



Report to the Scottish Government

Monitoring of availability and accessibility of legal services **First Report**

The Scottish Legal Aid Board

www.slab.org.uk

Monitoring of availability and accessibility of legal services: Ministerial report

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Executive summary

This report sets out the work undertaken by the Board to fulfil its new function of providing Scottish Ministers with advice and information on the availability and accessibility of legal services.

The Legal Services (Scotland) 2010 Act introduced, on 1 April 2011, a new general function for the Scottish Legal Aid Board of monitoring the availability and accessibility of legal services in Scotland, including by reference to any relevant factor relating particularly to rural or urban areas. For the purposes of this monitoring function, legal services are defined as services provided by solicitors and advocates.

The monitoring function is not restricted to those legal services funded by the Board or other public funders. It therefore includes privately funded services, whether provided to individuals or bodies corporate, and legal services such as conveyancing, insolvency and other private or public client work that would not normally fall within the scope of legal aid.

The analysis set out in the report shows that, for some areas of law, advisers other than solicitors and advocates may be the most prominent sources of assistance. This observation is important in terms of assessing the impact of any identified issues about access to legal services.

Availability of legal services in this context means solicitors or advocates willing to act in different areas of law for different client groups. Availability is important in terms of how it impacts on access to legal services.

In discharging its new function and duty, it would not have been practical for the Board to attempt to establish objective benchmarks of whether legal services are accessible. The Board has instead sought to identify evidence as to whether there are, or are likely to be, problems with accessibility in practice.

The Board intends continually to monitor on the basis that a problem with access to legal services is defined as the inability of potential clients to find solicitors or advocates to act in different areas of law or various geographic areas.

In the context of advising Ministers, the Board's strategy is to assess the risk of actual instances of systemic problems with access occurring by looking at:

- the probability of an access problem occurring; and,
- reports of actual instances of problems with access.

Whilst individuals or businesses may experience problems finding or retaining a solicitor, these may be isolated incidents which, although important to the individual involved, are not representative of how the legal services market as a whole is operating. We aim to collect information on actual instance of problems in a systematic and comparable way, so that any systemic problems can be identified.

Our analysis shows that there is no clear evidence suggesting systemic access problems for those areas where data is available. For this initial report, we looked in-depth at employment tribunal cases, contentious welfare benefits issues and aspects of contentious family law.

- Overall, the current picture of access to legal services in employment tribunals as provided by the statistics we have available does not suggest that there is a systemic problem with access to solicitors, although around a quarter of claimants are

unrepresented by any type of provider. We are seeking further information on the types of cases in which claimants are unrepresented. We have not received any reports of actual instances of problems accessing a solicitor willing to take on a case in employment law.

- There are large gaps in the data available for contentious welfare benefits issues which do not allow for meaningful analysis of the accessibility of legal services. For example, we are aware that many local authorities and some housing associations provide advice on welfare benefits, including representation before the tribunal. It is therefore not possible for us to assess either the overall level of tribunal representation or the relative significance of representation or advice by solicitors or advocates as opposed to other advisers. Accordingly, and while we did not receive any reports of actual instances of problems with access in this area, no firm assessment of the availability or accessibility of legal services in this area of law has been made.
- At present, for contentious family law problems involving children (child contact and residence) or divorce, we have not received information on specific instances of problems with access to legal services and the available data does not indicate a systemic problem. We are aware of concerns raised by fathers' groups in relation to child contact, but we have not received information on any specific instances. We have not therefore been able to determine whether these concerns might reflect systemic issues or, if so, whether these issues relate to the availability or accessibility of legal services as such, rather than other factors.

This is the first year of carrying out this duty and we aim to build on the good progress which we have made to identify, collect and collate relevant data in the coming year. We will also be carrying out more detailed work where appropriate on key issues, looking especially to take forward sub-national analysis to assess whether legal services are accessible in all areas of Scotland.

Background, definitions and purpose

Background

The Legal Services (Scotland) 2010 Act (the Act) introduced, on 1 April 2011, a new general function for the Scottish Legal Aid Board (the Board) of monitoring the availability and accessibility of legal services in Scotland, including by reference to any relevant factor relating particularly to rural or urban areas.

The Board was also given a new power to provide advice to Scottish Ministers as it considered appropriate in relation to the availability and accessibility of legal services. Finally, the Act introduced a duty on the Board to provide information to Scottish Ministers from time to time, as they may require, relating to the availability and accessibility of legal services.

To assist in meeting these requirements, the Act also places a duty on a number of bodies to provide the Board with such information as it may reasonably require. The three bodies are the Law Society of Scotland, the Faculty of Advocates and the Scottish Court Service.

This report sets out the work undertaken by the Board to discharge its new function and provides Scottish Ministers with advice and information on the availability and accessibility of legal services. Where appropriate, the report also highlights areas of importance for the Making Justice Work programme.

Definitions

In broad policy terms, “legal services” are recognised as encompassing the wide range of agencies that are in place to help individuals deal with problems of a legal nature, or what can be classed as “justiciable problems”. For the purposes of this new monitoring function however, legal services are defined as services provided by solicitors and advocates¹. This is due to the specific context in which the duty was developed, and the purpose the role was to serve.

For the purposes of the Act, in general, “legal services” refers to services which consist of (at least one of)—

- (a) the provision of legal advice or assistance in connection with—
 - (i) any contract, deed, writ, will or other legal document,
 - (ii) the application of the law, or
 - (iii) any form of resolution of legal disputes,
- (b) the provision of legal representation in connection with—
 - (i) the application of the law, or
 - (ii) any form of resolution of legal disputes.

As set out above, this kind of definition normally takes in a wide range of different providers of advice, such as accountants, human resources consultants, paid and volunteer advisers in advice-giving organisations, as well as solicitors and advocates.

The function given to the Board is however based on a narrower definition of legal services provided in the explanatory notes to the Act, which sets out that legal services should be construed as services provided by legal professionals, meaning (in the main) solicitors and advocates.

¹ See Appendix 1 for interpretation of the Act and its explanatory notes

The function also requires the Board to monitor legal services with reference to availability and accessibility.

The availability of legal services has been defined, in this context, as meaning solicitors or advocates willing to act in different areas of law for different client groups. Availability is important in terms of how it impacts on access to legal services and the intention behind the provisions was to monitor whether any change in availability results in problems with accessibility.

In this sense, accessibility has been defined as the ability of potential clients to find solicitors or advocates willing to act in different areas of law or various geographic areas. Of course, being able to find a solicitor willing to act in a matter may not always mean the same as being able to access that solicitor. Accessibility has many facets, including: physical accessibility, which may be problematic for some with physical disabilities; issues with opening hours, for those with employment or caring responsibilities; proximity, for those with limited access to transport; language, for those for whom English is not their first language; cost, where the assistance sought may be unaffordable; quality, for example where, notwithstanding a willingness to act, the only available local provider lacks sufficient experience in a particular area of law.

While clearly relevant to the effectiveness of arrangements for access to legal services, this range of issues is not directly within the remit of the Board's monitoring role. The focus of the monitoring function is on the extent to which services are made available and in practice are accessed. This report describes the approach the Board is taking to monitoring this. However, to the extent that the factors set out above manifest themselves in systemic problems of availability or accessibility, they should be captured by the arrangements we have put in place for identifying reported incidences of actual problems in access or availability. In other words, while our role does not require that the Board proactively to seek to monitor (for example) the cost of legal services, or the physical accessibility of solicitors' offices, we have put in place arrangements to identify problems in availability or access flowing from such issues. Where these kinds of underlying concerns are identified to or by the Board, they will be reported to Ministers for consideration as to whether and how they might be addressed, for example, through the Making Justice Work programme² or other initiatives to improve the operation of the justice system.

The Act also requires the Board to monitor availability and accessibility with reference to urban and rural factors. The Scottish Government produces an urban rural classification³, which identifies a number of standard classifications of areas in Scotland based on the population size of settlements and drive-times to centres of population. The 8-fold classification will be used for this monitoring role.⁴

Purpose

In light of the intention behind the monitoring function, as set out above, the Board will monitor accessibility on the basis that a problem with access to legal services is defined as the inability of potential clients to find or obtain the services of solicitors or advocates willing to act in different areas of law or various geographic areas. We intend to identify actual

² An overview of the Making Justice Work programme can be found on the Scottish Government's website (<http://www.scotland.gov.uk/Topics/Justice/legal/mjw>)

³ The classification can be found on the Scottish Government's website: <http://www.scotland.gov.uk/Topics/Statistics/About/Methodology/UrbanRuralClassification>

⁴ A description of the 8-fold classification and the reason for its use in this report is contained in Appendix 6: Analytical strategy.

instances of problems with access, or levels of supply that appear likely to increase the risk of this happening.

Whilst individuals or businesses may experience problems finding or retaining a solicitor, these may be isolated incidents which are not representative of how the legal services market as a whole is operating. We aim to collect information on actual instances of problems in a systematic and comparable way, so that any systemic problems can be identified. More detailed information on how we intend to monitor availability and accessibility is set out in the next section.

The monitoring function is not restricted to those legal services funded by the Board or other public funders. It therefore includes privately funded services, whether provided to individuals or bodies corporate, and legal services such as conveyancing, insolvency and other private or public client work that would not normally fall within the scope of legal aid. The analytical framework set out in this report is established with that broad scope in mind.

Within this very broad spectrum, the policy memorandum for the Act directly linked the monitoring duty to areas of law where the Scottish Parliament viewed that the current legal services market may not be operating effectively, including family law, employment and social welfare law. This initial report therefore considers these areas at this early stage in the implementation of the duty.

In implementing this duty the Board does not expect to be able to establish objective benchmarks for the adequacy of any particular level of availability or accessibility. Previous research in this field and the work of other organisations investigating similar issues is consistent with our belief that this is not possible in practice.

By way of illustration, in order to assess the adequacy of provision, we would need to be able to specifically define and then collect information on:

1. the total requirement for services provided by solicitors and advocates to people and organisations with particular problems (for example an employment dispute) or needs (for example drawing up a will) in different areas of law, whether or not they have sought to resolve that problem or taken steps to meet that need.
2. a matching set of information on the type and range of legal services on offer from all solicitors and advocates

Without extremely detailed information on the nuance of each problem being experienced or the potential legal need, it is not possible to determine whether a person or organisation requires the specific assistance which can be provided by a solicitor or advocate, as opposed to taking steps themselves, or obtaining help from another source (for example a human resources professional or a will writer). Whether an individual requires assistance from different sources of help further depends upon their personal knowledge, skills and experience. In terms of resource, this kind of information could only be collected via very detailed surveys of the population and organisations at different geographic levels, equivalent to conducting an initial diagnostic interview with a potential client.

Similarly, the set of information on the type and range of legal services would require a commitment to undertake a detailed survey of the profession, obtaining information that can robustly be matched to the data generated by any survey.

As both the requirement for advice and the type and range of legal services (and alternatives) on offer will change over time, the surveying would have to be repeated regularly. Furthermore, the combined results from the surveys would not necessarily present an accurate picture of whether reported services were in practice adequate to meet

reported requirements for advice from solicitors and advocates, without recourse to detailed information on whether people or organisations were in fact able to access legal services.

As this final requirement most closely resembles our approach to our function, we believe that our approach is the most appropriate and proportionate, in light of the availability of data and the intention behind the Act.

How we monitor availability and accessibility of legal services

The Board has developed a framework within which we will monitor availability and accessibility of legal services, which are defined as services provided by solicitors or advocates.

Overview of analytical strategy

Monitoring the availability of legal services

Availability of legal services in this context means solicitors or advocates willing to act in different areas of law for different client groups. Availability is important in terms of how that impacts on access to legal services.

Monitoring the accessibility of legal services

As noted above, the Board will not seek to establish objective benchmarks of whether legal services are accessible (as this is not possible), but will instead look to assess whether there are problems with accessibility.

The Board will monitor this on the basis that a problem with access to legal services is defined as the inability of potential clients to find solicitors or advocates to act in different areas of law or various geographic areas.

Assessing the risk of actual instances of systemic problems with access

The Board's strategy is to bring monitoring of availability and accessibility together by assessing the risk of actual instances of systemic problems with access occurring by looking at:

- the probability of an access problem occurring; and,
- reports of actual instances of problems with access.

Putting the probability and reports of an access problem together will give a measure of exposure – the likelihood that a systemic access problem is occurring. This assessment of risk will be structured using the analytical framework set out at Table 1.

Table 1: Analytical framework

	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic problems)	1–4 Green 5-14 Amber 15-25 Red
Broken down by framework for analysis			

The assessment of systemic access problems is structured by areas of law, client type and geographic area. Detailed information on the analytical strategy and how we have segmented legal service provision by area of law, client and geography is set out in the analytical strategy, which is attached as appendix 6.

However, in common with other bodies which have a similar monitoring role⁵, we have found that there are significant gaps in the data currently available for analysis, which is reflected in the assessment table in appendix 2. In light of this, we may wish to undertake specific work to help make an assessment.

Assessing the probability that a systemic access problem is occurring

Problems with access could be linked to changes in availability of legal services, potentially defined as the number of branches of firms in an area, but there are difficulties with using this measure. A drop in the number of branches may not represent a problem with access; similarly, where the number of branches remains stable or increases this may not mean that access to legal services is adequate. In the first instance, solicitor firms from outwith the area may be serving that locality; in the second, there may still be more need for legal assistance than is being met by the currently available supply.

More direct measures of access to legal services, such as the Board's application data, should be subjected to careful interpretation in the same way. There are also measures of need or demand for legal assistance (such as population surveys), which can give good indications of potential access problems. For the assessment of probability that a systemic access problem is occurring, the main sources of information for this assessment will be administrative data or surveys.

In our assessment of areas of law, we will take account of the context within which legal services are operating, in terms of whether they are mainly publicly or privately funded and how significant a share of the market is taken by solicitors and advocates. We know from population surveys⁶ that for some types of problem most people do not seek help from solicitors and that, in terms of publicly funded assistance, advice agencies or local authorities provide a greater amount of advice on some types of issues than solicitors or advocates.

Data from administrative sources or from surveys can only provide an indication that there may be a problem with accessibility, not least because they will always give a partial view of the world. For example, potential clients of solicitors and advocates may over time start to prefer to seek assistance from other providers of law-related help, resulting in fluctuations in collected data about solicitor provision which do not necessarily reflect accessibility problems.

These data will be considered in relation to the wider social and economic environment within which legal services are sought and provided. We are however not attempting to assess whether different sources of assistance are more or less appropriate, or for example whether they are of sufficient quality, or if they are affordable. Where these kinds of issues are raised by the ALSRG or in analysis, they will be fed into Making Justice Work Project 3, Enabling Access to Justice. Our focus is on problems with access to legal services, defined

⁵ In England and Wales, the Legal Services Board has a wider duty to oversee the impact of the introduction of market reforms. Their first monitoring report lists 25 indicators based on existing data and 60 indicators which they intend to collect.

http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/market_impacts_of_the_legal_services_act_interim_baseline_report.pdf

⁶ Examples include the civil module of the Scottish Crime and Justice Survey, the survey underpinning Paths to Justice Scotland (2001), and the various surveys which supported the Community Legal Services: Assessing Need for Advice in Scotland (2004) report.

as the inability of potential clients to find solicitors or advocates willing to act in different areas of law or various geographic areas.

Assessing reports of actual instances of problems with access

As noted above, the difficulty in relying on administrative data is that it can only provide an indication that there may be a problem; an indication which will be subject to a number of substantial caveats. Systematically collecting reports on actual instances of an issue with access to legal services can help to overcome this limitation.

When assessing actual instances of problems with access, we will use reports from potential clients unable to find a solicitor or advocate as the main source of evidence. These may come direct to the Board or via the organisations on the Access to Legal Services Reference Group and the wider reference panel (both described below). We aim to collect and analyse information on actual instances of problems in a systematic way to permit consistency of assessment across areas of law and geography.

As with the data collected in relation to the probability of a systemic problem with access, we will carefully consider reports of actual instances of problems in their particular context, but with reference to our specific definition of access to legal services. To the extent that the information about actual access problems reported to the Board makes it possible, we will seek to identify any themes as to underlying factors in access problems, such as cost, physical accessibility and quality and report these to Ministers such that appropriate actions to address these issues, if any, can be identified..

Arrangements we have put in place to gather information

The Board is discharging its function using a number of approaches:

1. Analysing the Board's own data on trends in legal assistance and supply
2. Supplementing this with other sources of data about legal services, including information that has been requested of the Law Society of Scotland, the Faculty of Advocates and the Scottish Court Service,
3. Seeking the views of stakeholders, including service providers and users.

The Board undertakes regular monitoring and analysis of patterns of supply of civil, children's and criminal legal assistance which are supported by the Legal Aid Fund. The Board is building on this analysis to carry out its wider monitoring function under the Legal Services (Scotland) Act 2010. Additional information provided by other organisations has helped to produce a fuller view of the legal services market and this is referenced throughout this report.

The Board was asked to convene an Access to Legal Services Reference Group (ALSRG) by Scottish Ministers to assist with the third of the approaches set out above. The ALSRG is a group of bodies with a shared interest in, and experience of, the provision or use of legal services.⁷ Its role is to help define the scope of legal services, provide information and insight into access to legal services and to review data prepared and gathered by the Board and others on these matters. There have been three meetings of the group since May 2011.

The work of the ALSRG has an operational focus and assists the Board to identify actual instances of problems with access or levels of supply that appear likely to increase the risk of this happening. In line with the Board's analytical strategy, the group is not expected to

⁷ The terms of reference for the Access to Legal Services Reference Group are set out in appendix 3.

reach firm conclusions about the objective adequacy of any particular level of availability or accessibility.

In order to supplement the work of the ALSRG, we invited a wide range of organisations to be involved in a correspondence-only panel including many interest groups or representative bodies involving consumers or providers of legal services⁸. The Board will write to this wider correspondence-only panel periodically, seeking comment on user or provider experiences in relation to the availability or accessibility of legal services.

Further direct work with a wide range of members from these groups, and others, has identified data relevant to the availability or accessibility of legal services which they hold or could collect.⁹ We anticipate that additional sources of information will be identified and incorporated into the Board's monitoring as analysis progresses.

For example, we have put in place procedures to count the number of calls reporting problems with access to solicitors or advocates being made to the Law Society of Scotland, the Scottish Legal Complaints Commission, the Equality and Human Rights Commission and our own legal aid helpline.

Time period covered by the report

This report covers the period up to and including financial year 1 April 2010 – 31 March 2011.

Availability of legal services

The Law Society of Scotland's information from its solicitor finder tool sets out the location of branches of solicitors firms and the number of partners associated with each firm. This allowed us to map the location of firm branches (as extracted during September 2011), showing the number of branches within each council area and relative to the Scottish Government's urban rural classification¹⁰. This mapping on page 13 shows that there is a spread of branches across all local authority areas and in all types of urban or rural settings.

The map of branches is complemented by graphs 2 and 3, which compare the 2010 mid-year estimated population of the various urban and rural areas to the number of branches in each type of area. In future years we hope to include an analysis of the number of solicitors employed as that information becomes available from the Law Society of Scotland.

The graphs on page 13 suggest that, in general, there may be a link between the location of firm branches and the geographic area served. For example, the graphs indicate that accessible small towns and accessible rural areas may be mainly served by firm branches located in large urban areas or other urban areas. More remote rural areas appear to be served by small towns located in these areas, with higher numbers of firm branches per capita for remote and very remote small towns.

This basic analysis, however, does not account for variations in the types of services offered by firms of solicitors, whether these are provided to individuals or businesses, and in which areas of law. Far more information in relation to the services offered by firm branches is

⁸ A full list of organisations is provided in appendix 4.

⁹ A full list of organisations is provided in appendix 5.

¹⁰ The details of the classification can be accessed here:

<http://www.scotland.gov.uk/Topics/Statistics/About/Methodology/UrbanRuralClassification>

required to establish the extent to which branch location is connected to the geographic area served and how this then relates to the availability of legal services as defined above.

Whilst we are also unable to compare this snapshot of the number of all solicitor firm branches to previous years' data, the position with regards to the overall number of solicitors holding practising certificates is set out in graph 1, which shows a fairly stable picture. In comparison, we do have data on legal aid firms: at the end of March 2011, there were 12 more firms (576) and 48 more solicitors (1,401) registered to provide criminal legal assistance compared to the same point in 2010 and 26 more firms (654) registered to carry out civil legal assistance.

Graph 1: Number of solicitors with practising certificates on 31st October of each year¹¹



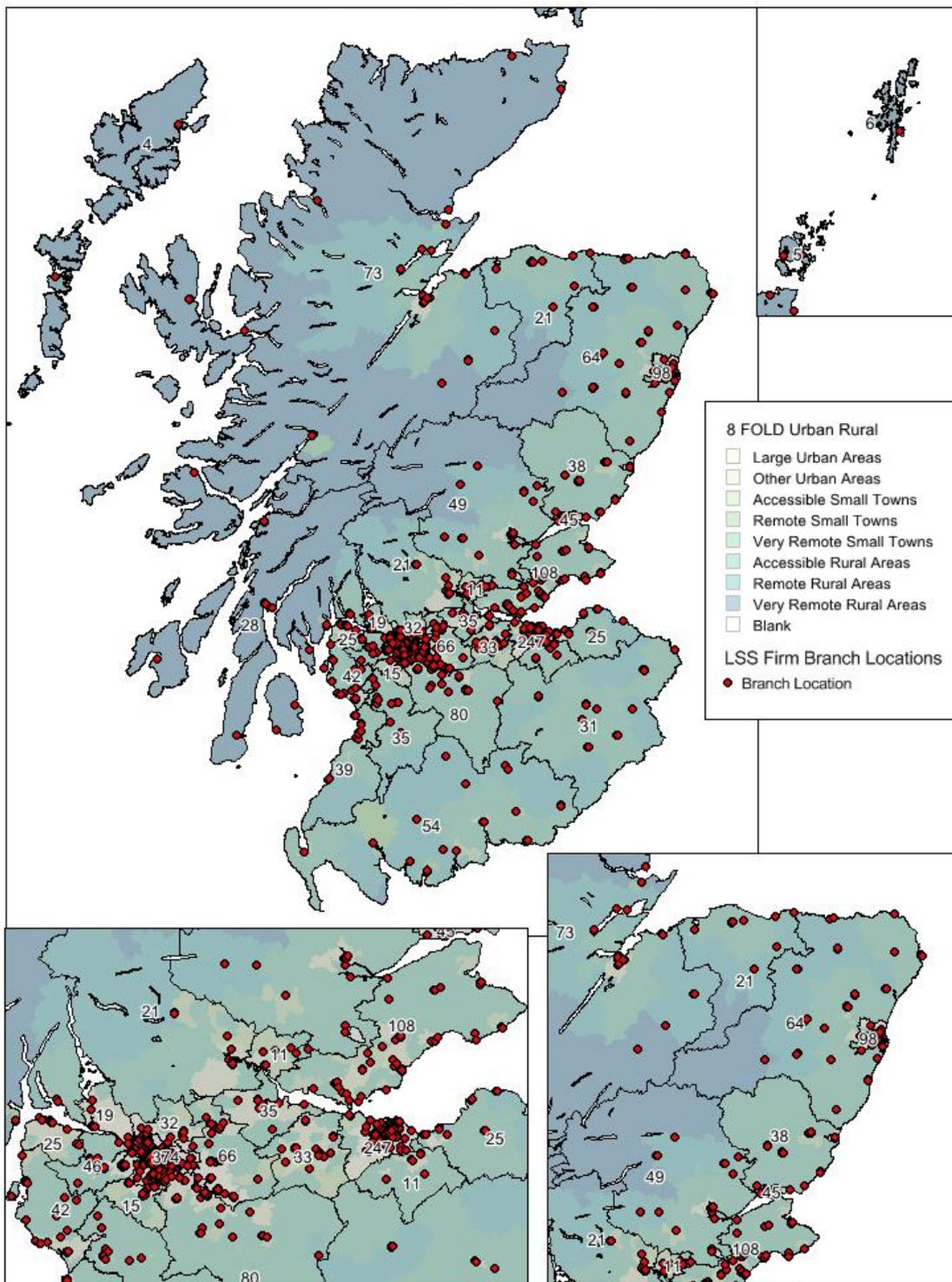
The services of advocates are not related to where their offices are located, as they serve all areas of Scotland. The Faculty of Advocates advise that an advocate will be found in all cases where instructions are sought.

Current conclusions and further work identified

This section has provided a snapshot of the spread of solicitor firm branches across the country. In future we will be able to monitor any shifts in the distribution of these, with reference to urban and rural areas. This will feed into the assessment of the risk of actual instances of systemic problems with access occurring.

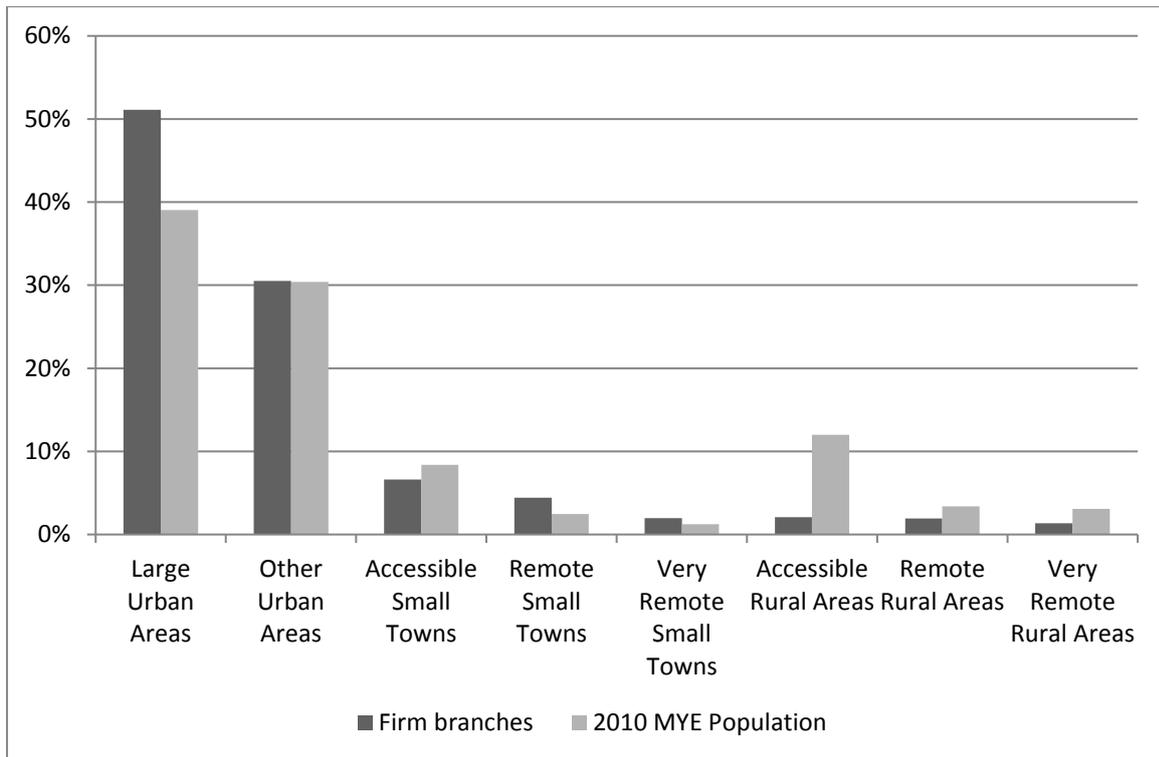
¹¹ Source: Law Society of Scotland, Annual Reports

Map 1: Firm branches by Council Area and 8 Fold Urban Rural Classification¹²

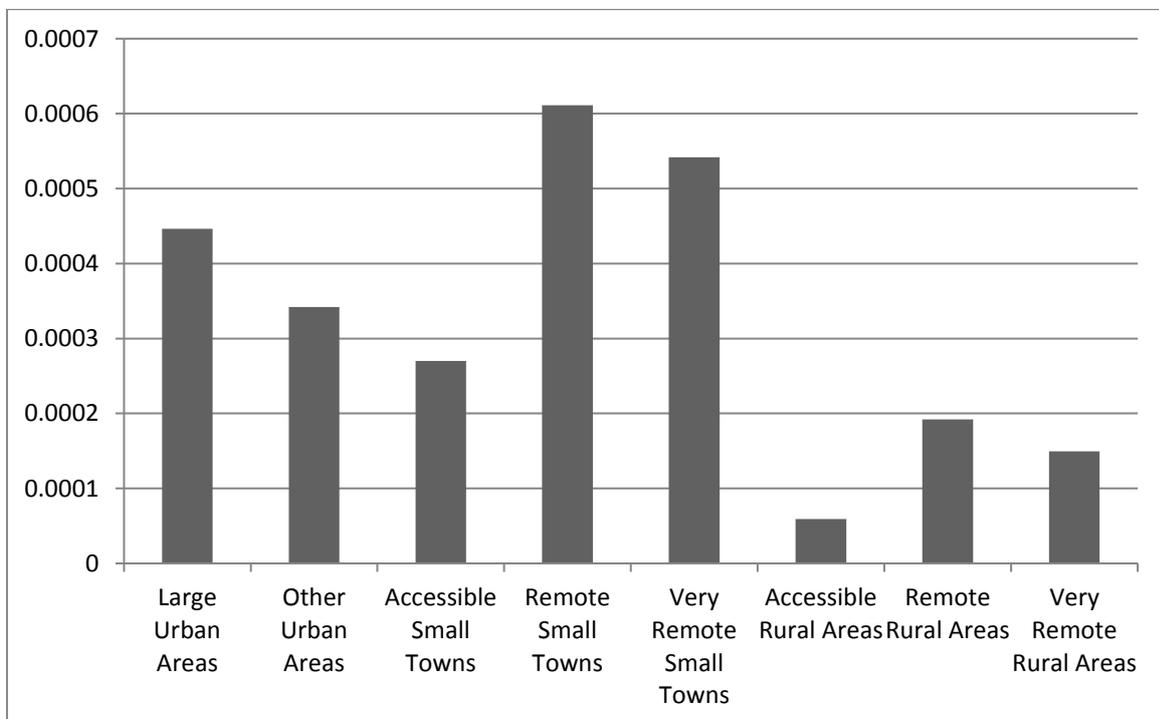


¹² Sources: Law Society of Scotland, find-a-solicitor tool (accessed September 2011) and Scottish Government, urban-rural classification 2009/10.

Graph 2: Proportion of total firm branches and 2010 MYE population by 8 Fold Urban Rural Classification¹³



Graph 3: Number of firm branches per person by 8 Fold Urban Rural Classification¹²



¹³ Sources: General Register Office for Scotland, 2010 Mid-Year Estimates; Law Society of Scotland, find-a-solicitor tool; Scottish Government, urban-rural classification 2009/10.

Accessibility of legal services

This section focuses on the priority areas of law which were identified by members of the ALSRG in January 2012 and in the Policy Memorandum for the Act. We also note where members of the wider panel, or other groups, have suggested that there may be issues around accessibility of legal services. The table in appendix 2 sets out our high level assessment of other areas of law, where data is available.

As noted above, in our assessment of areas of law, we have taken account of the context within which legal services are operating, in terms of whether they are mainly publicly or privately funded and how significant a share of the market is taken by solicitors and advocates. We know from population surveys¹⁴ that for some types of problem most people do not seek help from solicitors and that, in terms of publicly funded assistance, advice agencies or local authorities provide a greater amount of advice on some types of issues than solicitors or advocates.

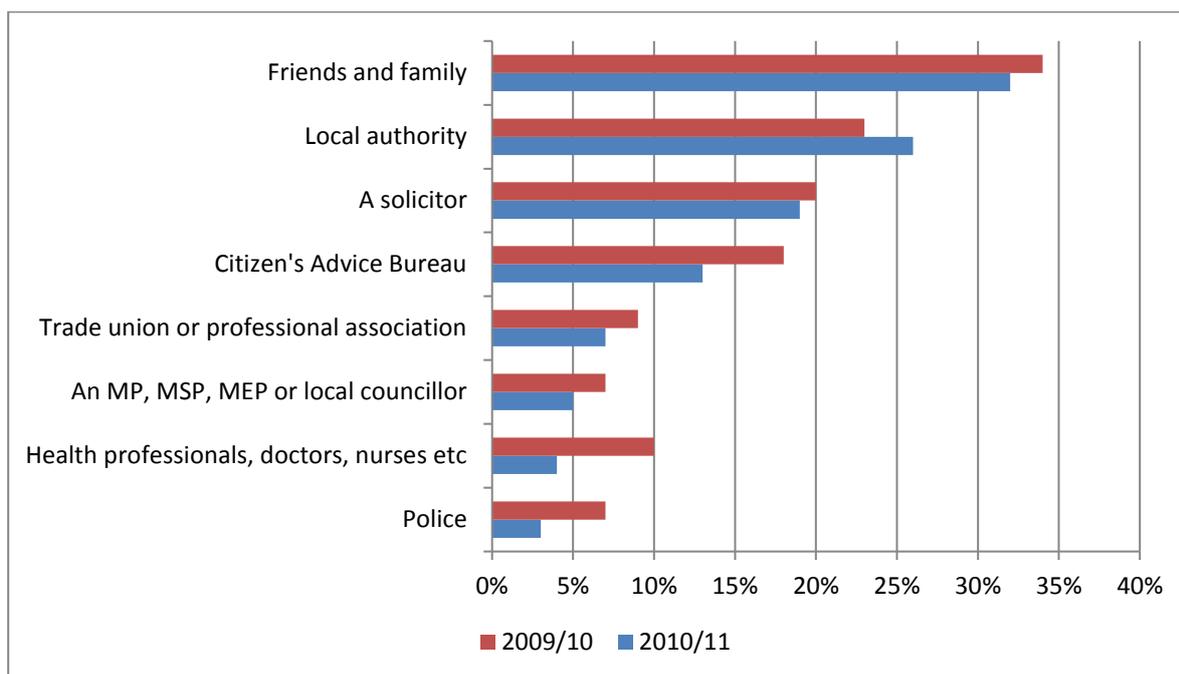
We are however not attempting to assess whether different sources of assistance are more or less appropriate, or for example whether they are of sufficient quality, or if they are affordable. Where these kinds of issues are raised by the ALSRG or in analysis, they will be fed into Making Justice Work Project 3, Enabling Access to Justice. Our focus is on problems with access to legal services, defined as the inability of potential clients to find solicitors or advocates willing to act in different areas of law or various geographic areas.

As an example of the context within which legal services are operating, the Scottish Crime and Justice Survey for 2010/11 includes the following graph, which sets out an overview of where individuals went for help when seeking assistance in resolving a range of civil problems.¹⁵ The questionnaire sets a seriousness threshold for problems by asking respondents: *“Please only tell us about problems you would say caused you difficulty or could not be easily solved.”*

¹⁴ Examples include the civil module of the Scottish Crime and Justice Survey, the survey underpinning Paths to Justice Scotland (2001), and the various surveys which supported the Community Legal Services: Assessing Need for Advice in Scotland (2004) report.

¹⁵ The problem types were: problems with neighbours; problems with faulty goods or services; money or debt problems; housing or homelessness; divorce, separation, relationships, children; benefit problems; employment problems (other than finding work); mental health problems; unfair treatment by the police; problems with an injury due to accident; discrimination; medical negligence; immigration problems. A brief but more detailed description of the issues which may arise under these problem types is also given to survey respondents.

Graph 4: Main sources providing help or advice to solve most important problem¹⁶



Analysis and assessment has mainly focussed on the national level, as we need to build up information sources at the local authority level before being able to undertake robust analysis. Where possible, sub-national results have been presented.

Employment

Access to legal services for claimants involved in employment disputes was an area of potential concern identified in both the Policy Memorandum to the Legal Services (Scotland) Act 2010 and at the ALSRG meeting in January 2012.

More specifically, members of the ALSRG were keen to explore solicitor representation for claimants at employment tribunals.

The following analysis will seek to set the number of employment tribunal cases in context through the use of survey and administrative data, but the figures presented only give a very partial picture. Members of the reference group did not consider that employers would face issues in accessing legal services. We wrote to employers' organisations as part of our wider correspondence-only panel and we did not receive any information highlighting access problems.

It should also be noted that taking problems to the employment tribunal comprises a small part of the way people seek to resolve employment problems. For example, the Paths to Justice Scotland study suggested that only 8% of employment problems ended with a court or tribunal decision.

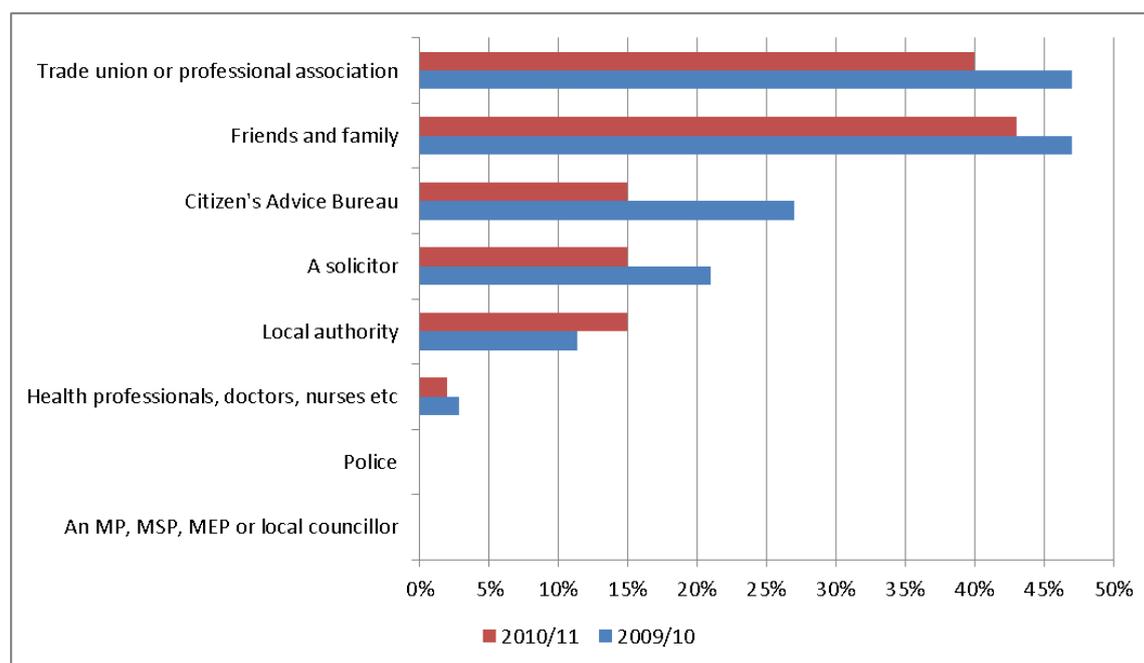
In order to assess this area of law, the Board sought and collated information from a range of sources and met with the President of the Employment Tribunals in Scotland to gain expert insight.

¹⁶ Sources: Scottish Government, Scottish Crime and Justice Survey 2009/10, 2010/11.

Alongside information on employment tribunals (ET), we collated information on the wider involvement of solicitors and the advice sector in employment law cases. This helped to set the trend information from the ET in context. The data from the ET on representation relates to claimants rather than employers.

One key data source is the Scottish Crime and Justice Survey, which surveyed members of the public on their experience of civil law problems, including employment matters. We have included analysis of the 2009/10 and 2010/11 surveys. This indicates that, for employment law problems in general, people seek the advice of solicitors in around 1 in 5 instances¹⁷. This is comparable to the proportion observed in Paths to Justice Scotland, which found that solicitors were consulted in 17% of employment cases¹⁸.

Graph 5: Main sources providing help or advice to solve employment problems¹⁹



Information relating to why people did not seek help with their employment problem would be based on very few responses and so we cannot present that information.

This basic survey data can be supplemented by looking at administrative sources of data. These also provide only a partial picture of employment issues, as we do not have information on all sources of assistance, both public and private, to which people turn when they face employment problems. In terms of what data we have available, over the two years from 2009/10 to 2010/11 there has been a consistent fall at the national level in the volume of new employment cases seen across the Citizens Advice Scotland data, the Board's figures and those of the ET and the SCS. During that period, the number of disposals at the ET has increased, possibly reflecting a rise in the number of issues per case. The number of disposals at the ET where there is solicitor representation has increased significantly over the period from 2008/09 to 2010/11.

¹⁷ Percentages based on weighted responses.

¹⁸ Paths to Justice Scotland, 2001.

¹⁹ Sources: Scottish Government, Scottish Crime and Justice Survey 2009/10, 2010/11.

Table 1: Available national level data relating to employment law matters

<i>Source and description</i>	2008/09	2009/10	2010/11	Change 09/10 - 10/11
AJTC ^a - ET cases received ^b	22,351	22,800	17,600	-23%
AJTC - ET cases outstanding ^c	62,080	71,000	72,500	2%
HMCTS - ET disposals ^d	25,145	22,613	25,394	12%
HMCTS - ET disposals where solicitor representation	6,308	11,351	13,301	17%
HMCTS - ET disposals unrepresented	4,017	5,401	5,638	4%
SCS - cases at Court of Session ^e	14	10	7	-30%
SLAB - advice and assistance intimations ^f	2,272	2,671	2,316	-13%
CAS - cases involving tribunals ^g	-	2,857	2,514	-12%
CAS - overall activity ^h	-	56,000	49,280	-12%
EHRC - calls to helpline ⁱ	-	-	1,006	-
Notes				
- no data available				
a. Figures from annual reports of the Scottish Committee of the Administrative Justice & Tribunals Council				
b. Cases may involve a number of issues				
c. These are mainly very complex cases involving multiple parties, such as equal pay claims for NHS and local authority staff				
d. Figures from Her Majesty's Courts and Tribunals Service. Disposals relate to the number of issues, rather than cases				
e. Figures from Scottish Court Service, Civil Judicial Statistics. Appeals from tribunal system				
f. Source is annual report of Scottish Legal Aid Board, including cases where representing at tribunal				
g. Figures from Citizens Advice Scotland "Advice in Scotland" reports. Cases do not necessarily include representing at tribunals				
h. These may not be contentious issues. There may be multiple issues recorded for one case or individual client				
i. Sourced from the Equality and Human Rights Commission				

The overall shape of the market for legal services in employment law cases, as indicated by the table above, appears to be one where public funding plays a minor role in comparison to privately funded cases. The availability of Damages Based Agreements²⁰ for employment matters may help to explain why that is the case.

Turning specifically to the accessibility of legal services in the ET, the data suggest that around a quarter of disposals occur where the claimant is unrepresented, whereas solicitors represent claimants in around 50% of disposed jurisdictions.

²⁰ A type of no win, no fee arrangement where the fee is paid out of the damages awarded
<http://www.lawsociety.org.uk/productsandservices/practicenotes/damagesbasedagreement/5040.article#dab-3>

The involvement of trade unions in multiple claimant actions can have a big impact on the proportions of representation. In these cases, we expect that the majority of representation is done by solicitors on behalf of trade union members, rather than by union officials or other lay advisers.

The Faculty of Advocates provided information on the numbers of employment law cases undertaken by their *pro bono* Free Legal Services Unit²¹ and Free Representation Unit. These units combined undertake around 50 contentious employment law cases per year, although the recording system at HMCTS does not appear to be recording them as such.

Given the possibility that the figures on representation collated by HMCTS are open to different interpretations, they should be treated as indicative of the overall position and trend. We might expect that access to solicitors and advocates is higher than reported in Table 2.

Table 2: National level data on type of representation at ET in Scotland at point of disposal²²

		2006/07	2007/08	2008/09	2009/10	2010/11
Types of representation	Not Represented	29%	27%	16%	24%	22%
	1. Solicitor	50%	49%	25%	50%	52%
	2. CAB	7%	10%	3%	5%	6%
	3. Private Individual	1%	1%	1%	2%	2%
	4. Union	8%	6%	50%	12%	12%
	5. Law Centre	1%	1%	1%	1%	1%
	6. Trade Association	0%	0%	0%	0%	0%
	7. Free Representation Unit	0%	0%	0%	0%	0%
	8. Other	5%	5%	3%	6%	4%
Volume of disposals		11,945	12,917	25,145	22,613	25,394

Our expectation was that people who are unrepresented are mainly involved in less complex cases under the Fast Track scheme. A review²³ of representation in employment tribunals conducted on behalf of ACAS illustrates that, for claimants, Fast Track cases are associated with lower levels of representation and higher proportions going to a full hearing. The review focussed on a sample of ET cases which were resolved between February 2007 and January 2008. We hope to report up-to-date statistics, if available, covering this issue in our next monitoring publication.

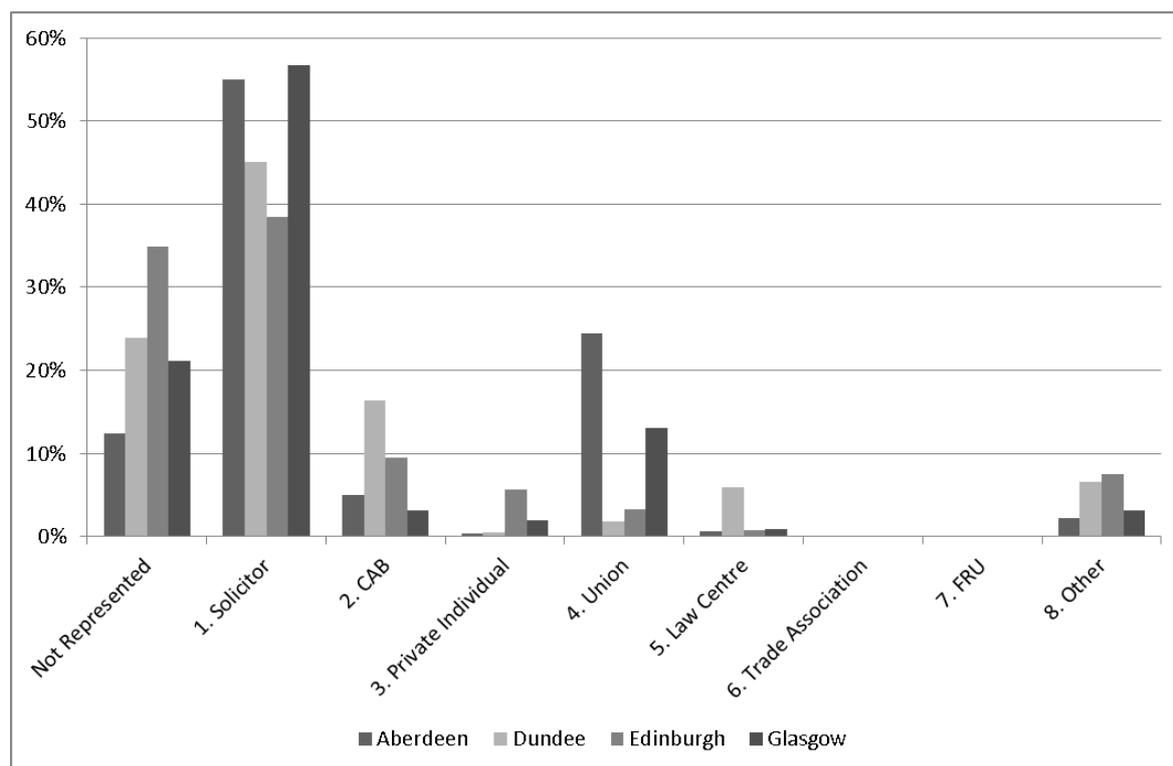
At the sub-national level, there is some variation in the level of solicitor representation and the proportion of unrepresented claimants. In Edinburgh, the proportion of jurisdictions where claimants are unrepresented is close to the level of solicitor representation. We will seek to explore why this is the case once more data is available at comparable sub-national geographies.

²¹ More information on the free legal services provided by the Faculty can be found at: http://www.advocates.org.uk/FLSUwebsite/index_flsu.html

²² Source: HMCTS

²³ Representation in Employment Tribunals: analysis of the 2003 and 2008 *Survey of Employment Tribunal Applications* (SETA), 2012, Buscha et. al, ACAS

Graph 6: Type of representation at ET by Scottish regional office location 2010/11²⁴



Current conclusion

Overall, the current picture of access to legal services in employment tribunals as provided by the statistics we have available does not suggest that there is a systemic problem with access to solicitors, although around a quarter of claimants are unrepresented by any type of provider. As noted above, we are seeking further information on the types of cases in which claimants are unrepresented. We have not received any reports of actual instances of problems accessing a solicitor willing to take on a case in employment law.

Table 3: Assessment of contentious employment law for individuals at tribunal

	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability Reports] x
	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic problems)	1–4 Green 5-14 Amber 15-25 Red
Contentious employment for individuals at tribunal	2	1	2

Future work for monitoring legal services

Our view is that the level of representation for claimants available at employment tribunals may be a good indicator of access to legal services overall for contentious employment law problems for individuals, as there are few barriers to bringing claims to the tribunal. Having reviewed the accessibility of legal services in the ET, we will focus on the wider availability

²⁴ Source: HMCTS

and accessibility of legal services in relation to contentious employment law matters in the coming year.

We will continue to monitor this area of law closely, especially as it is unclear what impact the introduction of fees to ETs will have on representation and the involvement of solicitors.

Areas of interest for other projects and organisations

Any concerns over the affordability of the new ET system of fees and how that affects broader access to justice will be reviewed and actions developed through the Making Justice Work programme.

Welfare benefits

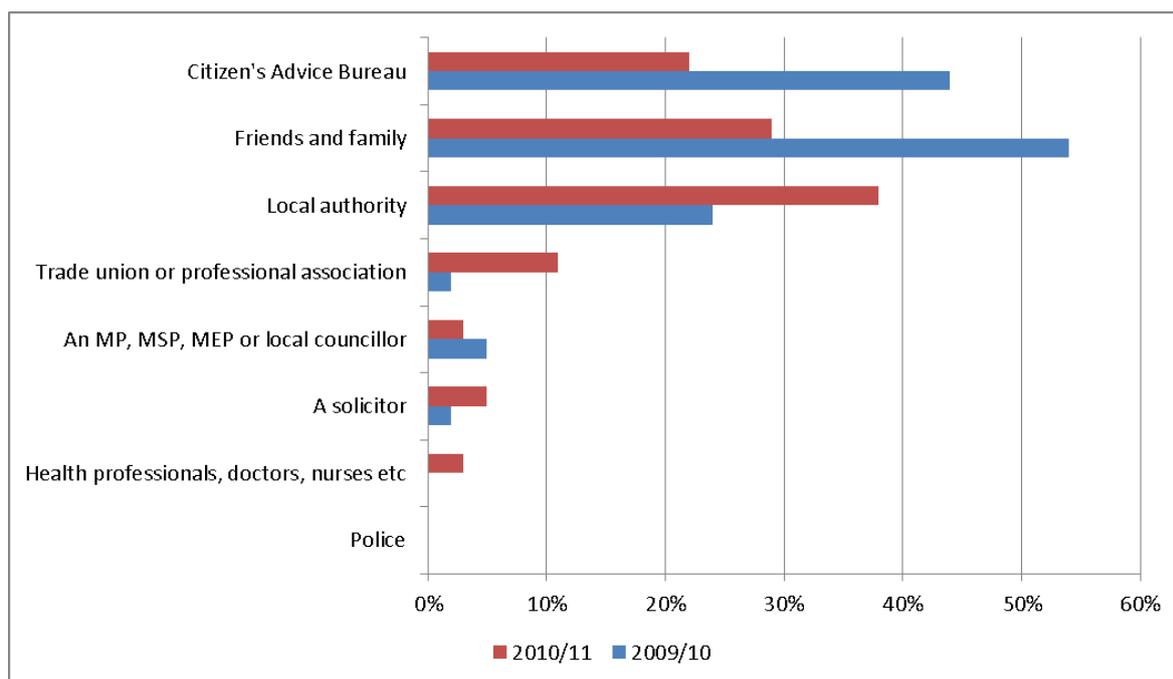
Access to legal services for people involved in welfare benefit appeals was an area of potential concern identified at the ALSRG meeting in January 2012. The Policy Memorandum to the Legal Services (Scotland) Act 2010 included social welfare law as an area where the legal services market may not be operating effectively.

The Scottish Crime and Justice Survey results from 2009/10 suggests that, for problems relating to welfare benefits²⁵, legal services provided by solicitors and advocates are not the main sources of help which people seek. Members of the ALSRG confirmed that a high proportion of such work is carried out by other organisations specialising in this field. It may be, though, that solicitors are involved in the more intractable or complex cases which present at the Social Security and Child Support Appeal Tribunal, and that this would be reflected in representation statistics for this forum.

As with the employment tribunal analysis, we are concerned with whether potential clients can find a solicitor or advocate willing to act in these cases, rather than with assessing if it is appropriate for solicitors to be acting, or whether they achieve the same outcomes for people as lay advisers.

²⁵ Percentages based on weighted responses.

Graph 7: Main sources providing help or advice to solve welfare benefits problems²⁶



We have received no reports of actual instances of problems with finding a solicitor willing to act in welfare benefits appeals.

In order to assess this area of law using administrative data, the Board sought and collated information from a range of sources. We are awaiting feedback from HMCTS on whether statistics on representation of claimants at Social Security and Child Support Appeal Tribunals can be made available. The information which we have been able to source is collated in

Table 4. Importantly, we do not have contextual information relating to work undertaken by welfare rights officers employed by local authorities or housing associations, who we expect are the most significant type of adviser in this area of law.

The partial data available shows an increase in cases received by the Social Security and Child Support Appeals tribunal. There are also increases in tribunal representation recorded by Citizens Advice Scotland and through the data collected by the Board for benefits appeals or reviews.

Table 4: Available national level data relating to contentious welfare benefits matters

²⁶ Sources: Scottish Government, Scottish Crime and Justice Survey 2009/10, 2010/11.

<i>source and description</i>	2008/09	2009/10	2010/11	change 09/10 - 10/11
AJTC ^a - new cases	32,600	48,400	52,800	9%
AJTC - cases with judgement	23,200	33,800	39,500	17%
AJTC - undetermined cases	7,200	18,400	20,300	10%
CAS ^b - tribunal documents	-	-	12,438	-
CAS ^b - tribunal representation	-	2,100*	3,312	58%
CAS ^c - benefits generally	-	-	209,060	-
SLAB ^d - A&A ^e benefits appeals or reviews	3,219	4,238	4,791	13%
SLAB - A&A benefits ^f	3,151	3,291	2,987	-9%
SLAB - A&A social security commissioners ^g	27	23	14	-39%
SLAB - Civil legal aid appeals to social security commissioners	2	8	4	-50%
SLAB - Civil legal aid appeals to child support commissioners ^h	1	1	0	-100%

Notes

a. Figures from annual reports of the Scottish Committee of the Administrative Justice & Tribunals Council

b. Figures from Citizens Advice Scotland "Advice in Scotland" reports.

c. Internal Citizens Advice Scotland statistics on issues, grouped specifically for this report

d. All SLAB figures refer to internal data extracted from the Scottish Legal Aid Board application system

e. Advice and assistance

f. Does not include work for cases involving tribunals

g. Social security commissioners make decisions on appeals, and applications for leave to appeal against decisions made by various Tribunals in relation to the administration of Social Security benefits

h. Child support commissioners make decisions on appeals, and applications for leave to appeal against decisions made by various Tribunals in relation to the administration of child support

* approximate number - 2010/11 saw a 58% increase on 2009/10

Overall, we do not have enough information to make an assessment and the information which we *do* have available needs to be interpreted carefully. For example, where solicitors have submitted an A&A intimation for a benefits appeal or review to the Board, advice and assistance does not cover drafting documents for the tribunal, or providing representation. Also, a person may be in receipt of A&A at the same time as they seek advice from another advice agency.

Current conclusion

There are large gaps in the data available which do not allow for meaningful analysis of the accessibility of legal services. For example, we are aware that many local authorities and

some housing associations provide advice on welfare benefits, including representation before the tribunal. It is therefore not possible for us to assess either the overall level of tribunal representation or the relative significance of representation or advice by solicitors or advocates as opposed to other advisers. Accordingly, and while we did not receive any reports of actual instances of problems with access in this area, no firm assessment of the availability or accessibility of legal services in this area of law has been made.

Future work for monitoring legal services

Alongside seeking information from HMCTS on representation of claimants at tribunal, we will aim to collate data on local authority services, and to meet with experts in the field in the coming year.

Areas of interest for other projects and organisations

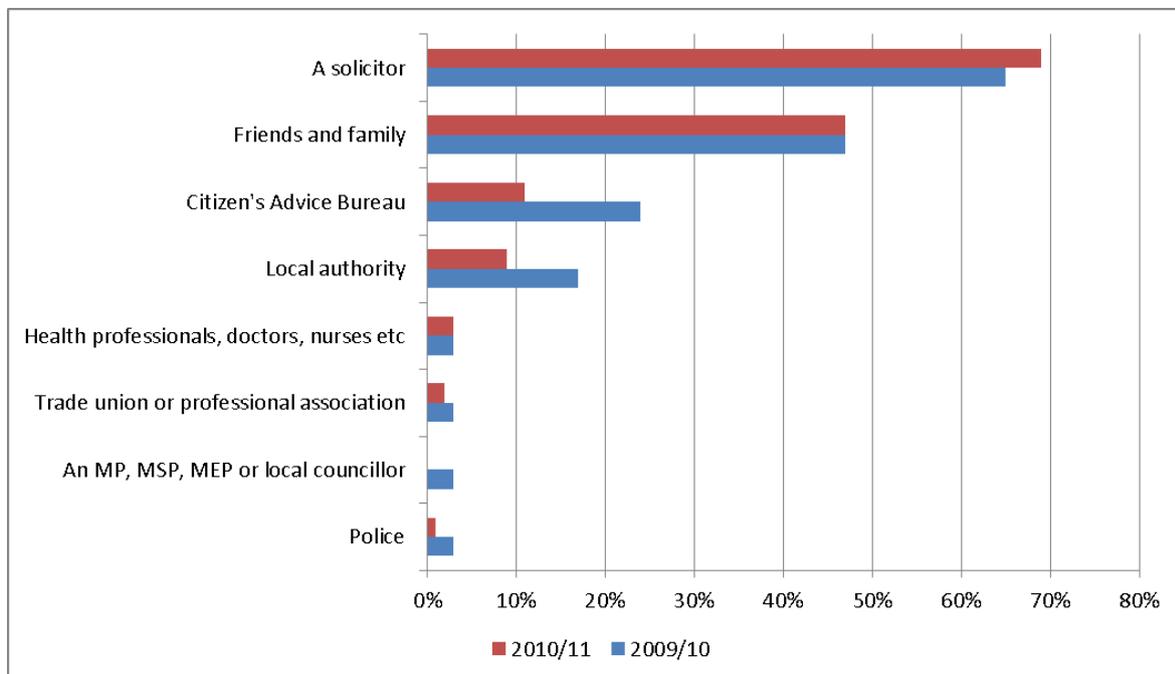
We note that changes to the welfare benefits system are very likely to increase the demand on services which aid people involved in contentious welfare benefits issues. This area will be kept under review and appropriate actions proposed and taken forward through the Making Justice Work programme.

Family

Family law was highlighted as a legal market which may not be functioning effectively by the Legal Services (Scotland) Act 2010. This section sets out information in relation to three major aspects of family law work: child contact, residence and divorce.

The Scottish Crime and Justice Survey includes questions about family and relationship problems in general. The 2009/10 data shows that solicitors are a key source of advice for people experiencing problems in this area of law.

Graph 8: Main sources providing help or advice to solve family and relationship problems²⁷



Contentious legal problems involving children

²⁷ Sources: Scottish Government, Scottish Crime and Justice Survey 2009/10, 2010/11.

Child contact covers the arrangements put in place between separated parents to maintain a relationship with their child or children. Table 5 indicates that the volume of civil legal aid applications which the Board receives for contact cases is around three times the number of cases initiated in Sheriff Courts in Scotland where contact is the primary category. In some instances, parties on either side of the same case could be applying for legal aid. The number of court cases initiated that involve contact can be further put into context with reference to a 2007²⁸ survey which found that only 2% of resident respondents and 4% of non-resident respondents had used the courts to organise child contact arrangements. Our data indicates that, whilst the courts may not be used, there may be wider solicitor involvement in a higher proportion of cases.

Table 5: National level child contact data

	2008/09	2009/10	2010/11
SLAB - A&A intimations	11,542	13,489	13,648
SLAB - legal aid applications	2,337	3,487	3,864
SCS - cases initiated	868	1,131	1,182

The data suggests that the market for cases going to court may be substantially a publicly funded one. However, there is variation at the court level.

Table 6: Ratio of child contact legal aid applications to initiated court cases in 2010/11 by court

Highest ratio		Lowest ratio	
Campbeltown	6.0	Peterhead	1.8
Peebles	5.0	Greenock	1.8
Oban	5.0	Banff	1.7
Dingwall	5.0	Stornoway	1.5
Edinburgh	4.5	Rothesay	1.0

Cases involving residence issues cover where a child should live after a relationship breaks down. For this area of law, there is a similarly high ratio of civil legal aid applications compared to the number of court cases initiated. As with child contact, there may be more than one party involved in a case applying for legal aid.

Table 7: National level residence data

	2008/09	2009/10	2010/11
SLAB - A&A intimations	2,649	2,959	3,000
SLAB - legal aid applications	1,272	1,731	1,893
SCS - cases initiated	572	683	766

There is also variation at the sheriff court level in relation to the number of civil legal aid applications when compared to the number of initiated cases.

²⁸ 2007 Scottish Child Contact Survey, Scottish Government (2008)

Table 8: Ratio of residence legal aid applications to initiated court cases in 2010/11 by court

Highest ratio		Lowest ratio	
Paisley	5.4	Kirkcudbright	1.0
Banff	4.0	Stornoway	1.0
Dunoon	4.0	Wick	0.7
Portree	4.0	Campbeltown	0.5
Stranraer	3.8	Dornoch	0.5

Current conclusion and further work identified

At present, we have not received information on specific instances of problems with access to legal services in this area and the available data does not indicate a systemic problem. We are aware of concerns raised by fathers' groups in relation to child contact, but we have not received information on any specific instances and so have not been able to consider these reports.

Table 9: Assessment of contentious legal problems involving children

	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability Reports] x
	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Family and relationships: Contentious legal problems involving children	1	2	2

Future work identified for monitoring legal services

In future, the Board will be able to access information in relation to the levels of representation by solicitors at court, in these areas of law and other matters. This will assist us in assessing the overall accessibility to legal services for court-related work. We will also have been able to consider any information on specific instances of problems relating to access to solicitors from fathers' groups.

Contentious matrimonial proceedings

Turning to divorce, the figures for civil legal aid shows that the rate of applications per divorce case initiated is far lower than for proceedings where contact or residence is the primary crave. This lower rate of application for divorce may be partially explained by the possibility of solicitors undertaking this work on a private feeing basis for those who would otherwise be eligible for legal aid, with the prospect of recouping their fees as part of a financial settlement. In addition, getting divorced is a fundamentally legal process, which all parties must go through regardless of income, whereas contact is not and, as the data above suggests, can be and is often resolved without recourse to the courts and often without the assistance of lawyers.

Table 10: National level data on divorce

	2008/09	2009/10	2010/11	Change 2009/10 - 2010/11
SLAB - A&A intimations	7,009	7,420	6,771	-9%
SLAB - legal aid applications	3,372	3,809	3,755	-1%
SCS - cases initiated	11,752	11,159	11,018	-1%
CAS - new issues	-	-	6,748	-

Whilst there is variation at the court level, the range of ratios between courts is far narrower than for either residence or contact, with 44 out of 49 courts showing a ratio below 1.

Table 11: Ratio of legal aid applications for divorce compared to initiated court cases 2010/11 by court

Highest ratio		Lowest ratio	
Rothsay	1.8	Dingwall	0.4
Fort William	1.8	Lerwick	0.4
Oban	1.2	Stonehaven	0.3
Haddington	1.1	Portree	0.3
Glasgow	1.0	Dornoch	0.3

Current conclusion

At present, we have not received information on specific instances of problems with access to legal services in this area and our assessment on currently available data is that there is a low risk of a systemic problem with access to legal services.

Table 12: Assessment of contentious matrimonial proceedings

	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability Reports] x
	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic problems)	1–4 Green 5-14 Amber 15-25 Red
Family and relationships: Contentious matrimonial proceedings	1	1	1

Future work identified for monitoring of legal services

In future, the Board will be able to access information in relation to the levels of representation by solicitors at court, in family law and other matters. This will assist us in assessing the overall accessibility to legal services for court-related work.

Other areas of law

Our initial correspondence with the wider panel prompted a response from Friends of the Earth Scotland in relation to concerns in the field of public interest environmental justice. We met with representatives of Friends of the Earth Scotland to discuss these issues. We look forward to receiving further information on any specific instances relating to problems with access to legal services, so that we can consider this in future analysis.

Another area where we received responses suggesting problems with access to legal services was for victims of domestic abuse. We met with Scottish Women's Aid to discuss how they may be able to assist the Board with monitoring of specific instances where people had experienced problems accessing legal services. We intend to undertake further work in this area over the next year to develop the evidence base in this area, in order to improve the basis upon which we are assessing whether there is a systemic access problem.

In line with the Act's explanatory notes, other components of social welfare law such as legal services in respect of debt and housing will be included for in-depth analysis in the next round of monitoring.

Specific groups

We are aware of reports of instances of problems with access to legal services from organisations working with deaf and hard of hearing people. Work to explore these reports is being taken forward by a number of bodies including the Board and the Law Society of Scotland. We will seek updates as their work progresses.

The Board has undertaken an equality impact assessment and will be considering problems with access to legal services for other groups as the monitoring role progresses.

Future reporting

The arrangements which we have put in place to assist us in our monitoring role should enable us to collect and collate further robust information for a wider range of areas of law. We also intend to include more sub-national analysis in future on a local authority area basis, where possible.

Appendix 1: Interpretation of Legal Services (Scotland) Act 2010

AVAILABILITY OF LEGAL SERVICES

1. Section 141 of the 2010 Act introduces new responsibilities for the Board in relation to monitoring and advising Scottish Ministers as to the availability of legal services in Scotland.
2. The provisions amend section 1 of the 1986 to introduce a new general function on the Board to monitor the availability and accessibility of legal services in Scotland. The definition of legal services is broad, beyond legal services that are publicly funded and indeed beyond those providing by lawyers. In carrying out this function, the Act specifies that the Board should make reference to relevant factors relating to urban and rural areas.
3. The 2010 Act also amends section 2 of the 1986 Act by providing a new power for the Board to provide advice to Scottish Ministers as we consider appropriate in relation to the availability and accessibility of legal services.
4. Finally, section 3 of the 1986 Act is amended to give the Board the duty to give the Scottish Ministers such information as they may require relating to the availability and accessibility of legal services. There is no fixed time period during which this must be done, such as via an annual report, the provision only stating that the Board must from “time to time” give Scottish Ministers the information they require.
5. To assist in meeting these requirements, the section 142 of the 2010 Act also amends section 35A of the 1986 Act to place a duty on a number of bodies to provide the Board with such information as it may reasonably require. The requirements are not specified beyond that definition. The three bodies are the Law Society, the Faculty and the Scottish Courts Service.

What type of services does the duty cover?

6. The definition of legal services in the Act is extremely broad. It is given in section 3:
 - 3 Legal services
(1) For the purposes of this Act, legal services are services which consist of (at least one of)—
 - (a) the provision of legal advice or assistance in connection with—
 - (i) any contract, deed, writ, will or other legal document,
 - (ii) the application of the law, or
 - (iii) any form of resolution of legal disputes,
 - (b) the provision of legal representation in connection with—
 - (i) the application of the law, or
 - (ii) any form of resolution of legal disputes.
7. However, the explanatory notes to the Act clarify that, other than the Part of the Act relating to confirmation and will writing services, “the Act is restricted to legal services provided by businesses involving legal professionals (meaning solicitors, advocates, licensed conveyancers and executry practitioners, and those with rights to conduct litigation and/or rights of audience by virtue of section 27 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (“the 1990 Act”))”.

8. It appears reasonable to interpret legal services for the purposes of our duty in line with the explanatory notes, so it is not quite as broad as section 3 might on first reading imply. Nevertheless, the duty is clearly not restricted to those legal services funded by the Board or other public funders. It therefore includes privately funded services, whether provided to individuals or bodies corporate, and legal services such as conveyancing, insolvency and other private or public client work that would not normally fall within the scope of legal aid.

What is the intention behind the provisions?

9. While the Board is not required to monitor access to justice *per se*, the Policy Memorandum to the Bill explicitly links the monitoring duty to the regulatory principle of promoting access to justice. It states that section 96 (as it was numbered in the Bill) provides that the Board must monitor availability of legal services and if it considers that to be inadequate it may report that to Scottish Ministers.
10. These provisions are also directly linked to the Equal Opportunities section of the Policy Memorandum, in which it is stated that there are a range of areas of law where the current legal services market may not be operating effectively including family law, employment and social welfare law.
11. This suggests that the new requirements go beyond a mere counting of providers, perhaps involving an assessment of the adequacy of such provision. This would then equip the Board to advise Ministers as to any lack (or possibly also excess) of supply.
12. However, we have always been wary in the past of offering any assessment as to the adequacy or otherwise of a given level of supply. Our existing supply mapping work measures change over time and differences between areas of the country in terms of number of suppliers and their level of publicly funded activity. This enables us to assess whether some areas (of law or geography) are out of kilter with the norm, thereby suggesting a potential access to justice problem. We have steered away from declaring categorically that any particular part of the country or area of law has adequate supply, as some individuals may always be unable to access the services they need for a range of complex reasons.
13. As such, while we can identify trends and areas of potential difficulty, such as where the number of suppliers looks low relative to other areas, it is unlikely that we will be able to reach firm conclusions about the objective adequacy of any particular level of availability or accessibility. We would suggest that it is not realistic for us to approach the performance of this function on the basis that we will somehow define adequacy and develop tools to measure the availability and accessibility of services against this standard. Instead, we think it sufficient (and in keeping with Parliament's intention) that we put in place mechanisms to enable us to identify actual instances of inadequate access or levels of supply that appear likely to increase the risk of this happening.

Appendix 2: High level assessment of systemic problems with access to legal services

This section should be read in conjunction with the appendix setting out our high level data gap analysis (*reference here*). That section sets out the degree of confidence we have that the assessment applies to different types of legal consumer.

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Crime - prosecution	Contentious	Non-sexual crimes of violence	1	1	1
		Sexual offences	1	1	1
		Crimes of dishonesty	1	1	1
		Fire raising, vandalism etc.	1	1	1
		Other crimes (including drugs)	1	1	1

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
		Miscellaneous offences	1	1	1
		Motoring offences	1	1	1
Crime - defence	Contentious	Non-sexual crimes of violence	1	1	1
		Sexual offences	1	1	1
		Crimes of dishonesty	1	1	1
		Fire raising, vandalism etc.	1	1	1

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
		Other crimes (including drugs)	1	1	1
		Miscellaneous offences	1	1	1
		Motoring offences	1	1	1
Reparation	Contentious	Road traffic accidents	No assessment possible with currently available data.		
		Injury at work	No assessment possible with currently available data.		
		Clinical negligence	No assessment possible with currently available data.		
		Slips and trips	No assessment possible with currently available data.		
		Professional negligence	No assessment possible with currently available data.		

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
		Other negligence	No assessment possible with currently available data.		
Wills, trusts and executry	Contentious	Contested executry	No assessment possible with currently available data.		
	Non-contentious	Wills	No assessment possible with currently available data.		
		Trusts	No assessment possible with currently available data.		
		Executry and estate administration	No assessment possible with currently available data.		
Conveyancing	Non-contentious	For commercial properties	No assessment possible with currently available data.		
		For residential properties	No assessment possible with currently available data.		
Family and relationships	Contentious	Children (eg, care proceedings)	1	2	2
		Matrimonial	1	1	1
		Domestic abuse / protective orders	No assessment possible with currently available data		
	Non-contentious	Children (eg, adoption)	No assessment possible with currently available data		

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Property, construction and planning	Contentious	Landlord and tenant problems	No assessment possible with currently available data		
		Repossession (owned and rented)	No assessment possible with currently available data		
		Homelessness	No assessment possible with currently available data		
		Boundaries and rights of way	No assessment possible with currently available data		
		Planning applications	No assessment possible with currently available data		
	Non-contentious	Landlord and tenant (eg, drawing up contracts)	No assessment possible with currently available data		
		Other reasons for drawing up contracts	No assessment possible with currently available data		
		Property finance	No assessment possible with currently available data		
		Property leasing	No assessment possible with currently available data		
		Planning applications	No assessment possible with currently available data		
Employment (excluding injury at work)	Contentious	Pensions	2	1	1
		Unfair dismissal			
		Redundancy			
	Non-contentious	Pensions	No assessment possible with currently available data		
		Establishing and maintaining	No assessment possible with currently available data		

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
		contracts			
Immigration and nationality	Contentious	Immigration and asylum	No assessment possible with currently available data		
	Non-contentious	National insurance details, visa applications	No assessment possible with currently available data		
Consumer problems	Contentious	Sale of goods and services	No assessment possible with currently available data		
		Hire purchase agreements	No assessment possible with currently available data		
		Time shares	No assessment possible with currently available data		
		Motor vehicles	No assessment possible with currently available data		
Welfare and benefits	Contentious	Community care	No assessment possible with currently available data		
		Education	No assessment possible with currently available data		
		Benefits (including housing benefits)	No assessment possible with currently available data		
		Mental health	1	1	1
	Non-contentious	Applications for benefits	No assessment possible with currently available data		
Human rights	Contentious	Civil liberties	No assessment possible with currently available data		
		Actions against the police	No assessment possible with currently available data		
		Discrimination (excluding employment)	No assessment possible with currently available data		
		Other rights including specialist areas such as rights to life	No assessment possible with currently available data		

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Intellectual property rights	Contentious	Patents	No assessment possible with currently available data		
		Trademarks	No assessment possible with currently available data		
		Copyright	No assessment possible with currently available data		
		Confidentiality	No assessment possible with currently available data		
		IT	No assessment possible with currently available data		
	Non-contentious	Patents	No assessment possible with currently available data		
		Trademarks	No assessment possible with currently available data		
		Copyright	No assessment possible with currently available data		
IT		No assessment possible with currently available data			
Corporate taxation	Contentious	Indirect taxation	No assessment possible with currently available data		
		Property taxation	No assessment possible with currently available data		
		International taxation	No assessment possible with currently available data		
	Non-contentious	Indirect taxation	No assessment possible with currently available data		
		Property taxation	No assessment possible with currently available data		
		International taxation	No assessment possible with currently available data		
Corporate structuring and finance	Non-contentious	Mergers and acquisitions	No assessment possible with currently available data		
		Joint ventures	No assessment possible with currently available data		
		Public takeovers	No assessment possible with currently available data		
		Privatisations	No assessment possible with currently available data		
		Issuance of securities	No assessment possible with currently available data		
		Corporate insolvency	No assessment possible with currently available data		

Type of law			Assessment		
Level 1	Level 2	Level 3	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
			1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Other business affairs	Contentious	Infringement of contracts	No assessment possible with currently available data		
		Competition and regulatory issues (including work for charities, corporates and government bodies)	No assessment possible with currently available data		
		Environmental	No assessment possible with currently available data		
		Licensing	No assessment possible with currently available data		
	Non-contentious	Procurement (including work for both corporates and government bodies)	No assessment possible with currently available data		
		Licensing	No assessment possible with currently available data		
Business registration		No assessment possible with currently available data			
Other	Contentious	Defamation	No assessment possible with currently available data		
		Compensation arising from fraud	No assessment possible with currently available data		
		International or cross-border actions	No assessment possible with currently available data		
		Personal taxation	No assessment possible with currently available data		
	Non-contentious	Personal taxation	No assessment possible with currently available data		
Debt	Contentious	Debt management (debtor)	No assessment possible with currently available data		
		Debt collection	No assessment possible with currently available data		
Other public and	Contentious	Judicial review	No assessment possible with currently available data		

Type of law			Assessment		
			Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
Level 1	Level 2	Level 3	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
administrative law		Public inquiries	No assessment possible with currently available data		

Appendix 3: ALSRG terms of reference

Access to Legal Services Reference Group

Terms of Reference

1. *Purpose*

- 1.1 The purpose of the Access to Legal Services Reference Group (ALSRG) is to assist the Scottish Legal Aid Board (the Board) to discharge its function under the Legal Services (Scotland) Act 2010 to monitor the availability and accessibility of legal services in Scotland, with reference to relevant factors relating to urban and rural areas.

2. *Context*

- 2.1 The ALSRG will form part of the Board's undertakings to discharge the new function:
- Analysing the Board's data on trends in legal assistance and supply
 - Supplementing this with other sources of data about legal services, including information that may be requested of the Law Society of Scotland, the Faculty of Advocates and the Scottish Court Service,
 - Seeking the views of stakeholders, including service providers and users.

2. *Role of Group and Members*

- 2.1 The ALSRG is a group of bodies with a shared interest in, and experience of, the provision or use of legal services. Its role is to help define the scope of legal service, provide information and insight into access to legal services and to review data prepared and gathered by the Board and others on these matters.
- 2.2 The ALSRG will take the role of a reference group and its specific tasks will include:
- Providing insight on data and reports prepared by the Board and others, including the relation to the wider social and economic context within which legal services are sought and provided;
 - Suggesting sources of information or data on access to legal services;
 - Providing information about access to legal services;
 - Reviewing the work plan for the Group.
- 2.3 The Scottish Legal Aid Board will chair the Group.

3. *Scope*

- 3.1 The scope of the ALSRG's work is to assist the Board in monitoring the availability and accessibility of legal services, which is broadly defined in the Legal Services (Scotland) Act.
- 3.2 The duty is not restricted to those legal services funded by the Board or other public funders. It therefore includes privately funded services, whether provided to individuals or bodies corporate, and legal services such as conveyancing, insolvency and other private or public client work that would not normally fall within the scope of

legal aid. The policy memorandum for the Act directly links the monitoring duty to areas of law where the current legal services market may not be operating effectively, including family law, employment and social welfare law.

- 3.3 The work of the ALSRG will have an operational focus and assist the Board to identify actual instances of problems with access or levels of supply that appear likely to increase the risk of this happening. The group will not be expected to reach firm conclusions about the objective adequacy of any particular level of availability or accessibility.

4. *Members*

- 4.1 The ALSRG will be made up of the following members:

- The Scottish Legal Aid Board (Chair)
- Administrative Justice and Tribunals Council
- Citizens Advice Scotland
- Consumer Focus Scotland
- Convention of Scottish Local Authorities
- Equality and Human Rights Commission
- Faculty of Advocates
- Law Society of Scotland
- Money Advice Scotland
- Scottish Association of Law Centres
- Scottish Court Service
- Scottish Government
- Scottish Women's Aid
- Professor Alan Paterson
- LawWorks Scotland

5. *Meetings*

- 5.1 Meetings will be convened two or three times per year. The first meeting will take place on 29 June 2011 with future meetings to be convened thereafter.
- 5.2 The secretariat function will be carried out by the Board. The Board will aim to send out agendas and papers at least five working days before meetings.

Appendix 4: Wider panel invitation list

An organisation representing business or third sector bodies, who may be providers or purchasers of legal services:

- SCVO – for third sector as purchasers of legal services
- Forum of Private Business
- Scottish Chambers of Commerce
- Association of British Insurers
- Federation of Small Businesses Scotland
- Confederation of British Industry Scotland

A body representing providers of legal services:

- Scottish Law Agents Society
- Family Law Association
- Association of Personal Injury Lawyers
- Scottish Legal Action Group
- Society of Will Writers Scotland

An organisation advocating on behalf of people who may need legal services:

- Regional equality councils:
 - West of Scotland
 - Central Scotland
 - Edinburgh and Lothians
 - Grampian
- Disability Agenda Scotland [includes Capability Scotland, enable, RNIB, Action on Hearing Loss, SAMH, Sense Scotland]
- Scottish Association for Mental Health
- Enable
- Violence Against Women partnerships
- Equality Network
- Age Scotland
- Scottish Independent Advocacy Alliance
- Society of Chief Officers of Trading Standard in Scotland
- Children in Scotland
- Friends of the Earth
- Which?
- Scottish Commissioner for Children and Young People
- Child Poverty Action Group
- Scottish Refugee Council
- Rights Advice Scotland

A body providing advice or legal services and as an organisation advocating on behalf of service users who may need legal services:

- Amina – Muslim Women’s Association
- Shelter Scotland
- Scottish Trades Union Congress

A body providing advice or legal services:

- Environmental Law Centre
- Ethnic Minorities Law Centre
- Consumer Direct
- Child Law Centre

Appendix 5: Organisations providing data or seeking to collect data

Scottish Legal Aid Board
Citizens Advice Scotland
Consumer Focus Scotland
Equality and Human Rights Commission
Faculty of Advocates
Law Society of Scotland
Scottish Court Service
Scottish Women's Aid
LawWorks Scotland
Administrative Justice and Tribunals Council
HM Courts and Tribunals Service
Scottish Legal Complaints Commission
Glasgow City Council

Appendix 6: Analytical strategy

Purpose and scope of monitoring

The purpose of the Board's function to monitor legal services is to identify actual instances of problems with access, or levels of supply that appear likely to increase the risk of this happening. The Board does not expect to establish objective benchmarks for the adequacy of any particular level of availability or accessibility.

Monitoring the availability of legal services

Availability of legal services in this context means solicitors willing to act in different areas of law for different client groups. Availability is important in terms of how that impacts on access to legal services.

Monitoring the accessibility of legal services

As noted above, the Board will not seek to establish objective benchmarks of whether legal services are accessible, but will instead look to assess whether there are problems with accessibility.

The Board intends to monitor this on the basis that a problem with access to legal services is defined as the inability of potential clients to find solicitors to act in different areas of law and in various geographic areas.

This could be linked to changes in availability of legal services, potentially defined as physically accessible locations in an area, but there are difficulties with using this measure. A drop in physically accessible locations may not represent a problem with access; similarly, where the number of access points remains stable or increases may not mean that access to legal services is adequate.

More direct measures of access to legal services, such as the Board's application data, should be subjected to careful interpretation in the same way. There are also measures of need or demand for legal services (such as population surveys), which can give good indications of potential access problems.

The final measure of problems with access to legal services is where the Board receives reports on instances of an issue.

Overview of analytical strategy

The Board's strategy will be to assess the risk of actual instances of systemic problems with access occurring by looking at:

- the probability of an access problem occurring; and,
- reports of actual instances of problems with access.

Putting the probability and reports of an access problem together will give a measure of exposure – the likelihood that a systemic access problem is occurring.

This assessment of risk will be structured using the analytical framework set out at Table 1.

Table 1: Analytical framework

	Probability that a systemic access problem is occurring	Reports of actual instances of problems with access	Exposure [Probability x Reports]
	1 (low) – 5 (high)	1 (no reports) – 5 (consistently reported systemic access problems)	1–4 Green 5-14 Amber 15-25 Red
Broken down by framework for analysis			

Assessment of probability that a systemic access problem is occurring

This process will analyse the evidence that an access problem is or may be occurring. The main sources of information for this assessment will be administrative data or surveys. We will look at changes in indicators and any disparities between indicators, in the context of other advice sources (such as the data from Citizens Advice Scotland), as well as in relation to the wider social and economic environment within which legal services are sought and provided. We will also consider other information from stakeholders in making this assessment. We may wish to undertake specific work to produce the data on which to make an assessment.

Reports of actual instances of problems with access

We will be seeking to make decisions on what to report to Ministers as problems with access based upon robust evidence, for example where claims of a problem are consistently and widely reported, and there is data to support this. The main sources of information will be gathered from people who have not been able to access legal services by members of the ALSRG or the wider correspondence-only panel. We may wish to undertake specific work to explore whether reported instances of access problems are systemic.

Action following assessment

Problem areas may be reported directly to Ministers, or further work could be undertaken on areas assessed as being high risk to explore whether this is an actual instance of problems with accessibility and why these might be occurring (for example through specific research, data gathering or meetings and consultation with key parties).

Reporting to Ministers on availability and accessibility of legal services

Ministers will receive a report from the Board giving advice on how widespread or acute an access problem appears to be; and it will be for Ministers to decide upon what action to take, which could include asking for further investigation of an issue.

Cycles of monitoring and reporting

On-going data gathering, the refresh of administrative information and analysis of that data should lead to priority lines of enquiry being established. Current experience suggests that data could be refreshed and analysed by the November to January period each year, so that we are analysing the most recent data from sources.

We can conduct enquiries into potential issues, whether by undertaking bespoke research or by holding meetings or events with stakeholders. This could mainly be reported in late Spring to the Reference Group, with reports to Ministers scheduled for the Summer.

Overview of framework for analysis

The Legal Services (Scotland) Act 2010 specifies that the Board should make reference to relevant factors relating to urban and rural areas.

Alongside the geographic dimension, there are a number of other factors which are of relevance when monitoring legal services, as accessibility and availability of legal services may vary depending on these, including:

- Area of law
- Client types
- Solicitor firm characteristics

Geographic framework for analysis

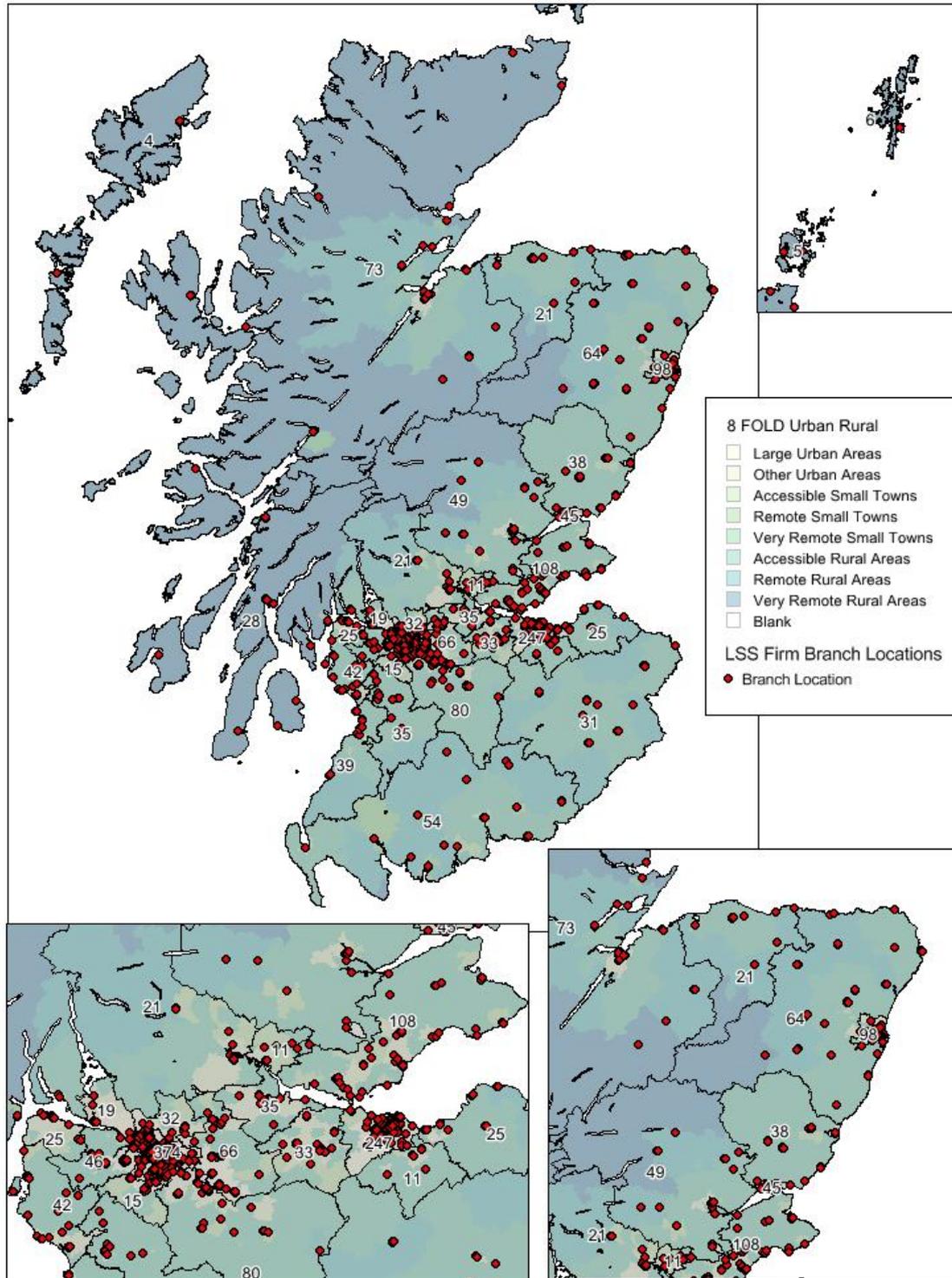
The Scottish Government produces an [urban rural classification](#), which identifies a number of standard classifications of areas in Scotland, including 2-, 3-, 6-, or 8-fold variations that are based on the population size of settlements and drive-times to centres of population. The classifications are set out in the table below (see Table 2).

Table 2: Urban Rural Classification

	2-fold	3-fold	6-fold	8-fold
1	Urban Areas	Rest of Scotland	Large Urban	Large Urban
2	Rural Areas	Accessible Rural	Other Urban	Other Urban
3		Remote Rural	Accessible Small Towns	Accessible Small Towns
4			Remote Small Towns	Remote Small Towns
5			Accessible Rural	Very Remote Small Towns
6			Remote Rural	Accessible Rural
7				Remote Rural
8				Very Remote Rural

For this area of work, the most appropriate version will be determined by the spread of solicitors firms as provided by the Law Society of Scotland. For the current paper, after a preliminary assessment of data from the Law Society of Scotland's website which shows firm branches located in very remote rural and small towns, the 8-fold version will be preferred. Map 1 shows the location of firm branches across Scotland. The figures on the map refer to the number of firm branches in each local authority area.

Map 1: Firm branches by Council Area and 8 Fold Urban Rural Classification



The Board currently analyses its own data on a local authority basis for civil legal assistance, which allows for conclusions to be drawn, for some areas of law, on the impact of local policy decisions. The urban rural classification cuts across local authority areas.

The urban rural classification can be mapped to local authorities to show the proportion of the population living in different types of areas. Table 3 below shows the 8-fold classification mapped to local authority areas.

Table 3: Mapping urban rural classification to council areas

	Large Urban	Other Urban	Accessible Small Towns	Remote Small Towns	Very Remote Small Towns	Accessible Rural	Remote Rural	Very Remote Rural
Aberdeen City	92.9	0.0	5.4	0.0	0.0	1.6	0.0	0.0
Aberdeenshire	0.0	26.0	10.0	11.2	0.0	36.8	14.7	1.3
Angus	7.9	53.0	11.6	0.0	0.0	26.7	0.7	0.0
Argyll & Bute	0.0	17.2	0.0	10.4	19.6	7.6	5.0	40.1
Clackmannanshire	0.0	57.5	28.3	0.0	0.0	14.2	0.0	0.0
Dumfries & Galloway	0.0	28.1	17.3	7.6	0.0	25.0	21.2	0.8
Dundee City	99.6	0.0	0.0	0.0	0.0	0.4	0.0	0.0
East Ayrshire	0.0	37.1	28.3	7.5	0.0	18.5	8.6	0.0
East Dunbartonshire	60.4	26.4	7.5	0.0	0.0	5.7	0.0	0.0
East Lothian	23.3	10.8	23.3	15.0	0.0	24.7	2.9	0.0
East Renfrewshire	86.5	0.0	9.5	0.0	0.0	4.0	0.0	0.0
Edinburgh, City of	96.3	0.0	2.6	0.0	0.0	1.1	0.0	0.0
Eilean Siar	0.0	0.0	0.0	0.0	21.1	0.0	0.0	78.9
Falkirk	0.0	90.9	0.0	0.0	0.0	9.1	0.0	0.0
Fife	0.0	66.5	15.7	0.0	0.0	17.8	0.0	0.0
Glasgow City	99.8	0.0	0.0	0.0	0.0	0.2	0.0	0.0
Highland	0.0	25.8	0.0	10.6	12.5	10.5	12.8	27.8
Inverclyde	0.0	86.4	8.0	0.0	0.0	5.6	0.0	0.0
Midlothian	0.0	68.2	14.5	0.0	0.0	17.3	0.0	0.0
Moray	0.0	24.0	18.5	14.2	0.0	29.1	13.6	0.6
North Ayrshire	0.0	70.4	19.0	0.0	0.0	5.7	1.0	3.9
North Lanarkshire	66.7	15.7	10.8	0.0	0.0	6.8	0.0	0.0
Orkney Islands	0.0	0.0	0.0	0.0	32.8	0.0	0.0	67.2
Perth & Kinross	1.2	31.1	9.8	10.9	0.0	30.2	14.6	2.2
Renfrewshire	76.0	10.1	9.5	0.0	0.0	4.4	0.0	0.0
Scottish Borders	0.0	25.2	18.8	4.9	0.0	39.0	12.0	0.0
Shetland Islands	0.0	0.0	0.0	0.0	29.1	0.0	0.0	70.9
South Ayrshire	0.0	67.6	4.2	6.2	0.0	17.8	4.2	0.0
South Lanarkshire	22.4	55.6	9.6	0.0	0.0	11.0	1.3	0.0
Stirling	0.0	51.8	13.6	0.0	0.0	27.1	6.3	1.2
West Dunbartonshire	49.6	49.1	0.0	0.0	0.0	1.3	0.0	0.0
West Lothian	0.0	81.3	8.9	0.0	0.0	9.8	0.0	0.0
Scotland	38.9	30.6	8.5	2.6	1.2	11.6	3.4	3.1

Another key set of boundaries, which overlaps with both the urban rural classification and the local authority areas, is that of sheriff courts. Sheriff court boundaries are fairly well aligned to local authority areas, with a few notable exceptions (e.g. Kilmarnock/East Ayrshire; courts in and around Glasgow).

We propose to use local authority areas as the preferred unit of sub-national analysis because most contextual data sources should be available at this level, for example local authority area economic profiles and results of surveys such as the Scottish Household Survey. Councils will also be key contacts for providing insight into other contextual data, such as the measures of deprivation available at the neighbourhood level, which may be of relevance.

Area of law

Research into civil legal problems has consistently shown that the area of law is the overriding factor in whether, how and from where individuals seek assistance to help them resolve their problems. Work by Oxera to develop a framework for monitoring the legal services sector in England and Wales for the Legal Services Board²⁹ identifies area of law as

²⁹ "A framework to monitor the legal services sector", Oxera Consulting, 2011
http://www.legalservicesboard.org.uk/news_publications/latest_news/pdf/a_framework_to_monitor_the_legal_services_sector.pdf

an important line for demarcation of legal services markets, as advice relating to one area of law cannot be substituted for another (for example, advice on divorce cannot be substituted for advice in relation to a problem arising in relation to employment).

Client type

Research into civil legal problems experienced by individuals shows that these are more likely to occur for some socio-demographic groups. More generally, specific groups are recognised as engaging less with services, including people from black and minority ethnic backgrounds. Different socio-demographic groups are also likely to be involved with different transactions that have a legal dimension, such as conveyancing or applications for welfare benefits.

Oxera's report highlights that client type can also be important for wider legal services as they "may require advice on different issues, even within a particular area of law. For example, personal injury and employment advice for individuals (natural persons) will predominantly be claimant in nature, while firms (legal persons) are more likely to require defendant advice." Different types of client may also therefore experience different issues relating to accessing legal services or their availability.

Area of law and client type framework

The tables in appendix 1 set out a classification scheme which breaks down the legal services market by these two factors, building on the work produced by Oxera for the Legal Services Board.

Solicitor firm characteristics

The characteristics of a solicitor firm can impact on availability and accessibility, as different business models affect how services are delivered and which areas of law and client type are targeted. Analysis of practising certificates in England and Wales suggested two predominant firm types distinguished by areas of law:

- high-street: commercial property, conveyancing, wills and probate, landlord and tenant, family, general litigation, personal injury, family, children;
- corporate: corporate finance, mergers and acquisitions, intellectual property, insolvency and bankruptcy, professional negligence.

Our view is that criminal law practice would also mainly be undertaken by high-street firms.

Analysis of Law Society of Scotland and other contextual data should allow us to estimate the number and location of high street and corporate firms and firm branches in Scotland.