

review



MISSION

To promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost-effective manner.

Contents

02	chairman's introduction
04	about legal aid
06	2003-4 at a glance
08	facts and figures
10	civil legal aid
	- FACTS AND FIGURES
	- CHANGES TO THE SYSTEM
	- WHAT PEOPLE THINK
15	criminal legal aid
	- FACTS AND FIGURES
	- CHANGING CRIMINAL LEGAL AID
19	ensuring value for money
20	finding new ways
28	the way ahead

**Legal aid widens
access to the
justice system.**

**This Annual Review
tells you about
legal aid last year
and our plans for
the future.**

chairman



IMAGE
JEAN COUPER, CHAIRMAN OF
THE SCOTTISH LEGAL AID BOARD

It is my great pleasure to welcome you to the Scottish Legal Aid Board's Annual Review: a short, accessible and digestible summary of our work between 1 April 2003 and 31 March 2004. If you would like more details of our performance last year, you will find them in our Annual Report; details of our long-term objectives and the targets by which we measure our performance are contained in our Corporate Plan. Copies of these documents are available from the address on the back cover or at www.slab.org.uk.

Access to justice is one of the most important rights in any free society. Our core remit is a wide one. It includes managing the legal aid system, monitoring how well it is working, and advising Scottish Ministers on its operation and possible future improvements.

Last year the Board dealt with high volumes of work and a wide range of responsibilities, so I am especially pleased that the quality of our service continued to improve. The heart of our work is deciding applications for legal aid, and assessing accounts received from solicitors and advocates. Last year we handled over 407,000 grants of legal assistance and over 381,000 accounts. How quickly and how

accurately we deal with them is of real importance to applicants, their advisers and many others involved in the wider justice system. It is right, therefore, that last year we achieved all of our main performance targets, consolidated previous improvements and raised many of our targets, reflecting the needs and priorities of our customers.

The legal aid bill also rose significantly, by 7% to £146 million. This rise is due in large measure to an increase in the number of applications, particularly for summary criminal legal aid, and increased costs for solemn criminal cases. We are fortunate that in Scotland legal aid is not a fixed budget – each deserving case must be funded. Yet the ongoing rise in costs must be a concern to all. We are continuously working with the Scottish Executive, the legal profession and other justice system agencies to find new ways to deliver efficiency in the system which also gives the taxpayer the best possible value for money.

The reform of legal aid moved forward last year. Increasingly, we are working with others to modernise the justice system and ensure that the legal aid system meets the needs of

applicants, the profession and the courts. The most notable development was the successful implementation of the most significant reform of civil legal aid in 50 years, delivered in conjunction with the Law Society of Scotland. In 2005 we expect to see further reforms, to solemn criminal legal aid and civil advice and assistance. Scottish Ministers are modernising the criminal justice system, and as legal aid has a key role in helping the system work effectively, legal aid will need to change with it.

Alongside this, the Board has continued the programme of investment in our computer systems, and we have made significant progress towards our target of making all our services available online by 2005. Developing and testing alternative ways of delivering legal aid and legal advice services is an increasing area of work for the Board.

We value the work of the legal profession in delivering legal aid services. More and more we work in partnership with the Scottish Executive, profession, other agencies, the Scottish Parliament and other parts of the justice system. Our performance and the developments highlighted in the Review owe much to their co-operation and support.

In October 2003, Justice Minister Cathy Jamieson MSP initiated a strategic review of legal aid, advice and information. We support this review and welcome the opportunity to join with others in thinking creatively about how the legal aid system can work in the future. Increased collaboration between the Board and other agencies not only helps each organisation to achieve its own objectives, it is also fundamental to delivering the modernisation of the justice system that Scottish Ministers have envisioned.

The volume, range and quality of work that we have delivered in this past year is due in particular to the diligence, commitment and energy of our staff and Board Members and the excellent partnership working we enjoy with others. I take this opportunity to thank them all. I have every confidence that they will rise to the many challenges which the coming year will undoubtedly bring.

CASE STUDY:

'The legal aid which I received enabled me to win my case. Most importantly, it helped secure the safety of my granddaughter Catriona who is very happy with her mum and our care. Her dad now has weekend access. Thank you for the support you gave us at a very urgent time.'

Jean Couper

our work

About legal aid

The legal aid system enables people who would not be able to afford it to get help for their legal problems. It is paid for by the taxpayer, managed by us, the Scottish Legal Aid Board and delivered by solicitors and advocates. We assess applications and, if appropriate, make grants to pay for legal help. The solicitor giving that help may be in private practice, a public defender, or be associated with a law centre.

One important difference between legal aid and some other public services is that it is not cash-limited. This means that if someone is granted legal aid, the Scottish Executive will provide the funds required to meet the cost of their case. People can be sure that they will have access to justice if their case and circumstances meet the tests for legal aid; we never have to refuse people simply because there is no money left to pay for their case. On the other hand, we have a key responsibility to make sure only those eligible (financially, in law and where it is reasonable to fund the case by public money) receive legal aid.

We separate the kinds of work we pay for into four main categories:

- 'Civil advice and assistance' is when a solicitor gives advice, or helps in other ways such as writing letters and negotiating with

other people involved in the case. It applies to civil cases – on issues such as divorce, debt and compensation after an accident

- 'Civil legal aid' is when a solicitor represents someone in court – again in a civil case
- 'Criminal advice and assistance' means advice and help, when someone has been charged with a criminal offence
- 'Criminal legal aid' is when a solicitor defends in court a person accused of a criminal offence.

As you can see the term legal aid can have two meanings: an umbrella term for all kinds of help given by a solicitor, or a specific meaning of help by representing someone in court. We also use the term legal assistance to cover all of these.

You can find out more about the legal aid system on our website: www.slab.org.uk.

Who we are and what we do

The Scottish Legal Aid Board was set up in 1987 to manage the legal aid system in Scotland. We are a 'non-departmental public body', so, although we are not technically part of local or national government, we are accountable to the Scottish Executive.

Some key elements of our work are:

- deciding whether to grant applications for legal aid
- paying solicitors and advocates for the work they have done
- registering firms and solicitors who do legal aid work
- making sure that these firms continue to keep to the necessary standards
- advising Scottish Ministers on how the legal aid system is working and should be developed
- exploring different ways of providing legal assistance.

In short, we administer the Scottish legal aid system, monitor it, and advise the Scottish Executive on how to improve it. Ministers decide the overall legal aid policy, and the Scottish Parliament deals with any legislation. This includes setting the tests for granting legal aid, which we then apply to each individual case.

Our work is overseen by Board Members, who are appointed by Scottish Ministers (the number of Members is currently 12, but can vary between 11 to 15). To give a balanced range of knowledge and experience, the Board includes people from the wider community as well as solicitors and advocates.

Value for money

A vital part of our work is making sure that legal aid money paid for by taxpayers is spent responsibly.

As well as making sure that legal aid funds only cases which meet the criteria set by the Scottish Parliament, we constantly try to improve our service – not just to applicants for legal aid, but also to the solicitors and advocates who provide the legal aid service, and to others involved in providing access to justice.

In 2003-4 we made several improvements to our working methods and to introduce civil legal aid reform. This meant that the cost of running our office rose to £10.9 million – a planned increase of £0.2 million on the previous year. This figure includes all staffing costs and all investments to improve our systems.

Our staff

We have around 300 staff, but changes to the way that legal aid is run, such as the use of new computer systems, mean that we have fewer staff than previously and the jobs they do are changing.

This year we encouraged staff teams to design and manage their own working hours in order to improve their work-life balance.

This new approach has been good for our business. It has improved service and productivity; boosted staff morale; halved overtime costs; lessened days lost through sickness; lowered staff turnover and cut recruitment costs.

Our open-minded and innovative approach to flexible working was recognised in the prestigious National Employer of the Year awards. We were delighted to receive an award for the most promising new initiative in the ‘Scottish Employer of the Year’ category, and to be one of the five finalists for the UK-wide ‘Innovation Award’.

IMAGE
OUR BOARD MEMBERS AND SENIOR STAFF DIRECTORS ARE SHOWN HERE.



at a glance



Justice Minister
Cathy Jamieson MSP
announced a wide-ranging
strategic review of legal
aid, advice and
information.

SEE PAGE 21

£146.0 million

was spent on providing legal assistance.

SEE PAGE 8

Working closely with
the Law Society of Scotland,
we introduced the most
significant reforms to
civil legal aid for

50 years

SEE PAGE 12

We worked
towards opening
two further
Public Defence
Solicitors' Offices.

SEE PAGE 18

We tested different ways to plan and run advice services through pilot projects and partnerships.

SEE PAGE 22

407,156

grants of legal assistance were made, 3% fewer than in 2002-3.

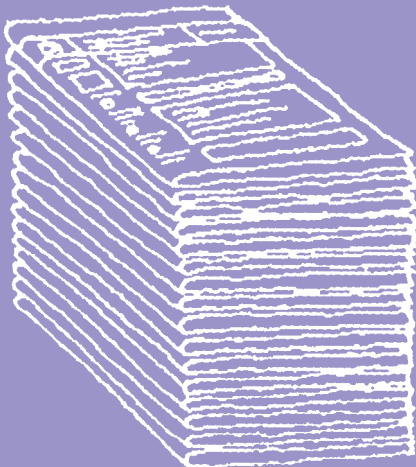
SEE PAGE 8

Providing legal assistance cost

7% more

than in 2002-3, mainly because criminal legal aid cost more.

SEE PAGE 8



We achieved all of our headline performance targets for our service.

SEE PAGE 9

figures

Here is a summary of our work last year, showing the help people got, how much it cost and how we performed against our targets.

How many grants of legal assistance were there?

There were **407,156** grants of legal assistance in 2003-4, which is 3% fewer than the figure for 2002-3.

Criminal legal assistance	246,988 grants
Civil legal assistance	148,962 grants
Children's legal assistance and contempt of court	11,206 grants

How much did it cost?

Legal assistance cost the taxpayer **£146.0 million** – an increase on the previous year of £10.8 million, or 7.4%. Most of this increase was in criminal legal aid.

Criminal legal assistance	£102.2 million
Civil legal assistance	£39.9 million
Children's legal assistance and other	£3.9 million

Where did that money go?

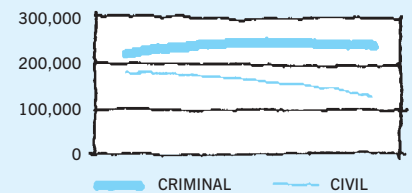
The money pays for fees charged by solicitors, advocates and solicitor advocates. It also pays for outlays – for example, travel expenses and the cost of getting reports from experts such as doctors and surveyors.

Solicitors' fees	£122.9 million (78%)
Advocates' and solicitor advocates' fees	£17.9 million (11%)
Outlays	£16.0 million (10%)

(These figures are gross expenditure and include VAT.)

The next few pages tell you more about how and where we spent money last year. For even more details, look at our full Annual Report and our website, www.slab.org.uk

Grants of legal assistance 1999-2004



Cost of legal assistance 1999-2004



MEASURING PERFORMANCE

Our performance is measured against six targets, called 'headline performance indicators', because they are considered to be the most important measurements of our performance. Last year we exceeded all six.

We also have 47 individual targets. Last year we met 46 of these, and just missed the other. Our overall performance has improved steadily over the last few years, and in 2003-4 we continued this trend.

We set out our targets in our Corporate Plan, which the Justice Minister agrees each year. We ask people for their views on our targets, and may adjust our standards if they do not match their needs. We realise that when someone applies for legal aid, they want, above all, a correct decision which takes account of all the relevant factors within a set timescale. How accurately and quickly we deal with every application for legal aid has a big impact on both the applicants and their legal advisers.

This year we have worked hard to continue to improve the speed at which we deal with our work, while also improving the quality of our decision making.

We have also prioritised completing work on the very small number of applications that failed to meet our targets for speed of decisions.

What's next?

We want to do even better in 2004-5, so we have increased our targets. Specifically, we have raised all six headline targets, made the accuracy targets considerably more demanding, and raised more than half of the targets concerning how fast we work.

We will set even higher targets when we introduce new services through Legal Aid Online. This lets solicitors send us applications and accounts electronically rather than on paper, which in turn makes many of our processes quicker and more efficient.



IMAGE
LINDSAY MONTGOMERY IS
OUR CHIEF EXECUTIVE

Whether the case is civil or criminal, we want our service to be quick, accurate and beneficial for all. We try to make the legal aid system more efficient.

civil

This section contains the facts and figures on what help legal aid gave for civil and children's cases last year and how much it cost. This section also explains how civil legal assistance works, and looks at the big changes introduced to make the system work better for everyone.

How many people received civil legal assistance in 2003-4?

In total, there were 148,962 grants of civil legal assistance.

Of these, 12,322 grants fell into the 'civil legal aid' category. We granted 67% of applications, an increase of 3% compared to 2002-3. But the number of applications fell by 5% to 18,175. Over the past 10 years, applications and grants in this area have fallen. We think there are two main reasons for this. Firstly, there are far fewer fault-based divorces and people are settling many divorce and family cases in ways that do not involve going to court – through negotiation or mediation, for example. Secondly, solicitors work on some compensation cases on a "no-win no-fee" basis.

How much did it cost?

Overall, civil legal assistance (which includes both civil legal aid and civil advice and assistance) cost £39.9 million last year. This compares to £38.1 million spent in 2002-3.

Of the 2003-4 total, civil legal aid cost £18.6 million, an increase of 7% compared to 2002-3. The cost of civil advice and assistance also rose by 3% to £21.3 million.

The average cost of a civil legal aid case went up by 4% to £2,358. Because people are sorting out more cases without going to court, the cases that do go to court are often the more complex and expensive ones.

For civil advice and assistance, the average cost of a case increased to £173 from £159 in 2002-3, mainly because of an increase in the number and cost of asylum and immigration cases.

Where did the money go?

The amounts paid out to solicitors, to advocates and on outlays all rose, compared with the previous year. Solicitor payments rose by 10% to £18.0 million, advocates payments by 28% to £4.2 million and outlays by 5% to £7.9 million. Payments to advocates now make up 14% of the total cost of civil legal aid; ten years ago the figure was 6%.

What types of cases were funded?

Civil legal aid was granted most often for the following types of cases:

- divorce and family matters
- compensation, for example after an accident
- eviction or mortgage repossession
- judicial reviews, especially those about prison conditions and immigration and asylum.

How much did people pay back for legal aid?

People who received civil legal aid paid us back £11.4 million, which is 28% of the total spent on civil cases. People paid back 82% of spending on compensation work, and 17% of spending on family and matrimonial work. Most of the total paid (77%) came from opponents in expenses, with 13% coming from applicants' contributions, and the remaining 10% from money we regained from applicants after the successful outcome of their cases.

25% of people who received legal aid had to pay a contribution, compared with 23% in the previous year. The average contribution for civil legal aid has also increased by just over 20%, to £1,026. We extended the repayment period for contributions, which has made it easier for people with high contributions to use legal aid.

Children's legal assistance

There were 3,654 grants of legal aid under the Children (Scotland) Act 1995, an increase of 18% on the previous year. This involves measures to ensure children are protected and supervised and appeals against decisions of children's hearings. Solicitors gave advice and assistance in 7,346 cases, a rise of 9%. Despite this increase in providing legal assistance for children, costs fell by 15% to £3.4 million. However, over the past decade we have seen spending on children's legal aid rise by 72%.

CASE STUDY:

Ann's son required frequent hospital treatment. Getting legal aid was important to Ann, as she wanted to divorce her husband – following negotiation or by going to court – and she hoped that a share of the marriage's money would help her improve her son's life.

Ann's circumstances were complex, and originally she did not meet the financial tests to use civil legal aid. However, in our improved assessment process, it is easier for applicants like Ann to discuss the assessment with our staff and to give us any further information we need. We found that Ann had not told us about some of her household expenses, and using this information, we found she was eligible for civil legal aid, but would have to pay a contribution of over £800 towards her costs.

Then, Ann became a student and her income changed. We had written to Ann giving her a full breakdown of how we calculated her contribution and she could see that her contribution could be re-assessed. She got in touch, and once we took account of her new circumstances, we calculated she was due to pay under £170. Now, with the support of legal aid, Ann can afford to take her legal action forward.

CHANGING THE SYSTEM

October 2003 saw the introduction of the most significant reform of legal aid for over fifty years. It covered several areas.

Quality assurance and registration

Any law firm that provides civil legal assistance must now register with us. To remain on the register, they have to show that they meet agreed standards. We check they have proper administrative procedures: experienced civil solicitors review a sample of their files to ensure they meet agreed quality standards under the quality assurance scheme operated by the Law Society of Scotland and the Board.

Reporting

Solicitors now have to send us progress reports about each civil legal aid case at key stages of the case, every 6 or 12 months or whenever something important happens. This means we get

better information about the case's progress, and whether it still meets all the tests for legal aid. If it does not, we will suspend legal aid, investigate further, and may stop the legal aid altogether.

Better arrangements for paying solicitors

Solicitors' fees have increased – the first increase in civil legal aid fees for many years. Also, solicitors now receive simplified 'block fees' at key stages of a case for work in the sheriff court.

The new system benefits everyone. People receiving legal aid can be confident they are getting a quality-assured legal aid service from their solicitors. Solicitors get paid fairly for the work they do, and are rewarded for being efficient and effective.

We will monitor all the reforms to make sure that they are effective, and that they continue to work to everyone's benefit.

Civil legal aid contributions

We have made changes to improve how people make contributions to the cost of civil legal aid.

Firstly, we've improved the way we assess whether someone is financially eligible for civil legal aid. It's now easier for applicants to discuss the assessment with us, and it is clearer what information we need so that we can assess the application accurately and more quickly, giving a better service to the applicant.

Secondly, we now make more checks on the information that applicants give us to help ensure that only those who qualify financially for civil legal aid receive it.

We are still working with the Scottish Executive to try to make the processes and rules of financial assessment and applicant contributions better and simpler.



‘Solicitors now have to send us progress reports about each civil legal aid case. This means we get better information about the case’s progress’

WHAT PEOPLE THINK

We conducted a survey last year to find out how well the civil advice and assistance scheme works and how we could improve it. The findings were encouraging.

The survey asked people what they hoped to achieve by seeing a solicitor. The most frequent answers were that they wanted:

- information about legal rights
- someone to help solve the problem
- advice about ways to solve the problem.

Most people who took part in the survey felt that they had achieved their objectives. Over 70% said that receiving advice and assistance had made their problem better, and 83% said they were satisfied with their experience of receiving advice and assistance. People also said that advice and assistance had a positive impact on their understanding of legal and other solutions to problems, with 87% saying they now understood more.

The survey also highlighted a number of areas where improvements could be made. Some people said they would like more information on legal costs or on whether they qualified for legal assistance, an issue which we are addressing. Some

suggestions were for others to consider, such as the desire for solicitors to make contact more often and to provide better updates.

'It could take less time' was a frequent comment. This view may come from experience of the legal system overall, and may not be something that can be improved either by us or by solicitors.

The research has given us a useful picture of people's experiences and perceptions. We are working on some issues such as improving information. We are also using the findings in plans to reform the whole civil advice and assistance system.

The future

Together with the Scottish Executive and the Law Society of Scotland, we have begun a major review of civil advice and assistance. The review is looking at how to improve the way civil advice and assistance operates, and to ensure that it works effectively alongside the recent reforms. When the review is complete, we will consult widely on its findings and agree what changes need to be made. We hope to implement changes on 1 April 2005.



OVER 70% WHO RECEIVED ADVICE AND ASSISTANCE FELT IT HAD IMPROVED THEIR SITUATION



83% SAID THEY WERE SATISFIED WITH THEIR EXPERIENCE



87% OF PEOPLE RECEIVING ADVICE AND ASSISTANCE FELT THEY UNDERSTOOD MORE

criminal

This section gives you information on our work in the criminal area last year. It also tells you about changes we are planning.

How many people received criminal legal aid this year?

We received 82,999 applications for summary criminal legal aid (for less serious crime) in 2003-4, an increase of 4% on 2002-3. Applications have risen by over 16% over the past 10 years and are now at their highest ever level. We granted 75,414 applications for summary criminal legal aid, which was 91% of all applications we received.

Grants by the courts for solemn proceedings (the more serious crimes) have risen sharply over the last three years and have reached a new peak – 11,399 in 2003-4. This was an increase of 4% on the previous year.

Grants of criminal advice and assistance by solicitors were almost the same as 2002-3 at 159,031.

What types of crime were people accused of?

Criminal legal aid was granted most often in connection with the following types of crimes:

- assault
- offensive weapons, vandalism or breach of the peace
- theft, housebreaking or robbery
- road traffic offences.

How much do criminal cases cost?

Criminal legal assistance cost £102.2 million, an increase of almost £10 million on the previous year's figure. The total expenditure can be divided up as follows:

- criminal legal aid cost £88.7 million (12% more than the previous year)
- the duty solicitor scheme cost £0.9 million
- criminal advice and assistance cost £12.5 million.

The amounts paid to solicitors, advocates, solicitor advocates and on outlays all rose compared to 2002-3. Solicitor payments increased by 7% to £83.4 million, advocate and solicitor advocate payments by 39% to £13.1 million and outlays by 9% to £5.6 million.

The average case cost of summary cases has stayed the same at £649; however, the average for solemn proceedings has risen by 14% to £3,146. The main reason for this is a large increase in the number of High Court solemn cases that we paid.

Duty solicitors

Anyone taken into custody (regardless of financial circumstances) has the right to use the duty solicitor. A duty solicitor is always available at every sheriff and district court in Scotland. He or she can represent accused people at their first appearances in court and, if they plead guilty, deal with any follow-up hearings until the end of the case. We spent £945,000 on running the duty scheme in courts across Scotland in 2003-4.

Duty solicitors made over 30,000 appearances for people on criminal matters last year. This is an increase of 19% on 2002-3.

Drugs cases and legal aid

We have seen increases in the number and cost of cases involving drug offences. Last year more of the most serious drugs cases were heard in the High Court than the previous year, and these cost an extra £2.5 million in legal aid.

CHANGING CRIMINAL LEGAL AID

Changing criminal legal aid

How we run legal aid is important to the work of people who deal with criminal cases, and people who are charged with a criminal offence, so we want to help the overall criminal justice system work effectively.

Scottish Ministers want to modernise the criminal justice system. The legal aid system has a key role in helping the criminal justice system work effectively and will need to change with it.

During 2003-4 there have been several reviews of parts of the criminal justice system that also affect legal aid. We are working on reforms with the Scottish Executive, and others such as the Law Society of Scotland and the Faculty of Advocates.

Some of the main areas that are changing in legal aid are listed here.

Solemn criminal legal aid

In 2005 we are likely to see changes in solemn criminal legal aid, which is for the most serious charges such as murder. The changes will include different payment arrangements for solicitors, solicitor advocates and advocates.

Some changes will be required to support the reform of the High Court. This follows Lord Bonomy's review of the High Court and the new laws in the Criminal Procedure (Amendment) (Scotland) Bill.

Summary criminal legal aid

We have carried out a review of summary criminal legal assistance. It looked at how legal aid is granted and how well the whole system of legal advice and representation works. It also took into account Sheriff Principal McInnes's review of the summary justice system, published in March 2004.

We believe that some significant changes should be made to improve the efficiency and effectiveness of legal aid and its impact on the courts. We consulted widely on our review in summer 2004.

Quality assurance

Making sure people get a quality legal aid service from solicitors and advocates will be a key part of all the changes to criminal legal aid. We began testing a quality assurance scheme for criminal legal assistance in the Edinburgh Public Defence Solicitors' Office. We hope to develop appropriate quality schemes with the Law Society of Scotland and Faculty of Advocates.

IMAGE
EILIDH MACDONALD IS A PUBLIC DEFENDER WORKING AT THE PDSO IN INVERNESS. SHE GIVES ADVICE AND REPRESENTS PEOPLE ON CRIMINAL MATTERS IN COURTS IN THE HIGHLANDS AND MORAY.



'The legal aid system has a key role in helping the criminal justice system work effectively'

‘Two more Public Defence Solicitors’ Offices (PDSOs) are now open in Glasgow and Inverness.’

MORE PUBLIC DEFENDERS

When the first PDSO opened in Edinburgh in 1998, it was the first public defender service in the UK. Two more Public Defence Solicitors’ Offices (PDSOs) are now open in Glasgow and Inverness.

All the solicitors in the PDSO are experienced criminal court lawyers. They get a fixed annual salary, unlike private solicitors who are paid through legal aid on a case-by-case basis. The PDSO started as a five-year pilot to compare criminal legal aid given by private solicitors with that given by salaried solicitors we employed in the PDSO. The Scottish Executive published a detailed research report in 2001, which concluded that the pilot had been worthwhile and had created much useful information on how criminal legal aid was working. Scottish Ministers decided they would continue the PDSO Edinburgh office and, in October 2003, Justice Minister Cathy Jamieson announced that the two new offices would open.

She said: “The Public Defence Solicitors’ Office is part of our overall policy in continuing to modernise legal aid by developing more

efficiency and choice in the provision of legal services. Extending the pilots outwith Edinburgh to bring in Glasgow and Inverness courts will enable us to make better comparisons between public defence and private solicitors in terms of cost, quality, client satisfaction and the wider impact on the criminal justice system.”

We welcomed this decision. Ministers wanted the new PDSOs to be in places where they would not have a serious effect on local businesses. They also wanted to find out if a public defence service would make sense in a rural setting. Glasgow was chosen because it has the busiest courts in Scotland, with a diverse advice and community environment. The office in Inverness, on the other hand, should show how a public defence service can meet the challenges of practice in a rural area.

We worked with other people involved in the justice system to enable the two new offices to be open for business by the target date of 30 June 2004.

best value

ENSURING VALUE FOR MONEY

Taxpayers want to know that every pound of public money invested in legal aid is spent properly and gives best value. We take our responsibilities in this area very seriously, and there are many ways in which we try to achieve best value.

- Applications – our staff carefully assess applications to ensure that only those who qualify get legal aid. Last year we increased our checks on the financial information applicants give us. We also revised our guidance for applications to use advocates in childrens' cases.
- Reducing bureaucracy – we introduced a range of measures to cut bureaucracy in legal aid. For example, we introduced simplified processes to request increases in expenditure in some types of advice and assistance cases.
- Fraud prevention – sometimes we suspect we have been given false information. This may be because of information from an opponent in a case or from our checks with other government agencies or applicants' employers or bankers. We have an investigations team who look into these cases.

If we find that someone has deliberately misled us, we may stop legal aid at any time, and the applicant may have to repay money for the cost of the case. Criminal prosecution is also possible.

In 2003-4 we looked into 930 cases where someone did not appear to have given us full information when they applied for legal aid or, in civil cases, had not told us of a change in circumstances. As a result we:

- refused 65 applications
- stopped legal aid in 146 cases
- referred five cases to the procurator fiscal for possible prosecution. These included cases where applicants had lied about state benefits, their employment or savings, or had not told us about a company directorship.

We also conduct investigations into the conduct of solicitors. Where we have concerns about solicitors or advocates we may make formal complaints to their regulatory bodies, the Law Society of Scotland or the Faculty of Advocates.

This may occur as a result of our analysing applications and accounts from solicitors or information from other parties.

During the year we referred three formal complaints about solicitors to the Law Society of Scotland. We also referred one case to the police and procurator fiscal.

The savings made by our best value approach are substantial and that's why we will continue to review and revise how we do things.

CASE STUDY:

Stopping legal aid abuse

We investigated an applicant who failed to tell us the truth about his savings. He held more than £100,000 in various banks and buildings societies, and did not qualify for legal aid. We referred his case to the procurator fiscal, and he was prosecuted. In court he pleaded guilty, was fined £750 and now has a criminal record. We are also taking action against him to get back the money we paid out in legal aid following his deception.

To increase access to justice, we consider a range of possible ways of providing legal help. We actively engage with others to try new ways to deliver advice services.

progress

NEW WAYS OF PROVIDING LEGAL SERVICES

When looking to increase access to justice for those who need it, we must consider all different ways of providing legal advice, information and representation. An important part of this is using surveys and meetings to listen to people who use or have an interest in legal advice. They help us shape the development of our policies and practices. In the future we will continue to use research and survey work to get the input of people with an interest in legal advice. We will also hold legal aid clinics for the public to give their views, and we will set up advisory groups of solicitors, advocates, experts and client group representatives.

We have become more active in engaging with a wide range of organisations to try different ways to plan and deliver advice services in Scotland, with the Scottish Executive. During last year we worked on this in several different areas.

More efficient ways to work

In December 2003, the Scottish Executive Justice Department and the Board began a wide-ranging strategic review of the Scottish legal aid system.

The review takes into account the Executive's modernisation of the criminal justice system, as well as the Scottish

Parliament report of the inquiry on legal aid of the Justice 1 Committee. It asks what is best for ordinary people who need advice, and considers whether the system should be changed in any way. The team has met many people with an interest in legal assistance to hear their views.

Announcing the initiative in October 2003, Justice Minister Cathy Jamieson said: 'I want this review to act as a trigger to providing all the people of Scotland no matter where they live, with stronger and better legal advice. I hope that everyone can work constructively together to achieve the reform and modernisation we all recognise is needed. Reform that must focus firmly on what is best for ordinary people who need advice, help and representation from our public justice system.'

We welcome this excellent opportunity for everyone involved in the justice system to think creatively about how to improve the scope and operation of the legal aid system and the delivery of publicly funded legal advice. The review team made their recommendations to Scottish Ministers in June 2004. We expect the outcomes will affect many of the plans we have for delivering improved legal aid services.

LEGAL AID ONLINE

Legal Aid Online is a new service which will allow solicitors to send applications and accounts through the internet, making the system faster, easier and more convenient. The solicitors involved in helping us develop the service are interested in the benefits, and they are looking forward to using the service later this year.

They are not alone. According to our recent survey, many solicitors expect to use our online services, which we expect will become an everyday part of legal aid work. With support from the Scottish Executive's Justice Department and Modernising Government Fund, we are investing £1.7 million to develop Legal Aid Online, and we are working to make all of our services available online by 2005.



ADVICE PROVIDERS WORKING TOGETHER

Working together is a better way to develop advice and information services for local people. That has been the conclusion of four one-year pilot advice partnerships.

The pilot partnerships brought together over fifty advice service providers, funders, and users of advice services to look at how developing a better network of advice provision in local communities could improve access to justice. They were set up in May 2003, as a recognition that different organisations provide a diverse range of legal information and advice.

Edinburgh, Fife, and Argyll and Bute were home to three geographic area partnerships. The fourth partnership looked at access to advice for disabled people across Scotland. We worked closely with the Scottish Executive

to help run the partnerships and helped build links with and between advice providers. The partnerships conducted research, developed plans and looked at opportunities to improve services.

People in the partnerships said working together had been very positive. Now they are committed to working together to use what they found out to make long term improvements. People found that they shared the same goal – achieving access to good quality advice from the right place, at the right time, for people who needed it. Working in partnership has enabled services to be developed that can deliver more effective, responsive and integrated advice and information to local people.

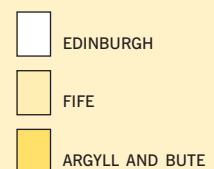
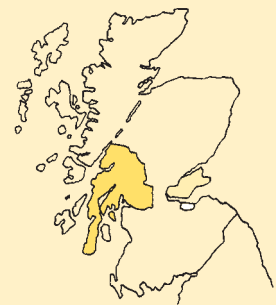


IMAGE
IAN DICKSON, OUR INVERNESS-BASED SOLICITOR, PROVIDES A LEGAL CONSULTANCY AND TRAINING ROLE TO NINE CITIZENS ADVICE BUREAUX THROUGHOUT THE HIGHLANDS AND ISLANDS.

Working together

A wide range of people and organisations were involved in the legal advice and information partnerships.

Independent advice services

Advice services staff involved included Citizens Advice Bureaux representatives from both local bureaux and the national body, Citizens Advice Scotland, as well as small local independent advice services such as the Mull Information Service, and large national bodies such as Scottish Association for Mental Health.

Local authorities

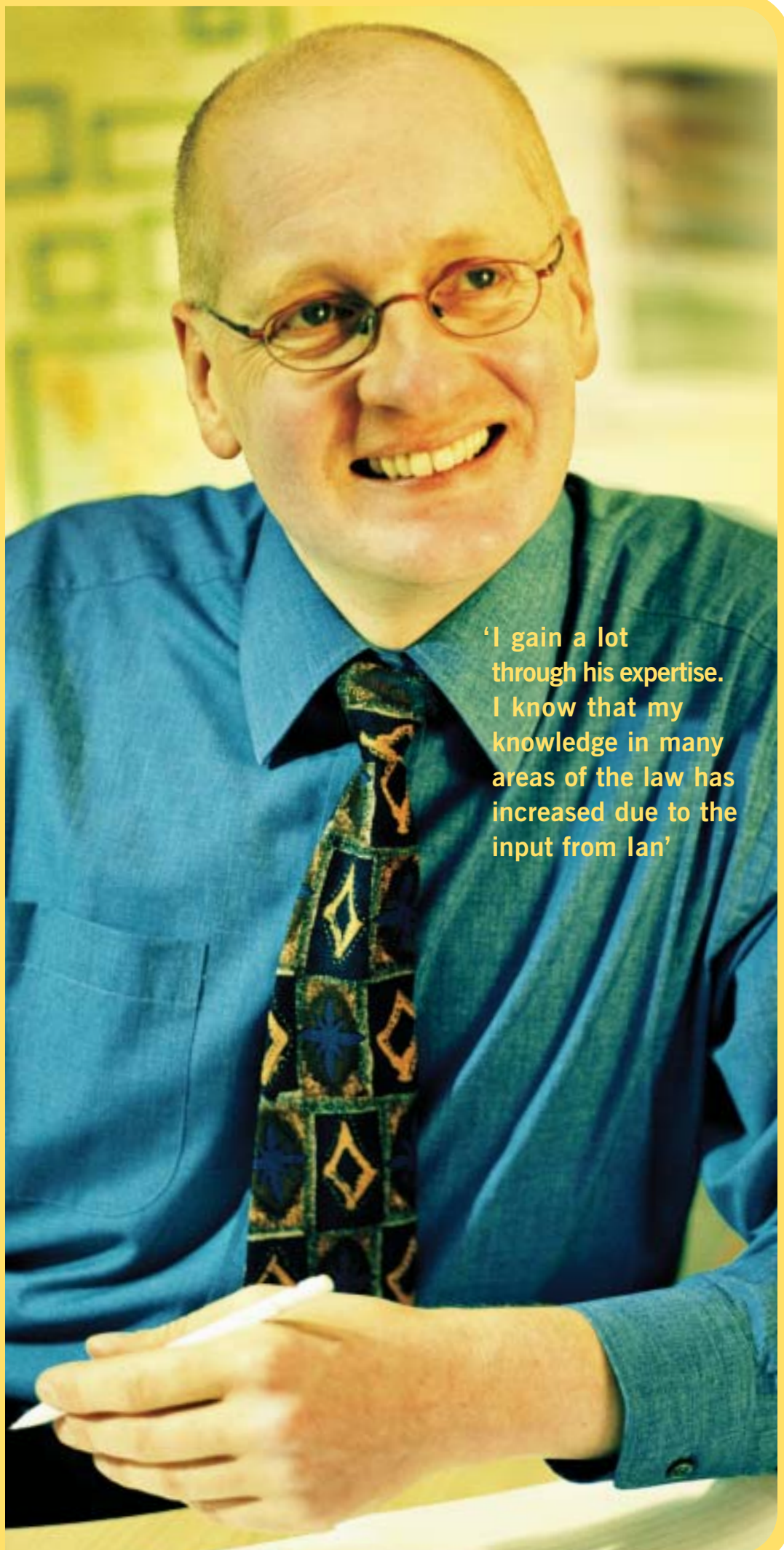
This category included advice teams (such as welfare rights, consumer advice and money advice) and planning representatives, including staff from Corporate Services, Equalities Units and Community Planning teams.

Solicitors

Lawyers from private sector firms, from law centres, and other organisations such as the Disability Rights Commission.

Other representatives

The partnerships also included people from various public and voluntary sector organisations with a particular interest in access to advice. These included, for example, those specialised in children's rights, domestic violence, victim support, community mediation, and representatives from local Councils for Voluntary Service. Scottish Executive staff were also involved.



'I gain a lot through his expertise. I know that my knowledge in many areas of the law has increased due to the input from Ian'

CASE STUDY:

Legal advice benefits in highlands and islands citizens advice bureaux

From his Inverness base, the Board-employed solicitor Ian Dickson provides a legal consultancy role to nine Citizens Advice Bureaux in three council areas: Highland, Moray and Western Isles.

Ian supports the work of bureaux advisers rather than dealing direct with their clients. During his first two years, he has worked on 653 enquiries from 121 bureaux advisers, greatly exceeding the original target to provide legal help to 20 advisers a year. Ian has also run 17 training courses for bureaux staff.

Bureaux staff are positive and enthusiastic about the project. In a recent adviser survey, one said, "I gain a lot through his expertise. I know that my knowledge in many areas of the law has increased due to the input from Ian, and this has enhanced my capabilities as an adviser."

'We are working on making more changes, and will keep using surveys to listen and respond to peoples views.'

INNOVATION IN COMMUNITY ADVICE

Since 2002 we have been running four innovative projects in which solicitors try out different ways to deliver legal advice in local communities.

The projects directly employ solicitors to work within different advice organisations, listed here.

Citizens Advice Bureaux Service

Our Inverness-based solicitor provides a legal consultancy and training service to nine bureaux throughout the Highlands and Islands (see case study above).

Streetwork

Our solicitor provides legal advice to young people and rough sleepers in Edinburgh. He works in informal surroundings, such as on the streets and in drop-in centres, and with organisations who provide support services to these vulnerable clients.

West Lothian Advice Partnership

Brought together the expertise of all the major advice providers in West Lothian, including council and voluntary sector advice agencies.

Castlemilk Law and Money Advice Centre and Ethnic Minorities Law Centre in Glasgow

Two solicitors provide advice and representation to clients throughout the asylum process at outreach surgeries in the north and southside of Glasgow.

Not only have the projects contributed to better local community advice services, but we have gained valuable experiences about how to run such projects and the different ways legal advice can be provided.

LISTENING TO LEGAL AID USERS

Last year we conducted a survey which looked at what people who had experienced the legal aid system thought about it, and how well it had worked for them. Surveys were sent to almost 5,000 people who had used advice and assistance, civil or criminal legal aid, as well as opponents in civil cases and people who made contributions or payments for civil assistance.

The findings contained a wide range of information about the legal aid system. 85% of people who have had experience of legal aid would recommend the legal aid system to a friend. Almost two thirds of people surveyed were positive about their experience of the quality of the legal aid service, but 17% thought it was worse than expected, and 20% had no expectations or didn't know.

Two thirds of people said they were satisfied with how long it took the Board to make a decision about their application.

Changes have resulted from the views people gave on how things can be improved. Easier access to the Board, quicker times to process applications and clearer and simpler information on costs were the three main ideas people gave us when we asked for their suggestions for improving the legal aid service. Making payments of contributions towards the costs of legal aid was one particular area that people found hard to understand. Since the survey, we have increased and improved the information available and increased our performance targets for processing applications.

People in the survey were generally positive about their solicitor's service: 76% were satisfied with how their solicitor handled their case, with only 14% expressing dissatisfaction.

Since the survey, we have increased our performance targets for processing applications. We are working on making more changes, and will keep using surveys to listen and respond to people's views.



85% OF PEOPLE WHO HAVE HAD EXPERIENCE OF LEGAL AID WOULD RECOMMEND THE LEGAL AID SYSTEM TO A FRIEND



76% WERE SATISFIED WITH HOW THEIR SOLICITOR HANDLED THEIR CASE, WITH ONLY 14% EXPRESSING DISSATISFACTION



ALMOST TWO THIRDS OF PEOPLE SURVEYED WERE POSITIVE ABOUT THEIR EXPERIENCE OF THE QUALITY OF THE LEGAL AID SERVICE

CASE STUDY:

Louise had been granted legal aid for a divorce action. Because of her financial circumstances and the likely cost of the case, we calculated that she had to pay a contribution of over £1,850 towards her legal aid.

Thanks to recent improvements to the civil legal aid financial eligibility system, Louise was able to have her contribution reduced. Before, she would have had to pay this contribution in full and would then have received a refund if the final cost was lower. Now, Louise's solicitor was able to estimate that the case would cost £600. This let us restrict what she had to pay to the £600 estimate, so that Louise had to pay £30 a month instead of more than £90.

Later, through her legal aid funding, Louise's solicitor was able to complete the divorce case, but at a total cost of under £500. Louise therefore enjoyed a further reduction to her contribution.

'We will introduce an online calculator to help people work out whether they qualify financially for legal aid.'

IMPROVING OUR INFORMATION

In the past year, we continued to increase our range of leaflets by publishing guidance on:

- applying for civil legal aid, including the effects of a grant of legal aid
- what someone may have to pay at the end of their case if they win or keep money or property as a result of their case
- working out whether someone is likely to qualify financially for advice and assistance or for civil legal aid.

Our users' survey also found that people are increasingly using the internet to find information on legal aid. We redeveloped our website (www.slab.org.uk) and want to make it a key source of legal aid information that is accessible, easy to use and comprehensive.

We will make more changes to our website, based on surveys, comments and information about how people use it. Specifically, we will make it easier to find out about legal aid services and to find firms of legal aid solicitors by introducing a 'find my nearest' location

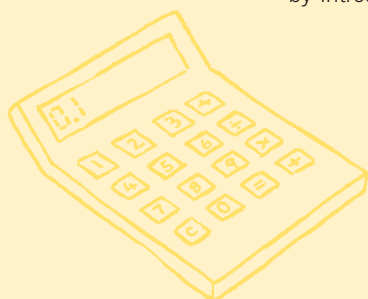
map service. This will use the information from our registers of solicitors and firms carrying out criminal legal assistance and civil legal assistance. We will also introduce an online calculator to help people work out whether they qualify financially for legal aid.

Access to information

The Freedom of Information (Scotland) Act 2002 will introduce important new rights on access to information held by public authorities. We have begun work to ensure we meet the Act's requirements before it comes into effect on 1 January 2005. Later this year we will publish a leaflet for the public on access to information.

Justice for all

By law, we must promote race equality, and we are committed to developing and promoting equality of opportunity for all. We are applying our race equality scheme to help us.



We have made our new information leaflets available in several different community languages and formats, including Arabic, Bengali, Braille, Chinese, Gaelic, Hindi, Punjabi, Turkish and Urdu. We have also set up a group to consider equalities issues throughout our work, to ensure that we do much more than simply meet our legal requirements as a public body.

Listening to solicitors

To provide a quality legal aid service, the Board must work effectively with solicitors. That's why we use surveys as part of our programme of listening and consulting, to get solicitors' views on changes we could make to improve both our services and the provision of legal aid.

Our 2003 survey found that solicitors are positive about the Board's services and how they have changed. 79% of solicitors who took part answered positively to a question on how satisfied they were with

the Board's services. When asked to rate recent changes to our overall services, 81% had a positive view. Also, solicitors commented that there were very few areas in which our services had not improved since our previous survey in 2000.

The survey gave us a great deal of information about our services and solicitors' views of the way we run legal aid. Rightly, solicitors are expecting more from us in certain aspects of our service and highlighted some areas where they want to see further developments. We have concentrated our efforts to improve our service in these areas with more developments planned. To help us identify more potential changes, we will ask solicitors for their views again in 2005.



79% OF SOLICITORS
EXPRESSED SATISFACTION
WITH OUR SERVICES



81% OF SOLICITORS
WERE POSITIVE ABOUT
RECENT CHANGES TO
OUR OVERALL SERVICE

We continue to improve and develop legal aid for people in Scotland.

The way ahead

We made considerable progress during the last year and we expect further major changes in the next two years, both in how legal aid works and in how people get access to justice. Implementing these changes will require all of the different parts of the system to work together.

We set out our strategy in our Corporate Plan 2004-2006, called 'Opportunities for Access'. There are three key themes to the strategy.

First: increasing access to quality assured legal advice, assistance and representation.

It is important that people who need legal advice, assistance and representation and cannot afford to pay are able to get this help when they need it. They should also have the comfort and confidence that the legal help they receive is appropriate and of a good standard.

Second: working with others to improve the efficient and effective operation of the legal aid system and its interaction with the justice system.

Third: increasing our efficiency and effectiveness, and providing best value.

The Corporate Plan also sets out an action plan and a set of targets. We will report on progress in our annual report next year.

You can get 'Opportunities for Access' from our website at www.slab.org.uk, or from our Communications Department, direct tel 0131 240 1985 or e-mail general@slab.org.uk.

We would like your comments on this Review to help us improve what we publish in the future. Please complete our reply form here or online at www.slabb.org.uk

Our website also lets you download our Annual Report 2003-2004, which provides a more detailed commentary and gives tables of legal aid statistics and our audited accounts. Or you can return the reply form and tell us what information you want us to send to you.

If you have any other queries or would like more information on our services at the Scottish Legal Aid Board please contact us.

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September 2004
ISBN 1-902300-26-2

reply

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Your views

1 Overall, what did you think of the review?

Excellent Good Satisfactory Poor

2 Was it informative enough about what we did?

Excellent Good Satisfactory Poor

3 Was it well written and designed so it was easy to read?

Excellent Good Satisfactory Poor

4 What feature was most useful?

5 What was least useful?

6 Do you have any other comments?

Send me

Printed copy of the Annual Report 2003-2004

Information leaflets on legal aid

NAME

JOB TITLE

ORGANISATION

ADDRESS

EMAIL