

Key findings – Civil legal aid:

Geographic trends analysis 2014-2024

This document summarises the findings set out in our report [Civil legal aid: Geographic trends analysis](#). Throughout this document we refer in the footnotes to the relevant section of the report from which data has been drawn.

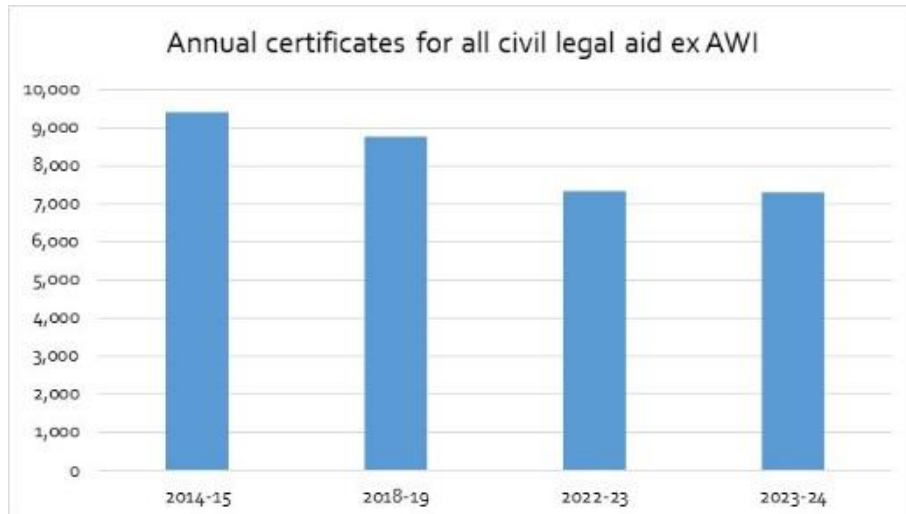
Trends in applications and grants of legal aid¹

Applications fall, grants increase, but big changes in case types

The total number of civil legal aid applications in sheriff court cases fell by 13% between 2014-15 and 2023-24 (from 18,800 to 16,300). In the same period, the number of civil legal aid grants² made by SLAB increased by 7% from just under 13,000 to just over 13,800.

However, the legal **issues that people use civil legal aid for have changed** between 2014-15 and 2023-24.

The use of legal aid for matters related to **adults with incapacity (AWI)**³ is largely responsible for the increase in grants (and for the fall in applications not being even larger). **If AWI is excluded, then grants of civil legal aid have fallen** from over 9,000 in 2014-15 to a little over 7,000 in 2023-24.



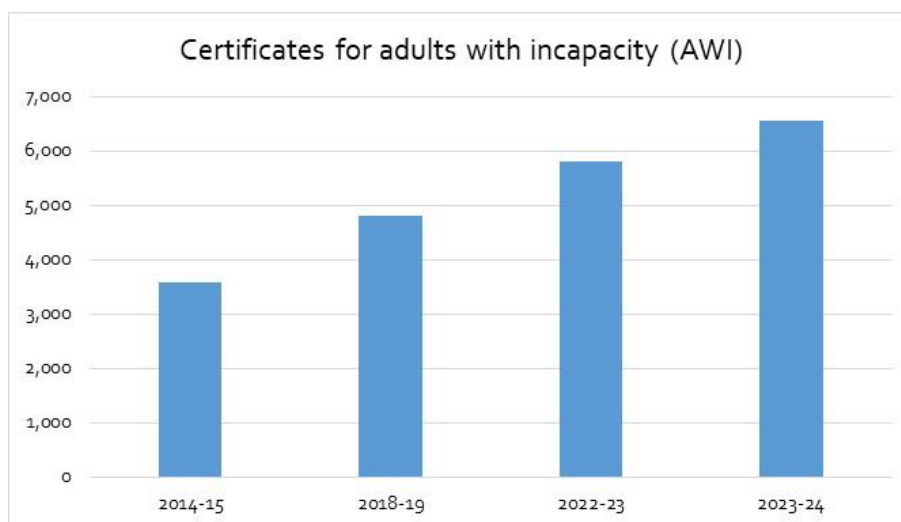
Overall, applications for non-family legal aid (including AWI) increased from 7,989 to 8,397 between 2014-15 and 2023-24, whilst non-family grants grew from 5,539 to 7,552 in the same period.

¹ Pages 6-9 of Civil legal aid: Geographic trends analysis.

² Based on numbers of legal aid certificates granted.

³ AWI legal aid applications are made by individuals seeking, opposing or renewing guardianship orders in relation to another person. In many cases, they are needed where an individual becomes unable to make decisions about their life but has not put in place a Power of Attorney and the court must make orders about who can make decisions about their life.

The rise in non-family was due to increases in AWI applications and grants.



How do AWI applications differ from other civil legal aid?

In 2023-24, most legal aid applications for AWI did not need any financial or merits assessment⁴. There can be several people with AWI applications related to a single guardianship order.

Applications for AWI increased from 3,777 in 2014-15 to 6,730 in 2023-24, with grants of AWI rising at a similar rate. In 2023-24, AWI comprised almost nine in ten grants of non-family legal aid (87%), up from 65% in 2014-15, and almost half of all civil legal aid grants (47%), up from 28% in 2014-15.

Preliminary analysis undertaken by SLAB suggests that around one in five AWI applications made in 2023-24 was for a renewal of an existing order.

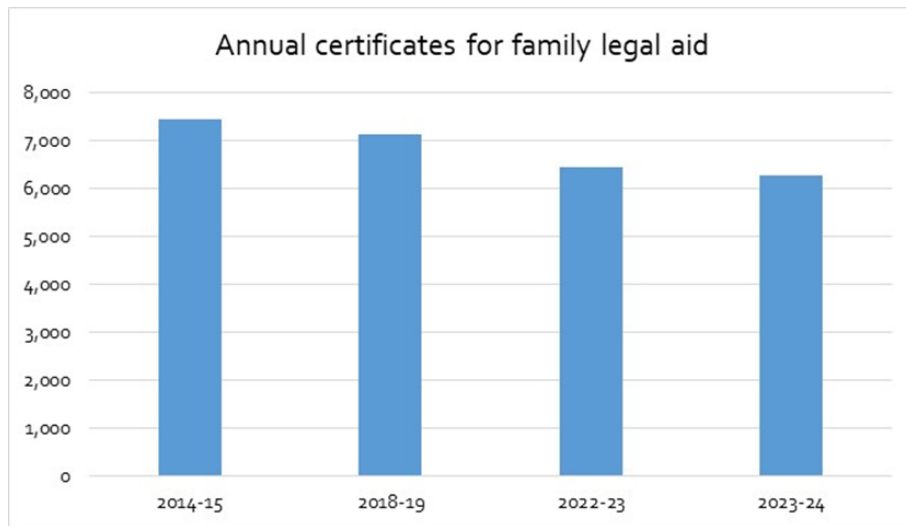
The rise in AWI applications is broadly consistent with a rise of individuals on Guardianship Orders⁵ in Scotland in a slightly earlier period. Between 2013-14 and 2022-23, individuals on Guardianship Orders doubled from 8,717 to 17,849⁶.

Meanwhile, in relation to family matters, applications and grants of civil legal aid fell in the period from 2014-15 and 2023-24. Applications fell most steeply, with grants showing a less pronounced decline.

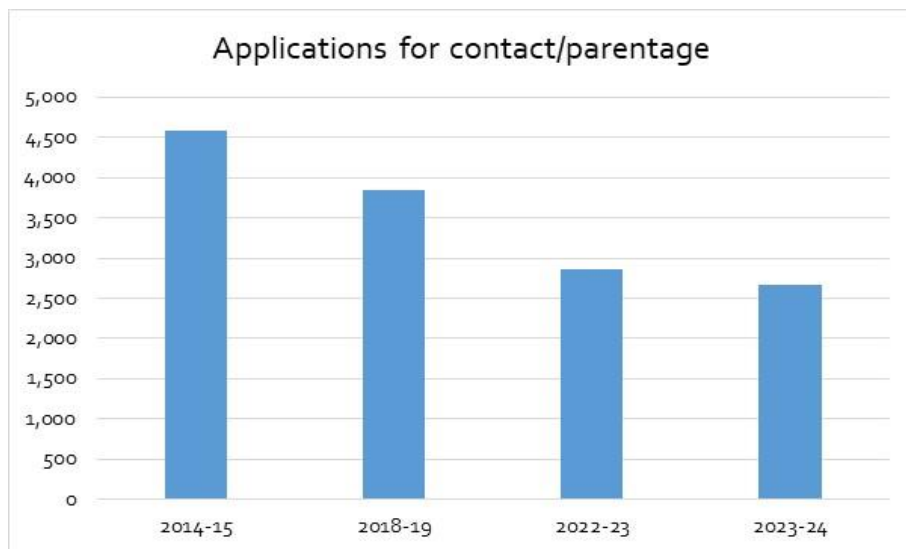
⁴ From unpublished data collected for SLAB's 2023-24 Annual Report. 97% of AWI applications did not need assessment.

⁵ We cannot be sure how these might correlate; for an individual with a Guardianship Order there may be several parties (or none) seeking legal aid.

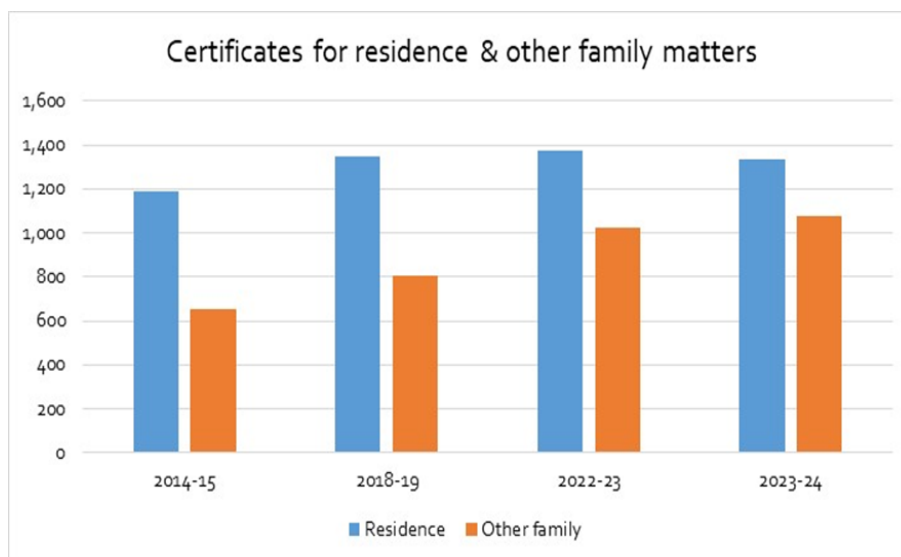
⁶ [Mental Welfare Commission for Scotland](#), Adults with Incapacity Act monitoring report 2022-23.



Within the family category, contact/parentage was the largest single category, down seven points to 35% of all family applications in 2023-24. However, applications for contact/parentage fell sharply between 2014-15 and 2023-24, from 4,576 to 2,670.



Most of the other family matters showed the same continuous decrease as contact/parentage. Residence and 'other' family matters were the only categories to show an increase. Most residence cases constitute 'variations' or 'contempt' of previous civil decisions, such as contact and residence.



The increases here could be expected to lag the increases SLAB saw some years ago in primary family areas such as contact.

In the Court of Session and sheriff courts the total number (privately and publicly funded) of proceedings in relation to divorce, parental responsibilities or rights also fell between 2014-15 and 2022-23⁷.

In their 2023-24 annual report, Glasgow Central Citizens Advice Bureau comment on their caseload, noting that “recent years have seen a considerable decline in [...] relationship matters”. This suggests there may be a wider societal change, rather than one solely related to legal aid.

Changes in volume by the applicant’s council area⁸

Glasgow City shows reduction in case volumes. City of Edinburgh and Island areas show increases.

There was a large variation in the number of grants of civil legal aid at the level of council area. East Lothian fell 21%, Renfrewshire reduced by 13%, and Glasgow City reduced by 12%.

The local authorities with the largest increases between 2014-15 and 2023-24 have been Shetland Islands (67%), Perth & Kinross (53%), and West Lothian (42%).

Glasgow City was the largest council in terms of the national share of grants of civil legal aid in 2014-15 (18%) and this remains the case in 2023-24, but its national share shows decline (now 14%).

The Glasgow reduction in case volumes of 12% contrasts notably with the second largest council by population, which is the City of Edinburgh, which saw an 18% increase in case volumes to 2023-24.

Glasgow is more like Renfrewshire and Dundee City in terms of large-scale urban deprivation, with both areas having significant decreases.

There is a large difference in trends by subject within civil legal aid. By excluding AWI cases, most local authorities show large decreases from 2014-15 to 2023-24.

⁷ Figures are not directly comparable, since both parties to a divorce, and all parties for parental responsibilities or rights, may have legal aid.

⁸ Pages 18-23 of Civil legal aid: Geographic trends analysis.

However, the following areas have increased between 2014-15 to 2023-24: East Ayrshire (+10%), Scottish Borders (+9%), the Northern Isles Orkney (+18%), and Shetland (+25%).

Changes in applicant profile by deprivation level⁹

All deciles show increase in AWI cases; most deprived deciles decreased or were unchanged in non-AWI cases

The trends in civil legal aid have been analysed using the Scottish Index of Multiple Deprivation (SIMD).

The most deprived deciles saw decreases or little growth in overall grants of civil legal aid while the least deprived deciles have seen the most growth.

This difference is explained by the uneven distribution of non-AWI cases in 2014-15. These were heavily concentrated in the more deprived deciles while AWI cases were more evenly spread across all deciles of deprivation.

In the period to 2023-24, all deciles saw similar large increases in the level of AWI cases. At the same time there have been large falls in non-AWI cases.

The combined effect of these two trends means that the most deprived deciles have seen a small to no increase overall because the increase in AWI has been offset by the fall in non-AWI.

The least deprived deciles have seen much larger overall increases because their growth in AWI cases has not been offset by a fall in non-AWI cases.

Changes in active solicitors¹⁰

Fewer, but more active solicitors

The pattern of supply has seen a shift over the last ten years, from many solicitors mostly undertaking only small amounts of legally aided work, to a smaller number of significantly more active solicitors.

In 2014-15, there were 1,067 active solicitors with an annual average of 12 grants each. Only a third of these solicitors (368) averaged more than one grant per month, but between them accounted for 73% of all grants. The remaining 699 solicitors averaged one case or less per month, with 225 seeing only one or two grants a year.

By 2023-24, there were 791 active solicitors with an annual average of 17 grants each. Over that ten year period there was very little change in the number of solicitors seeing more than one grant per month, at 353, but these solicitors now comprised 45% of active solicitors, averaged 34 grants per year (compared to 26 in 2014-15) and accounted for 86% of all grants (11,880, compared to 9436 or 73% in 2014-15).

This trend towards concentration is most pronounced amongst the group undertaking more than 23 cases per year. In 2023-24, there were 215 solicitors (168 in 2014-15), averaging 44 grants each (up from 36), making up 27% of all active solicitors (up from 16%) and accounting for 69% of all grants (up from 47%).

⁹ Pages 27-29 of Civil legal aid: Geographic trends analysis.

¹⁰ Pages 37-42 of Civil legal aid: Geographic trends analysis.

At the other end of the scale, there have been significant reductions in the number, proportion, and total share of grants of those with smaller legal aid caseloads, with the biggest reduction amongst those undertaking seven to 12 cases per year (down from 245 to 119).

AWI has seen a large increase in the concentration of AWI cases amongst solicitors and in the average number of AWI cases amongst the higher volume solicitors, despite a slight reduction in the number of active solicitors. There was a reduction of 17% in active solicitors from 2014-15 to 388 in 2023-24. The top 133 solicitors are responsible for 76% of all AWI cases. The proportion of solicitors who are doing AWI cases has increased from 56% of the total base from 2014-15 to 51% in 2023-24.

In **family cases**, we see similar patterns, albeit against a backdrop of a decline in total activity. There has been a 35% reduction in the number of active solicitors, to 510, but with little change in the number of busier solicitors (141 undertaking 16 or more cases per year in 2023-24, compared to 144 in 2014-15). The average and total caseloads of these solicitors have increased (4,278 cases at an annual average of 30 each in 2023-24, compared to 3,722 and an average of 26 in 2014-15), driving their share of the total from 50% to 68%. The proportion of all active civil practitioners who *didn't* have any family cases increased from 27% in 2014-15 to 36% in 2023-24.

In **non-family, non-AWI cases**, the number of active solicitors decreased by 47% to 266 in 2023-24. However, the proportion of civil solicitors doing these other types of cases has increased from 53% to 66%. The busiest solicitors were responsible for 52% of these cases.

Applicants instructing solicitors in their Council area¹¹

Increased number of applicants instructing solicitors outside their council area

The statistical report explores supply by comparing the council area of legal aid applicants with the location of the solicitor they used. This identifies trends in the number of people using a solicitor from within and outside their council area.

There are various reasons why people might use a solicitor outside of their council area. For example, being on the border between council areas, or not being restricted to using local solicitors because more services are delivered remotely rather than 'in person' since 2014-15.

Our operational teams were aware however that some people contacting SLAB for help finding a solicitor mention having issues with finding a local solicitor. In addition, some legal aid firms regularly take instructions from clients in other areas, particularly if they are near other council areas (for example, the Central Belt) or if they have a connection with the area.

There has been a movement in many areas towards out of area supply.

In respect of **non-AWI cases**, 21 council areas have same area supply levels of 50% and above, 10 have less than 50%, and Shetland Council has no same area supply.

There was an overall seven percentage point fall in same area supply between 2014-15 and 2023-24. However, there are differences in the 32 Council areas:

¹¹ Pages 34 - 37 of Civil legal aid: Geographic trends analysis

- East Ayrshire, East Dunbartonshire, Fife, Renfrewshire, and South Lanarkshire increased same area supply
- City of Edinburgh and Scottish Borders were unchanged
- the remainder had decreased.

The biggest percentage reductions were in the two Island Councils of Na h-Eileanan Siar and the Shetland Islands, but actual case numbers are small (14 and 20 respectively). In Shetland, there was an increase in cases, but all cases were represented by solicitors outside the council area. In Na h-Eileanan Siar, most cases were represented from outside the council area. East Lothian and Aberdeen City saw substantial reductions and although case numbers had also reduced, it indicates that a greater proportion of cases are being represented by solicitors outside the Council area.

As noted earlier, **grants of AWI** have increased over the period in contrast to most other aid types. AWI only shows just a one percentage point fall in same area supply between 2014-15 and 2023-24. Fourteen areas increased same area supply. This included Na h-Eileanan Siar, while the Shetland Islands had seen no change.

The Orkney Islands saw the biggest reduction, but actual case numbers are small (16). East Lothian and Aberdeenshire had the second and third highest reductions respectively, followed by Aberdeen City and Midlothian.

East Lothian and Aberdeen City had significant increases in the use of out of area solicitors across combined aid types.

We have focused on three geographic areas to provide more context: East Lothian, Aberdeen City, and Island/rural Council areas.

East Lothian

East Lothian saw the highest change per capita in grants of legal aid over the period (down by 29%, which includes the impact of an 11% rise in population over the period). When AWI grants were removed, the number of cases fell by 42%.

It has the third highest rate of out of area representation. East Lothian had four active civil legal aid firms in 2023-24, down from eight in 2014-15. SLAB's Civil Legal Assistance Office (CLAO) network also covers East Lothian, although they only take on a subset of civil work.

East Lothian's only local sheriff court in Haddington closed in 2014, and cases are now heard in Edinburgh Sheriff Court. However, SLAB's figures¹² show that there was only a 5% fall in cases from East Lothian firms between 2014-15 and 2018-19. There was a much more sizeable fall of 59% between 2018-19 and 2022-23.

Census data shows that East Lothian's adult population rose by 11% between 2014 and 2023 (overall Scotland's adult population rose by 3% between these years). During the same time, East Lothian saw a relatively high percentage rise in the population, most likely to be subject to a Guardianship Order.

The East Lothian Poverty Profile 2024 notes that East Lothian has "lower levels of poverty than most other parts of Scotland. But the relative affluence of East Lothian masks significant levels of poverty in

¹² Table 16, Pages 30 - 31 of Civil legal aid: Geographic trends analysis

some parts of the county”. Although East Lothian is noted as having “relative affluence”, an aging population may mean more need for legal support, including legal aid.

Figures from the East Lothian Advice Consortium’s¹³ 2023-24 annual report show that their active client numbers increased by over 50% between 2020-21 and 2023-24, with ‘benefits’ accounting for 26% of cases in 2023-24.

There are alternative forms of legal aid funding of services in the area. Through [Haddington Citizens Advice Bureau](#), the East Lothian Access to Justice Project provides advice and casework for eviction, repossession and debt problems for people living in East Lothian.

Aberdeen City

Looking at rates per capita by Council area shows that Aberdeen City had the joint lowest rates of grants of legal aid in 2023-24, alongside Aberdeenshire. Aberdeen City also had the biggest relative decline in national share of supply, in relation to firm branch location, down to 1.7% in 2023-24 from 2.8% in 2014-15.

Aberdeen City is the eighteenth most deprived of the 32 Council areas¹⁴ with overall deprivation in Aberdeen City increasing significantly between 2016 and 2020. In discussion, SLAB staff felt that callers looking for help finding a civil legal aid solicitor were disproportionately likely to be from Aberdeen.

Aberdeen has various civil support services, including both local and national organisations. SLAB’s CLAO Aberdeen and Aberdeenshire office can provide advice and representation for people needing support for cases involving housing and homelessness, some financial issues, child protection, and some family law. There is also a Citizens Advice Bureau, although this has limited opening hours and is not currently able to provide a drop-in service.

Island/rural Council areas

The Islands (Scotland) Act (2018) identifies six local authorities which contain inhabited, offshore islands.

Shetland Islands Council, Orkney Islands Council, and Comhairle nan Eilean Siar are local authorities which are completely made up of islands. Argyll and Bute Council, Highland Council, and North Ayrshire Council encompass a significant amount of mainland in addition to islands.

In respect of **non-AWI cases**, all the island councils had a fall above the 7% average. Two councils (Comhairle nan Eilean Siar and Shetland Islands) saw very high decreases of 54 and 50 percentage points respectively.

Over the same period, Argyll and Bute was down by 34%, Orkney by 18%, Highland by 13%, and North Ayrshire by 9%.

As noted earlier, grants of AWI fell by one percentage point in relation to same area supply between 2014-15 and 2023-24. Two island council areas increased the same area supply; Comhairle nan Eilean Siar (rising by 14%), Argyll and Bute (up by 7%), while the Shetland Islands had seen no change.

¹³ The Consortium is contracted by East Lothian Council to Haddington Citizen Advice Bureau and Musselburgh Citizen Advice Bureau. The East Lothian Advice Consortium Annual Report 2023/24 is available on the [Council’s website](#).

¹⁴ [Scottish Index of Multiple Deprivation - Scottish Welfare Fund Statistics: annual update 2022-2023 \(Scottish Government\)](#).

However, the Orkney Islands saw a decrease of 48 percentage points over the period. The island and mainland councils of Highland and North Ayrshire saw smaller falls of 2% each.

SLAB explored the average number of grants of legal aid per 10,000 population for each local authority area¹⁵. Shetland, Orkney Islands, and Comhairle nan Eilean Siar all had more grants per 10,000 in 2023-24 than they had in 2014-15, as did the three local authorities containing islands. However, excluding AWI cases, only Shetland and Orkney saw an increase in grants of legal aid per 10,000 over the period.

Out of area provision has increased. Orkney Islands and Shetland Islands increased the number of cases, with all of Shetland Islands cases being dealt with by solicitors outside the council area.

Numbers of active firm branches in all local authorities with islands fell between 2014-15 and 2023-24. Shetland lost its only firm, Orkney has one remaining, and Comhairle nan Eilean Siar has two. The Island/rural council areas range from six (-60%) in Argyll and Bute to 13 (-32%) in Highland¹⁶.

Between 2014 and 2023 the population of the Orkney Islands increased by 2%, whilst the populations of Shetland and Comhairle nan Eilean Siar fell by 1% and 4% respectively. Highland's population rose by 1% over the period, with Argyll and Bute, and North Ayrshire seeing falls of 1% and 2% respectively.

Further information

If you would like further information about this research, please contact the Research team at research@slab.org.uk.

¹⁵ Pages 23-27 of Civil legal aid: Geographic trends analysis.

¹⁶ Page 32-33 of Civil legal aid: Geographic trends analysis.