to these forms should be reflected in satisfaction rates in future sweeps of the applicant survey.

The findings from the survey will be disseminated to solicitors who provide services to clients under civil legal assistance. Some of the findings will be used to inform the Board's forthcoming survey of solicitors who provide legal aid. We will also discuss the findings with the Law Society Scotland. In particular we will discuss with them the levels of awareness of 'clawback' procedures and what can be done to improve awareness and understanding of this.

## Further information

This research briefing and the full Progressive Partnership report of the research are available on our website at:

[http://www.slab.org.uk/about\\_us/research/Stakeholderengagement.htm](http://www.slab.org.uk/about_us/research/Stakeholderengagement.htm)

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