



News release

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MARKET CHANGES CONTINUE TO CHALLENGE FIRMS AS CASELOADS FALL

Fee increases may help stem falling incomes for criminal legal aid practitioners but shouldn't be seen as the only response to the financial challenges facing many solicitors.

The Scottish Legal Aid Board's (SLAB) annual report for 2017-18 published today shows that the total cost to the taxpayer of legal assistance in 2017-18 was £124.4m, down from £135.7m in the previous year.

SLAB's annual report details activities in a range of areas during 2017-18, including:

- **Providing access to the Legal Aid Fund** - Legal aid in Scotland remains demand led which means that nobody who meets the eligibility criteria is refused access to the Legal Aid Fund due to lack of funding. There were 203,000 grants of legal assistance made in 2017-18
- **Criminal Justice (Scotland) Act** - The Act came into force in January 2018 and provides new rights to advice for those in police custody. Working closely with the Scottish Government, Law Society of Scotland and solicitors across the country, SLAB designed and put in place a streamlined application process, backed by a much simplified payment structure. The Scottish Government regulations giving effect to this new system also incorporated a significant increase in fees.
- **Independent Review of Legal Aid** - Supporting the independent review of legal aid published in February was a significant focus of SLAB's externally facing work during 2017-18. Following the Scottish Government's announcement in November, SLAB is looking forward to working with the government, the legal profession, their representative bodies and the wider advice sector as the recommendations are progressed.
- **Organisational change** - SLAB made good progress towards its goal of transforming how it works as an organisation and improving the delivery of its service. The key focus during the year was on improving how SLAB manages risk, measures performance and takes operational decisions.

The publication of SLAB's annual report comes on the back of the Scottish Government's response to Martyn Evans' independent review of legal aid published in February this year.

As part of its response to the review's recommendations, the Scottish Government announced a 3% rise in legal aid fees and confirmed it intends establishing an evidence based process for reviewing payment arrangements to run parallel to a package of future reforms to the legal aid system.

Welcoming these announcements, SLAB's Chief Executive Colin Lancaster said that they should be seen against sustained shifts in the criminal justice system which had led to a

continued significant reduction in spending. Noting that funding for Scotland's legal aid system was demand led rather than tied to a fixed budget, he said that even with fee increases, falling cases numbers would continue to impact on firms' incomes.

There were nearly 8,000 fewer applications received for criminal legal assistance last year compared with the previous 12 months.

Criminal legal assistance accounted for £74.1m of the 2017-18 expenditure, down from £85.4m in 2016-17.

"The 13% fall in criminal payments to the profession this year comes on the back of several years of falling expenditure. This is not because of a reduction in funding or in the level of fees," he said.

"Rather it reflects a very significant and long term fall in reported crime and the increasing availability and use of alternatives to court prosecution."

Mr Lancaster said measures relating directly to legal aid, including the government reforms and proposed changes to criminal fees, were only part of the solution.

"We strive continually to improve the operation of the system, focusing our efforts on taking earlier decisions, making our guidance clearer and reducing the administrative workload for the profession.

"But falling numbers of legal aid applications mean that these steps and those announced by the Scottish Government will not address the very real financial challenges facing parts of the profession.

"We urge firms to consider and plan for their future in an environment of lower business volumes and lower overall expenditure," he said.

Mr Lancaster said he recognised that some solicitors might take a diminution in their own financial position as some sort of reflection on the value accorded to the work they do.

"Understandable though this may be, it is absolutely not the case. The profession plays a crucial role in assisting those in need, ensuring the smooth operation of the criminal justice system and upholding the rule of law."

The annual report and additional documents, including key statistics, are available on our [website](#).

For more information, please contact our Communications team on: 0131 240 1887