



REDACTED

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VIA EMAIL

20 January 2025

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### Freedom of Information request

I am writing in response to your email received 20 December 2024 where you asked the following:

*I am writing to request information about the costs associated with deaths in custody which have had Fatal Accident Inquiry hearings between 2021-2024. Please provide the following information:*

- *What was the total expenditure on civil legal aid on Fatal Accident Inquiries in 2021/2022, 2022/2023, 2023/2024?*
- *How many (individual) applications for civil legal aid for Fatal Accident Inquiries were granted in each of the years 2021/2022, 2022/2023 and 2023/2024?*
- *What was the total expenditure on civil advice and assistance paid in respect of Fatal Accident Inquiries in 2021/2022, 2022/2023 and 2023/2024?*

I have provided information for both our total Fatal Accident Inquiry (FAI) figures as published in our annual reports (Table 1 below) and also for what information we have recorded specifically for death in custody FAI cases (Tables 2 & 3 below).

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**Table1: All Fatal Accident Inquiry (FAI) cases**

<b>Financial year</b>	<b>Total expenditure legal aid on FAIs £000s</b>	<b>Number grants legal aid for FAIs</b>	<b>Total expenditure A&amp;A on FAIs £000s</b>	<b>Number grants A&amp;A for FAIs</b>
2021-22	124	9	4	15
2022-23	102	14	2	19
2023-24	142	19	4	19

Total expenditure includes VAT and covers solicitors' fees, counsel fees and outlays including the costs of expert witnesses.

For the death in custody cases these are not coded in our records as a specific category in the way that FAI cases are in general. However it has been possible to use text searching in our database to establish which FAI cases are death in custody cases for the 3 years in question. Please see Table 2 below.

As some time can elapse between the grant of legal aid for an FAI case and when the FAI actually happens and all accounts have been submitted, assessed and paid I have shown the total costs of the death in custody cases to date, as some of the cases have not been concluded yet. That is the costs shown are for the 24 granted cases identified in the second column.

**Table 2: FAI 'death in custody' legal aid cases**

<b>Financial year</b>	<b>Number grants legal aid for FAIs</b>	<b>Total expenditure legal aid on FAIs £</b>	<b>Number legal aid FAIs paid</b>
2021-22	8	2,842	0
2022-23	5	36,064	4
2023-24	11	40,199	5
2024-25*	-	229,338	5

Table 2 shows that in the years 2021-22 to 2023-24 we have identified 24 FAIs granted that relate to death in custody cases. As of 17 January 2025 14 of these have been paid with most of the payment happening in 2024-25.

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Because more detailed case information is provided for legal aid cases it has been possible to identify more death in custody cases under legal aid than it has under advice & assistance, see Table 3 below.

**Table 3: FAI 'death in custody' A&A cases**

	Number grants A&A for FAIs	Total expenditure A&A on FAIs £	Number A&A FAIs paid
2021-22	7	276	1
2022-23	6	122	1
2023-24	0	2,503	4
2024-25*		153	1

As shown in Table 3 it has not been possible to identify as many death in custody A&A cases; 7 have been identified in 2021-22 and 6 in 2022-23 and none in 2023-24. But this is likely to be an underestimate given the total numbers of FAI as shown in Table 1 do not show a decline in grants in 2023-24.

The SLAB website contains more information on our handling of FAI cases:

[Fatal Accident Inquiries - Scottish Legal Aid Board](#)

I have appended overleaf details about your rights to request a review of this response.

Yours sincerely,

**REDACTED**

**Manager of Analytics**

If you would like me to send this letter or email to you in a different format or language, you can make a request by responding to the email. Where possible we will try and do this within five working days of receiving your request.

## **Your right to request a review of decision**

If you are dissatisfied with the way in which we have handled your request for information, you may ask us to review our decision. A request that we review our decision should be made in writing within 40 working days of the date of this letter or, if we have not responded to your request, within 40 days of the date by which we should have responded (that would normally be 20 days after receiving your request).

We will review our decision and tell you the outcome within 20 working days of receiving your request.

If, having done so, you remain dissatisfied, you may ask the Scottish Information Commissioner to review our decision. You must submit your request in writing to the Commissioner within 6 months of first receiving notice about the matter you are complaining about.

The Commissioner will not deal with an application unless SLAB's review process has been used and exhausted – in other words, until you have asked us to review our decision and you are not satisfied with our response or have not received a response within 20 working days of your request.

The Commissioner's contact details are:

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Telephone: 01334 464610  
Fax: 01334 464611  
Website [www.itspublicknowledge.info](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Your appeal can also be dealt with online. The Commissioner has an online appeal service which is available 24/7 and offers requesters real time help and advice about their appeal. This can be accessed at: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)