



Scottish Legal Aid Board – Annual Report 2001/2002 launch

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Address to press conference by Jean Couper, Chairman

Good morning and thank you for joining me to launch our annual report. The report has now been presented to the Scottish Parliament.

Role of legal aid and the Board

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 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 last year 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 Board's performance

Last year our workload grew by three percent - to the equivalent of the Board receiving nearly 2,500 applications, intimations and increase requests every working day, totalling over 620,000 in the year. These are very large numbers but we need to remember that they relate to a great many individuals seeking help with a problem. So rightly our focus last year was to improve our service and remove some of the barriers to access to justice.

Our performance against the targets agreed with Scottish Ministers has improved significantly during the year. We operate a headline indicator which combines the individual timeliness and accuracy targets for each legal aid type, so that we achieve an appropriate balance between the measures for speed of processing and quality of decision. I am delighted that we met or in many cases exceeded all our headline performance indicators in the past year.

To achieve this, our staff have worked tirelessly and been quick to adapt to new structures, policies and systems. We have reorganised departments to improve processing of applications and have invested in a substantial programme of staff training, including paralegal training for non-legally qualified staff and retained Investors in People status.

Our aim is to give the legal profession a high quality of service to enable them to provide an effective legal aid service to the public.

We have provided better guidance for solicitors and staff on a number of issues. Better guidance helps solicitors to give us the information we need when considering applications, and helps our staff to make consistent decisions. We have also improved our service delivery in payment of accounts.

We implemented, on time and on budget, a new system for processing payments to solicitors and advocates and in due course will allow accounts to be submitted electronically.

The Board is committed to introducing e-commerce between the Board and the legal profession and we have 15 advice and assistance pilots in operation. The full roll-out of e-business for advice and assistance will start in the coming year, as will the establishment of pilots for criminal legal aid.

We have a responsibility to 'protect' the Legal Aid Fund from fraud and abuse. We continue our efforts to ensure only those who are eligible receive legal aid. Last year we increased our investigations capability, resulting in a £1 million saving to the Legal Aid Fund.

Policy changes and developments

I now wish to turn to review last year's number of welcome policy changes and social justice initiatives in improving access to justice.

Last year saw changes to the special urgency provisions and contribution payments, together with the uprating of some elements of the financial eligibility tests. These are well targeted and will make a real difference to many.

Special urgency provisions in civil legal aid allow solicitors to act for clients before full legal aid applications have been determined. Many people are asked by their solicitor to pay a "notional contribution" in an advance lump sum for this work and, if unable to do so, may not be able to proceed with their legal action. Ministers accepted the Board's recommendation that these applicants be allowed to pay the contribution by instalments to the Board rather than in one lump sum up-front to the solicitor. This will be particularly significant to certain vulnerable groups such as victims of domestic violence. The Scottish Executive hope to bring in the necessary legislation this summer.

From January 2002 we extended the payment period to 20 months for all civil cases where the contribution is over £50. We now issue, with all offers of legal aid subject to a contribution, a detailed breakdown showing how the contribution was assessed, accompanied by a note on how

assessments are carried out. These complementary measures provide applicants with a more affordable payment schedule; better information on the calculation of their contribution and enable more applicants to accept offers of legal aid subject to a contribution.

In March Jim Wallace, the Deputy First Minister, announced a number of changes to uprate financial eligibility rates for advice and assistance and civil legal aid and clawback in matrimonial cases. We welcomed these changes, which together with the changes to contributions and special urgency, represent a significant improvement in civil legal assistance and will help more people, who cannot afford to pay for legal representation, to access it.

The Board has developed its research capacity and in December we published a report of research into the fall in applications for civil legal aid and its relationship with eligibility criteria and contributions. Our research shows that there are a number of reasons why applications have fallen, and that primarily it is due to external changes in the way dispute resolution is conducted. Nevertheless, the Board remains concerned that the system as it currently operates can make access to civil legal aid more difficult for certain groups. The Board is continuing to improve the system to remove as many barriers as possible and we are undertaking further research to identify potential problem areas.

Last September the Scottish Executive published its evaluation report of the Public Defence Solicitors' Office in Edinburgh. We welcomed the Scottish Ministers' announcement that they intend to open one or two further PDSO pilot schemes and (subject to the necessary legislation being put in place) we will work with the Scottish Executive to plan the opening of these in the coming year.

Legal Aid has been subject to scrutiny and debate by the Justice 1 Committee of the Scottish Parliament; I welcome that. The Board is pleased that the thrust of the Committee's recommendations is strongly aligned with some of the key policy and research initiatives being pursued by the Board in conjunction with the Scottish Executive.

The Board is a member of the working group looking at how a joined-up community legal service might be developed to improve access to civil justice. The group concluded that there are some barriers to effective access to justice. In May, Jim Wallace announced an action plan to be taken forward by the Scottish Executive and the Board.

In particular, the Board will review the operation of the advice and assistance scheme and support the Scottish Executive in establishing pilot partnerships with other funders of legal advice services. We welcome these measures to help to make legal advice and information more easily accessible to people in all areas of Scotland and look forward to our role in implementing them.

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 employed by the Board are working

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

The four projects, which are now operational, are:

- **Citizens Advice Bureaux Service** – the solicitor serves six bureaux in 13 locations throughout the Highlands and Islands, providing greater access to legal services for people in rural areas.
- **Streetwork** – the solicitor provides legal advice to young people and rough sleepers in Edinburgh in informal surroundings, such as on the streets and in drop in centres.
- **West Lothian Advice Partnership** – brings together the expertise of all the major advice providers in West Lothian, and the solicitor provides advice and support to socially excluded people.
- **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. Additional Scottish Executive funding has enabled this service to be extended to asylum seekers in Sighthill.

Much of what I have said of relates to the Board working with others. A key tenet of the Board's strategy is to work in consultation and collaboration with others. I believe that the Board working in partnership delivers fundamentally better solutions than the Board working in isolation.

The legal profession are key to the delivery of effective legal aid services so it is appropriate that we have worked particularly hard with the Law Society of Scotland and Faculty of Advocates on a range of subjects including fee levels for their members and quality assurance and greater effectiveness of the legal aid system.

The Board is here to develop and deliver appropriate access to quality legal assistance for those eligible, in a cost-effective manner. We have already delivered a great deal. In the coming year we will continue working with the Scottish Executive and other organisations involved in the justice system to further improve access to justice and contribute to the social justice agenda.

Legal Aid Statistics and Trends

Now I know you are interested in statistics, so here are some of the key ones:

- the total number of grants of civil and criminal legal assistance rose by two percent to 427,873 last year, the highest ever level

- the number of applications for summary criminal legal aid rose by 11% to 76,527, the highest ever level. 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.
- No contribution is payable in eighty percent of grants of civil legal aid. For those cases where a contribution is payable, the Board introduced longer repayment periods, and last year a higher proportion of people now accept offers of civil legal aid.
- legal aid fund expenditure increased by four percent to £135.9 million, due to an increase in criminal legal aid
- expenditure in criminal 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.

Our annual report provides a great deal of valuable statistical information to legal researchers and policymakers. You will find a summary of the key points in your media information.

Conclusion

Legal aid exists to help individuals who need legal assistance. Let me conclude by quoting you a recent, and many would say typical case study of someone who needed and received valuable, practical help through legal aid. Brian, who is in his 50s, has been living in hostels since his building business went bust in 1989. He is keen to move into a flat because his health is not so good and he's fed up with the younger drug users who use the hostels.

However, his problem is that when his business went under, Brian and his partner decided to pay off the staff first – instead of the tax bill they built up. His personal problems were compounded by the death of his business partner, the loss of his house and break up of his marriage, which led to him running away from his tax debt. In fear of the Inland Revenue catching up with him, Brian has refused to sign on for benefits for 13 years.

Norman, the solicitor who works for the Board in one of our Part V projects at Streetwork in Edinburgh, went to see Brian after the hostel requested he visited. Since Brian lived on the streets, this meant visiting Norman at the hostel at 6.30 in the morning.

Norman was able to advise, under advice and assistance, that since this was not a matter of tax evasion but non-payment, any tax debt would be treated as a civil matter, and he would not be liable for a criminal prosecution. He also advised what steps could be taken to deal with the debt.

This advice has given Brian the confidence to take forward his situation, in the knowledge he can apply for benefits, which could enable him to get his own place.

Legal aid has made a real difference for Brian, as it does for countless others.

The Board's role is to continue to improve our service to those members of the public.

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

The next year will bring many challenges but with the skills and commitment of our Members and staff, coupled with the co-operation of the profession, advice sector and others we look forward with confidence, to continue delivering our objectives and ensuring legal aid makes a difference to help people access justice.

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