



Scottish Legal Aid Board – Annual Report 2002/2003 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 for 2002-2003. The report has now been presented to the Scottish Parliament.

This year our annual report theme of “Developing...” is very apt. The report highlights the many developments to the legal aid system, to provide increased access to justice and improvements in our service to our clients. It also points up some of the many more developments that are still to come.

Each year the Board aims to become a higher performance, more client focused and outward looking organisation. I am delighted to report that 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 were particularly concerned to further improve our performance in civil legal aid and we have been successful in doing so.

During the year the Board 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.

Applicants have benefited from a number of changes, for example: improved special urgency provisions, higher financial eligibility levels, the extended scope of civil legal aid, the exemption from court dues and the restriction of the contribution to the estimated case cost.

Providers have welcomed changes which are of benefit to them such as the amounts payable for expert witnesses are not now restricted to the rates paid by the Crown; further improvements in payment arrangements and the introduction of time and work based payment for exceptional summary cases amongst others.

In February this year Scottish Ministers announced the most significant reform of civil legal aid for over 50 years. These reforms will benefit the

- applicant 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.

Implementation of these reforms is due to commence from 1st October and the Board will continue to work closely with the Law Society of Scotland and Scottish Executive to achieve this.

However legal aid is not a stand-alone system but 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.

In this past year we were pleased to contribute to the development of the Drug Court Pilot in Glasgow and the Youth Court in Hamilton to ensure that legal aid provision and our processes offer no impediment to the effective and efficient operation of these courts. We contributed to the reviews conducted by Lord Bonomy and Andrew Normand and look forward to playing a positive role in implementing agreed recommendations.

The Board continues to work with a range of agencies through the Part V pilots and with local authorities in the development of pilot partnerships to explore with the Scottish Executive, how community legal services might be developed to improve access to civil justice.

There is no question that legal aid provision in Scotland is much better than in many other jurisdictions, 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. Therefore throughout 2003-2006 the Board is committed to working with the Scottish Executive to continue the development of the legal aid system and to delivering a range of work across three themes:

- Increasing access to quality assured legal advice, assistance and representation for those who need it and who qualify for legal aid;
- Working with others to improve the efficient and effective operation of the legal aid system and its interaction with the justice system;
- Increasing the Board's efficiency and effectiveness, and providing increased value for money.

In the next few years we anticipate significant changes in access to justice and the operation of legal aid. We will play our full part in the development of the legal aid system, to provide increased access to justice for those who need it. Our Corporate Plan 2003-2006, which we published in June, sets out in more detail our plans and the main projects and tasks we will deliver over the next few years.

I have commented that we have made good progress this year and we have achieved that through working in partnership with others – the Scottish Executive, the legal profession and the many other individuals and organisations which have an interest in legal aid. We value their contribution to our work at all stages, from the initial identification of the issue, through consideration of possible resolutions, the development of policies and implementation of processes to achieve delivery.

Progress through partnership, however, cannot be achieved without a real commitment to the principles of legal aid and a sustained contribution to the delivery of our objectives and targets. I pay tribute to all at the Board and outwith who have demonstrated that commitment and given that contribution.

Legal Aid Statistics and Trends

Now I want to turn to some of the statistics and trends in legal aid that you usually are so interested in. I would like to speak briefly about costs.

During the year we have seen an increase in expenditure – an increase of £7.7 million from the previous year. This is due mainly to an increase in the volume of criminal legal aid work, with an increase in both summary criminal applications to the Board and an increase in grants by the courts for solemn proceedings, as well as modest increased case costs.

For civil legal aid, although the long-term downward trend of civil applications continued, we were pleased to see a slowdown in the rate of decrease. The net cost of civil legal aid fell by £2.4 million to £17.4 million, a reduction of 12%. This was due to reduced numbers of applications and an increase in income.

Advice and assistance expenditure increased by £3.3m, with a significant proportion of this, £1.2m, due to the increased numbers and cost of immigration cases. The number of these cases appears to have now reached a plateau.

The most significant increase in costs is on criminal legal aid, up £6.4 million on the previous year. £2.3 million of this increase is accounted for by solemn cases (the most serious) in the High Court and sheriff court. There was a £4 million increase in the costs of summary cases which was due to two factors:

- First very substantial increases in the numbers of applications for summary criminal legal aid over the past two years
- Second a higher proportion of these cases were dealt with in the sheriff court rather than the district court. Sheriff court cases receive a higher fixed payment.

This increase in the number of cases appears to be borne out by the experience of other agencies in the criminal justice system. We are now seeing a slow down in the rate of increase in summary criminal applications.

However it is important to put these figures in context. The costs of criminal legal aid of £80.4 million is still £1.7 million less than the cost in 1997-1998, which had 14,649 fewer grants. That was the final year before the introduction of fixed payments.

Amongst the key issues we detail in the Report are:

- The net cost to the taxpayer of legal aid, also called the net expenditure from the Legal Aid Fund, 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 by 12% 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.

Conclusion

We end the year with a legal aid system that has benefited from many improvements and an administration that delivers a more efficient and cost effective service. The Board's role is to continue to improve our service, ensuring legal aid makes a difference to help people access justice.

Staff and Members at the Board as well as providers and others have worked hard to achieve that and I am sure I can look forward to their continued contribution in the coming year when indeed there will be ...much more to come.

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