



Press Release

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Legal aid developments highlighted as annual report published

The legal aid system is delivering a better service due to a wide range of improvements, important developments and higher performance in the past year, says the Scottish Legal Aid Board, on publication of its annual report for 2002/2003. The report shows that there are many more developments to come, with the aim of helping people access justice.

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

"Legal aid is an important public service for many people who do not have the financial resources to assert their legal rights. Each year the Board aims to become a higher performance, more client focused and outward looking organisation. In this past year we made considerable progress on all three counts."

"We met or exceeded all key measures of our operational performance. This is against a background of having raised our performance targets from the previous year and against an increased volume of work."

"We provided advice to Scottish Ministers on a wide range of policy and legislative issues. The report highlights the implementation of many legislative and operational changes geared to improve the service to clients – whether they be applicants, opponents or those who deliver the service, namely solicitors and advocates."

"We were pleased in the past year to see applicants benefit from a number of developments including:

- increased financial eligibility levels for civil legal aid and advice and assistance;
- improved arrangements for special urgency cases and
- the restriction of civil legal aid contributions to the solicitor's estimated case costs."

"These and other developments enable more of those eligible for legal aid to access a legal remedy to their problems."

The report also highlights a number of major developments, such as the significant progress in making the legal aid system available through e-business, and substantial changes to civil legal aid.

Jean Couper explained:

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"We were delighted in February that Scottish Ministers' announced the most significant reform of civil legal aid for over 50 years. These reforms will benefit applicants through the delivery of a quality assured service; benefit the solicitor through an increase in fees and more efficient administration whilst measures to make the system more efficient and cost effective will benefit the taxpayer. These reforms are the result of partnership working between the Law Society of Scotland, the Scottish Executive and Board. We continue to work closely to implement these reforms by 1 October 2003. "

Progress through partnership is a theme that runs throughout the report. Jean Couper added:

"The progress achieved comes through working in partnership with others – the Scottish Executive, the legal profession and others with an interest in legal aid."

"Legal aid is a key component in the operation of the justice system. We are committed to supporting the work of others to improve the operation of the justice system and to ensure that legal aid plays its proper part."

The report also sets out the Board's key objectives and main projects for the next three years. The further developments outlined anticipate significant changes in access to justice and the operation of legal aid. Jean Couper commented:

"Legal aid provision in Scotland is much better than in many other places, both in terms of the range of legal issues covered by the scheme and the ability of those in need to access it. That said, we believe there is scope for legal aid to be further modernised and developed both in its operation and its interaction within the justice system."

Key changes in trends and statistics for 2002-2003 are detailed in the report. Jean Couper said:

"During the year we have seen an increase in expenditure due mainly to higher volumes of criminal legal aid work, with increases in both summary and solemn criminal proceedings."

"The costs of criminal legal aid rose by 9% to £80.4 million. However this is still £1.7 million less than the cost in 1997-1998, when there were 14,649 fewer grants of criminal legal aid. That was the year before the introduction of fixed payments in summary criminal legal aid. The substantial increases in criminal legal aid expenditure over the past two years is due to a very large increase in the volumes of applications and grants."

"The long-term downward trend in the volume of civil legal aid applications continued, but we were pleased to see a slowdown in the rate of decrease."

The statistics detailed for 2002-2003 includes:

- the cost to the taxpayer of legal aid (net legal aid fund expenditure) increased by six percent to £135.1 million, due to increases in criminal legal aid and advice and assistance

- although the number of advice and assistance intimations fell by 4% to 317,042, reversing the upward trend seen in recent years, applications for increases in authorised expenditure rose by 8% and the total costs increased by 11% to £33.5 million
- civil legal aid applications fell by 4% to 19,151. The gross costs of civil legal aid fell by 5% to £27.1 million, whilst the net cost decreased to £17.4 million.
- the number of applications for summary criminal legal aid rose by 4% to 79,927, the highest ever level. Grants by the courts for solemn proceedings increased by 11% to 12,148.

The report provides a detailed commentary on legal trends and statistics. The report also details the wide range of policy, performance and operational initiatives undertaken by the Board during the year.

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Journalists please contact: Colin Sim direct tel 0131 240 2033 or Charlotte Townsend tel 0131 226 7061.

NOTES FOR EDITORS

1. Legal aid allows people who would not otherwise be able to afford it to get help for their legal problems. Legal aid and advice and assistance can only be accessed through a solicitor.
2. The Scottish Legal Aid Board was set up in 1987 to manage legal aid in Scotland. The Board employs around 330 full-time staff. Twelve Board members, appointed by Scottish Ministers, oversee the work.

The Board's mission is to promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost-effective manner.

The work of **the Board** includes:

- advising Scottish Ministers on the current operation and development of legal aid provision
 - managing the Legal Aid Fund
 - investigating different ways of delivering a legal aid service, for example, by running pilot schemes
 - developing operational plans and policies and procedures, including e-business, to improve the delivery and administration of legal aid
 - assessing applications for legal aid
 - examining solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done
 - collecting, for civil legal aid, contributions, expenses, and money won or kept as a result of civil legal aid or advice and assistance
 - registering firms and solicitors under the Board's Code of Practice in relation to criminal legal assistance and monitor their ongoing compliance
 - investigating and pursuing abuse of legal aid.
3. The Board has two linked websites: www.slab.org.uk and for the profession, www.slabpro.org.uk

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 reported by the Board in 2002-2003, 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 and in most cases, substantially so
- delivery and implementation of a wide range of improvements and important developments in legal aid and an increased role in providing advice to the Scottish Executive and Scottish Ministers on policy and legislative issues
- substantial progress on a number of important projects through partnership working, such as:
 - developing our e-business systems to the stage where a pilot of the advice and assistance system will shortly commence
 - working closely with the Scottish Executive to establish and support several community legal; service pilot partnerships and operating Part V projects throughout the year
 - publishing research work and providing input to a number of justice system reviews
- conducting surveys of applicants, opponents, as well as the legal profession to seek views on the legal aid system and the Board's service
- continuing consultation with others to help us determine the Board's priorities for the coming years. This included holding public meetings and local surgery sessions, and meeting with a wide range of individuals and organisations with a professional involvement in legal aid including Judges, sheriffs, solicitors and advocates.

The annual report details key trends in legal aid during 2002-2003:

- overall civil advice and assistance and ABWOR fell this year. Civil advice and assistance intimations fell by 6% to 146,639 whilst civil ABWOR intimations rose by 6% to 4,272.
- criminal advice and assistance and ABWOR fell by 3% to 159,363
- the number of grants of civil legal aid increased to 13,480
- the proportion of grants where the applicant has to pay a contribution increased to 23%, from 20% four years ago, which is likely to stem from the introduction of longer payment periods for contributions to 20 months.
- the amount recovered and paid to the Fund, allowing for contributions, other amounts recovered from assisted persons and expenses recovered from opponents was £9.7 million, an increase of 11% compared to the previous year.

The report also details that:

- overall the volume of activity in legal aid work increased compared to the previous year
- total gross payments from the Legal Aid Fund were £144.8 million compared to £135.9 million in the previous year, and increase of 7%
- the cost of administration of the Board was £10.5 million, a planned increase of £1.0 million on the previous year. Much of the increase was to fund capital expenditure and "spend to save" initiatives.
- types of payment made in 2002-2003 were (proportion of total expenditure in brackets): solicitors £115.9 million (80%); outlays £15.0 m (10%); advocates £11.9m (8%); solicitor advocates £1.6m (1%)%. The proportions are similar to the previous year.

Numbers of applications and grants (including appeals)

Legal aid type	2001-2002	2002-2003
Advice and assistance		
• civil intimations	156,358	146,639
• criminal intimations	142,400	137,732
• Children (Scotland) Act 1995 matters	6,611	6,768
• Assistance By Way Of Representation (ABWOR) intimations	26,521	25,903
• <i>total intimations</i>	<i>331,890</i>	<i>317,042</i>
Civil legal aid		
• applications	19,994	19,151
• grants	11,167	13,480
• <i>without contribution</i>	<i>8,929(80%)</i>	<i>10,382(77%)</i>
Criminal legal aid		
Summary – granted by the Board		
• applications	76,527	79,927
• grants	70,832	73,767
Granted by the courts	10,983	12,148
• solemn	9,966	10,978
• section 23 (1) (b)	1,017	1,170
<i>Total grants criminal legal aid</i>	81,815	85,915
Children		
• grants including appeals	2,853	3,118
Contempt of court		
• grants	148	239
Total grants	427,873	419,794

Average case costs

Legal aid type	2001-2002 £	2002-2003 £
Advice and assistance	110	118
Civil	2,197	2,257
Criminal (including appeals)	938	956
• solemn	2,537	2,751
• summary	639	649
• fixed payments (summary)	634	642

Total expenditure

Legal aid type	Expenditure		Percentage of expenditure	
	2001-2002 £000s	2002-2003 £000s	2001-2002	2002-2003
Advice and assistance	30,279	33,557	22.3%	23.2%
Civil (gross)	28,347	27,071	20.9%	18.7%
• <i>Civil (net)</i>	<i>19,807</i>	<i>17,403</i>		
Criminal	74,026	80,395	54.5%	55.5%
Children	2,827	3,357	2.1%	2.3%
Contempt of court	40	59	0.0%	0.0%
Miscellaneous payments	12	56	0.0%	0.0%
PDSO	364	319	0.3%	0.2%
Total gross	135,895	144,814	100%	100%
Total net	127,355	135,146		

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