



## Press Release

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### **How legal aid makes a difference revealed as annual report published**

Legal aid makes a difference to help people access justice, says the Scottish Legal Aid Board, on publication of its annual report for 2001/2002. The report shows how the Board is working with others to provide a more effective system for those who need it. It also reports how it is improving the quality of its service and performance, within an environment of fundamental policy changes and social justice initiatives.

Jean Couper, Chairman of the Scottish Legal Aid Board said:

“Legal aid is a service for those who need access to justice. Each legal aid application represents a member of the public who wants help, and the Board’s appropriate determination of their application is therefore a key stage in the possible resolution of their problem. This year our annual report details how we have been achieving our objectives, so that legal aid makes a difference to the people who need it.”

The report shows how the Board has achieved a great deal – for example it met or exceeded all its headline performance indicators for 2001/2002, broke new ground in partnership working and provided sound advice to Scottish Ministers on possible changes to the legal aid system.

Jean Couper explained:

“The Board aims to improve the quality of its service to customers and to see positive developments in the provision of legal aid. We have made good progress in the past year. Much of our focus was on improving the timeliness and consistency of our decision making and, working with the Scottish Executive, looking to address the principal barriers which prevent some of those most vulnerable from qualifying and accepting offers of legal aid.”

The past year has seen a number of welcome policy changes and developments. Jean Couper commented:

“Changes to the special urgency provisions and contribution payments, together with the uprating of some elements of the financial eligibility tests, are well targeted and will make a real difference to many. For the first time the Board is now working in partnership with the not for profit sector and local government. The launch of four Part V pilots, where solicitors

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employed by the Board are working within the advice sector is a welcome development. These projects aim to meet local needs, and will be valuable in the development of proposals for a community legal service."

Key statistical changes reported by the Board, include:

- the total number of grants of civil and criminal legal assistance rose by two percent from 419,107 to 427,873 in 2001/2002, the highest ever level
- grants of criminal legal aid increased to almost 82,000
- more people were able to get advice on legal problems as grants of advice and assistance rose to almost 332,000
- there has been a slowdown in the rate of decrease of civil legal aid applications from the previous year, with a fall by five percent to just under 20,000 applications.
- (gross) legal aid fund expenditure increased by four percent to £135.9 million, due to an increase in criminal legal aid

The report highlights more initiatives that will bring further improvements and changes to legal aid in the future. Jean Couper added:

"Much has been achieved but there is much more to be done. Our objectives for the coming year are demanding and wide ranging. The Board faces many new challenges. We have introduced higher targets for our performance and will work with others to seek further developments in the delivery of legal aid."

The report details how many grants of legal aid were made and how much legal aid cost during the past year. The report comments on legal aid trends and provides commentary on a range of recent policy and performance initiatives.

**Ends**

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**Attached Appendices:**

- Key points and statistics from the Report
- Notes to editors

## Appendix - Key points from the Annual Report

The Board aims to improve the quality of its service to customers and to see positive developments in the provision of legal aid. Achievements in the Board's performance in 2001/2002, as detailed in the report, include:

- performance against the targets agreed with Scottish Ministers has improved significantly, with all headline performance indicators for each legal aid type being met or exceeded
- improvements in the processing of applications has resulted from reorganised departments and investment in a substantial programme of staff training, including paralegal training for non-legally qualified staff
- provision of better guidance for solicitors and staff on a number of issues
- an increased investigations capability has resulted in a £1 million saving to the Legal Aid Fund
- implementation, on time and on budget, of a major new financial accounting and management system for processing payments to solicitors and advocates
- substantial progress in the e-business project between the Board and the legal profession was achieved, with 15 advice and assistance pilots in operation.

Last year's policy changes and social justice initiatives in improving access to justice included:

- changes to the special urgency provisions and contribution payments, together with the uprating of some elements of the financial eligibility tests are well targeted
- the Board's research report into the fall in applications for civil legal aid and its relationship with eligibility criteria and contributions was published in December
- the Scottish Executive published their evaluation report of the Public Defence Solicitors' Office in Edinburgh and Scottish Ministers have announced that they intend to open one or two further Public Defence Solicitors' Office pilot schemes
- legal aid has been subject to scrutiny and debate by the Justice 1 Committee of the Scottish Parliament
- the Board is a member of the working group set up by Jim Wallace, Deputy First Minister, to look at how a joined-up community legal service might be developed to improve access to civil justice. Following the group's report, Jim Wallace announced an action plan to be taken forward by the Scottish Executive and the Board.
- the launch of four Part V pilots, where solicitors employed by the Board are working within the advice sector is a welcome development. These projects aim to meet local needs, and will be valuable in the development of proposals for a community legal service.
- the Board continues to work in consultation and collaboration with others, particularly with the legal profession who are key to the delivery of effective legal aid services.

The annual report details key trends in legal aid during 2001/2002:

- the number of applications for summary criminal legal aid rose by 11% to 76,527, the highest ever level. Expenditure increased to £74.0 million, mainly due to an increase in solemn criminal legal aid, which can fluctuate widely from year to year. The average case cost for summary criminal legal aid fell by two percent to £639.
- the number of advice and assistance applications rose by one percent, to their highest ever level, to almost 331,890, and expenditure increased rose from £30.2 m to £30.3 million. Assistance By Way of Representation increased by five percent to 26,521 intimations.
- where a contribution is payable, a higher proportion of people now accept offers of civil legal aid.

The report also details that:

- the net cost to the taxpayer for providing legal aid assistance was £127.4 million (£121.2m in 2000/2001) - this takes account of contributions, expenses and amounts recovered from assisted persons following the successful outcome of their cases
- the net cost to the taxpayer of civil legal aid, allowing for amounts paid back to the Board by assisted persons and opponents increased by two percent to £19.8 million
- the cost of administration of the Board increased as planned by four percent to £9.5 million, to fund capital expenditure and "spend to save" initiatives
- expenditure on the Public Defenders Solicitors' Office (PDSO) fell by seven percent to £364,000
- types of payment made in 2001/2002 were (proportion of total expenditure in brackets): solicitors £109.5 million (81%); outlays £13.8m (10%); advocates £11.0m (8.1%); solicitor advocates £1.2m (0.9%) and PDSO £0.4m (0.3%). The proportions are similar to the previous year.

## Numbers of applications and grants (including appeals)

Legal aid type	2000/2001	2001/2002
<b>Advice and assistance</b>		
• civil intimations	164,177	157,904
• criminal intimations	140,058	147,465
• Assistance By Way Of Representation (ABWOR) intimations	25,177	26,521
• <i>total intimations</i>	<i>329,412</i>	<i>331,890</i>
<b>Civil legal aid</b>		
• applications	21,018	19,994
• grants	13,557	11,167
• without contribution	10,780	8,929
<b>Criminal legal aid</b>		
Summary – granted by the Board		
• applications	69,137	76,527
• grants	62,801	70,832
Granted by the courts	10,331	10,983
• solemn	9,471	9,966
• section 23 (1) (b)	860	1,017
<i>Total grants criminal legal aid</i>	<b>73,132</b>	<b>81,815</b>
<b>Children</b>		
• grants including appeals	2,841	2,853
<b>Contempt of court</b>		
• grants	165	148
<b>Total grants</b>	<b>419,107</b>	<b>427,873</b>

## Average case costs

Legal aid type	2000/2001 £	2001/2002 £
Advice and assistance	105	110
Civil	2,005	2,197
Criminal (including appeals)	906	938
• solemn	2,137	2,537
• summary	652	639
• fixed payments (summary)	603	634

## Total expenditure

Legal aid type	Expenditure		Percentage of expenditure	
	2000/2001 £000s	2001/2002 £000s	2000/ 2001	2001/2002
Advice and assistance	30,199	30,279	23.1%	22.3%
Civil (gross)	28,755	28,347	22.0%	20.9%
• <i>Civil (net)</i>	<i>19,475</i>	<i>19,807</i>		
Criminal	68,584	74,026	52.6%	54.5%
Children	2,501	2,827	1.9%	2.1%
Contempt of court	41	40	0.0%	0.0%
Miscellaneous payments		12		0.0%
PDSO	390	364	0.3%	0.3%
<b>Total</b>	<b>130,470</b>	<b>135,895</b>	<b>100%</b>	<b>100%</b>

## Notes for editors

1. Journalists can obtain the media pack, which includes the report and statistics from the Board's press office or on the web at [www.slab.org.uk](http://www.slab.org.uk)
2. The Scottish Legal Aid Board's Annual Report 2001/2002 is available on the website [www.slab.org.uk](http://www.slab.org.uk) or from Secretariat, 44 Drumsheugh Gardens, Edinburgh EH3 7SW, telephone (0131) 226 7061 (price £12.50).
3. The Board has two linked websites: [www.slab.org.uk](http://www.slab.org.uk) and for the profession, [www.slabpro.org.uk](http://www.slabpro.org.uk)
4. Legal aid allows people who would not otherwise be able to afford it to have the help of a solicitor, and in some circumstances an advocate, for their legal problems. To receive legal aid, applicants must consult a solicitor who will help them complete an application.
5. The Scottish Legal Aid Board is responsible for managing legal aid in Scotland. It is a non-departmental public body set up under the Legal Aid (Scotland) Act 1986. Twelve Board members including the Chairman, appointed by Scottish Ministers, currently oversee the work.

The Board's mission is to develop and deliver appropriate access to quality legal assistance for those eligible, in a cost effective manner. The Board's main tasks are to consider and then grant or refuse applications for legal aid; to scrutinise accounts and pay solicitors and advocates for the legal aid work they do and to advise Scottish Ministers on legal aid matters.

6. In 2001/2002 433,641 advice and assistance and legal aid applications were granted and the total gross expenditure on legal aid was £135.9 million.