



## News release

Friday 27 November 2020

### Annual report highlights important public function played by legal aid

Services paid for by legal aid during 2019-20 enabled tens of thousands of people in Scotland to enforce or protect their rights, resolve disputes and defend themselves when the state and others took action against them.

The publication today of our annual report for 2019-20 shows that the total cost to the taxpayer of providing legal assistance was £130.8m, up from £123.7m in the previous year.

Legally aided services perform an important public function with the majority paid for through the Legal Aid Fund delivered by private sector solicitors and advocates.

Our own in-house legal services and the third sector also deliver case by case services but on a much smaller scale. Finally, a small amount of funding provides direct grants for projects to deliver targeted advice services.

**Colin Lancaster, Chief Executive of the Scottish Legal Aid Board, said:**

“Legal aid makes a vital contribution to tackling inequalities in Scotland by helping tens of thousands of often vulnerable people deal with a range of problems, including with housing, debt, mental health or family breakdown, as well as providing a defence against criminal charges.

“The £7.1m increased cost of legal assistance in 2019-20 clearly illustrates how our legal aid system is designed around case by case funding and is demand led rather than restricted by a fixed budget.

“We operate a set of tests to determine people’s eligibility for services and ensure that the appropriate payments are made to those providing the services we fund.

“This is how the legal aid system in Scotland operates to make sure that everyone who receives help is eligible and that solicitors and advocates are paid for the work they do.”

The increase in expenditure last year reflects a rise in demand for certain services and a 3% increase in fees paid to solicitors and advocates for services provided to the public.

Criminal legal assistance expenditure increased by 3% to £75.8m, driven by a higher spend on solemn criminal legal aid, which rose by £2.8m to £33.1m.

The cost of providing that representation by solicitors and counsel in solemn cases is generally higher due to the nature of the charges and the amount and type of work they entail.

It is an important principle of our legal system that people accused of serious crimes are represented by experienced lawyers in court.

Overall expenditure on civil legal assistance increased by £4.2m. This took account of a £2.1m drop in income from expenses in successful cases funded by SLAB and a reduction in income from contributions as a result of changes in the benefits system that resulted in more people being eligible without a contribution.

People seeking help to resolve problems flowing from relationship breakdown represented 45% of expenditure on civil legal assistance (contact and residence disputes, divorce and other relationship breakdown legal problems).

The cost of children's legal assistance was broadly in line with last year at £5.3m.

Mr Lancaster said that at the end of the financial year SLAB worked with the profession to make rapid changes to reduce barriers to access to legal advice during the current public health emergency.

“Solicitors, advocates and advisers have provided much valued services to those in need throughout the pandemic. It was crucial that we were able to support them in doing so.

“I am immensely proud of the way in which the whole SLAB team not only coped with the overnight transformation in their whole way of working but also pulled together to find and implement solutions to the immediate challenges the pandemic presented.

“The changes enforced upon us all by the pandemic are certainly a challenge none of us would have wished for, but they also provide a unique opportunity to test new ways of delivering our service, improve our knowledge and learn from practical experience in the hope that we can emerge from the crisis a stronger, more resilient organisation delivering an improved service to the public and those providing the advice and representation we fund.”

The annual report details SLAB's activities in a range of areas during 2019-20, including:

**Legal aid and justice system reform:** Legal aid and wider justice system policy is the responsibility of central government but we have an important role in advising on the impacts of change on our specific role and the services we fund. We submitted a detailed response to the Scottish Government's consultation setting out a range of potential different legal aid models they could adopt to meet the aims set out in the review.

**Legal aid fees:** Fees are set by Parliament. We have been working with the Scottish Government and others on the legal aid payment advisory panel to use our experience and evidence-base to identify options for reform to the fee system.

**Organisational change:** We continued with our GALA project (Guidance on Administration of Legal Aid) which is a multi-year endeavour and aims to improve the consistency and transparency of our decision making in applications for legal aid funding and payment of accounts.

**Reducing administrative burden:** We reviewed and changed our controls on expenditure in civil legal aid cases. Based on a risk assessment, we decided to remove the need for solicitors to report to us at specified stages of a civil legal aid case in most circumstances.

**Training and support:** We visited or hosted 30 firms to provide bespoke training on aspects of legal aid.

**Understanding system users:** 300 solicitors engaged with our survey of civil legal aid solicitors. The responses showed a strong commitment to legal aid amongst the profession, but a majority still consider the administration involved in making an application and processing accounts and payments to be a challenge.

**Communicating:** We launched a fully redesigned external website.

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

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