



Findings from the 2017 survey of criminal legal aid solicitors

The Scottish Legal Aid Board (SLAB) undertook an online survey of solicitors delivering criminal legal assistance. This short report presents the findings from that survey.

Introduction

Why we needed the research

1. The aims of the 2016/17 survey were to explore solicitor satisfaction with SLAB services, in order to give us a baseline of satisfaction. We used guidance on the drivers of satisfaction on public services to help develop the survey questions¹. The guidance identified 5 key drivers of satisfaction as: ‘delivery’, ‘timeliness’, ‘information’, ‘professionalism’ and ‘staff attitude’. The 4 most significant of these are reflected in the analysis below.

2. We have undertaken solicitor surveys in the past, most recently in 2010. The focus of these was much wider than the current survey; including collecting information on business structures and the supply of, and demand for, civil legal aid services across Scotland. A limited number of questions on satisfaction were asked in previous years. There are significant differences in methodology, question wording and sampling strategy between now and then. This means that we cannot make reliable comparisons between the 2016/17 survey and earlier surveys.

How the research was carried out

3. The online questionnaire was developed in-house. It was closely based on the recent survey of civil solicitors, with some additional questions to reflect different areas of work within criminal legal aid, some questions dropped in an effort to keep the survey reasonably short and some re-ordering of the questions. The survey was open from the 25th January to the 23rd February 2017.

4. An invitation to take part was sent to all 951 solicitors who had applied for criminal legal aid, criminal advice by way of representation (ABWOR) or submitted an intimation of criminal advice & assistance (A&A) between 1st October 2015 and 30th September 2016, and for whom we had a valid email address. Prior to sending the invitation the solicitors were categorised (by the research team) according to the number of criminal legal aid applications and A&A intimations or advice by way of representation (ABWOR) intimations they had submitted during the 12 month period, or whether they were directly employed by SLAB. The basis for the groups was the evidence that a minority of practitioners do a majority of the work; we also had to consider the overall group sizes. The following monthly average figures were used as a measure of ‘high users’:

- an average of 8 or more intimations of A&A/ABWOR per month (15% of active solicitors);
- an average of 8 or more applications for summary criminal legal aid per month (23% of active solicitors);
- an average of 2 or more applications for solemn criminal legal aid per month (33% of solicitors).

¹ “The Drivers of Satisfaction with Public Services”, Cabinet Office for the Office of Public Services Reform. 2004.

5. Solicitors were put into the following groups, based on the level of their legal aid activity or relationship with SLAB (directly employed or not) during the relevant time period (1st October 2015 and 30th September 2016):

Table 1: Allocation to sample groups

Group ID	Level of activity in:			Directly employed by SLAB	Number of solicitors in group
	criminal A&A/ABWOR	summary criminal legal aid	solemn criminal legal aid		
Group 1	High	High	High	No	85
Group 2	Low	Low	Low	No	609
Group 3	High/low	High	High/low	No	116
Group 4	High	Low/none	High/low	No	42
Group 5	Low/none	Low/none	High	No	67
Group 6	Any level	Any level	Any level	Yes	32

6. The overall response rate was 14% (132 people); with the highest response from group 6 (28% - 9 out of 32 people) and the lowest from group 3 (10% - 12 out of 116 people). The analysis of the responses has been weighted to reflect the make up of the criminal solicitor population in the time period used.

7. The survey consisted of 13 ‘closed’ (tick box) questions and 1 open question. The closed questions asked solicitors to rate their satisfaction or agreement with statements about SLAB services to solicitors. The closed questions were all multipart, meaning that SLAB was rated on a total of 45 measures (although not all of these would have been relevant to all respondents).

8. The closed question ratings were from 1 to 5, with 1 indicating ‘completely dissatisfied’ or ‘completely disagree’ and 5 ‘completely satisfied’ or ‘completely agree’. There was also a ‘don’t know’ option. The open question asked solicitors for their comments on SLAB processes and procedures.

9. The Research Team at SLAB were responsible for analysing and reporting on the findings. ‘Positive’ satisfaction or agreement ratings in the following analysis use the combined response ratings of ‘4’ and ‘5’, ‘negative’ satisfaction or agreement ratings use the combined response ratings of ‘2’ and ‘1’. A response of ‘3’ can be interpreted as neutral or having no strong views.

10. The findings presented below use percentages based on weighted figures. Weighting was used to help adjust for lower response rates amongst some of the groups of solicitors. This will help us make more reliable comparisons from surveys in the future.

Findings

Overview

11. The research showed that the majority of solicitors are satisfied with: the efficiency of the summary criminal legal aid accounts process (67%); speed of decisions on summary legal aid accounts (66%), speed of decisions on applications (51%), aspects of the Court and Police Duty Schemes and the service offered by SLAB staff.

12. Views were more mixed on the other measures, where the responses were often split fairly evenly between positive and negative, with no majority view, or with a large number giving a midpoint rating (3).

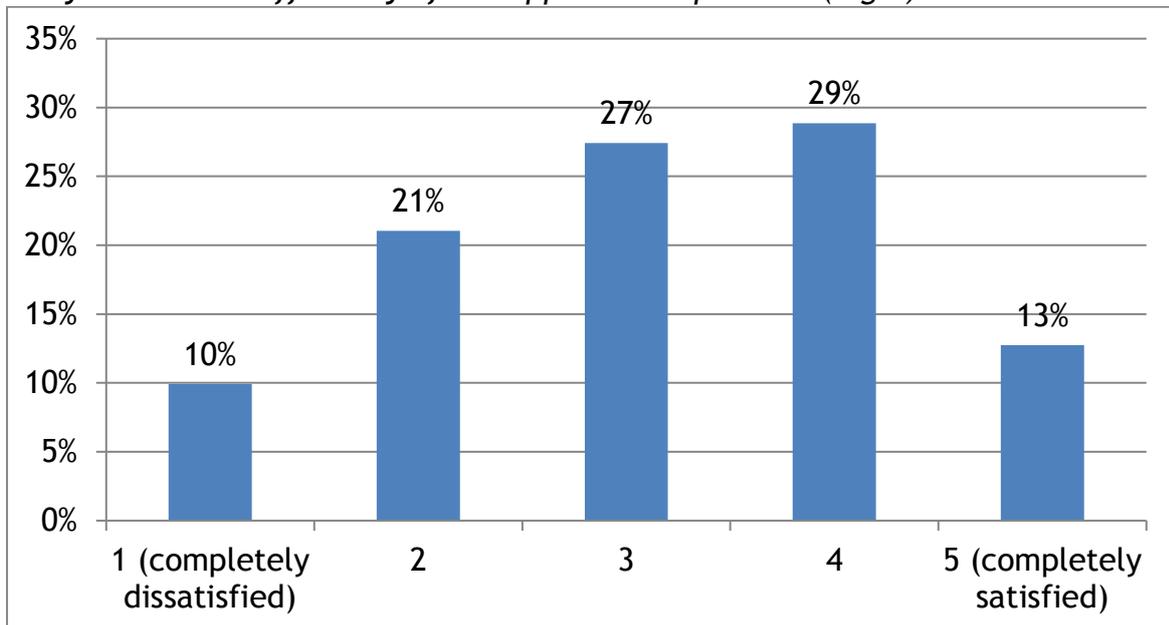
13. Despite this, key themes appear to emerge, sometimes backed up by comments. Areas where SLAB can make improvements include: addressing perceptions of consistency in decision making (for example by simplifying content or increasing ease of access to guidance and information); and reducing the bureaucracy of the system. Other areas, such as fee rates, are not something that SLAB can act on.

Delivery

15. Quality of service delivery has been shown to be the most important factor in driving satisfaction among users of public services.
16. Respondents gave more positive ratings on ‘efficiency’ measures, and the ease of navigating Legal Aid Online (LAOL). The measure with the highest satisfaction rating is ‘the efficiency of the summary criminal legal aid accounts process’, with 67% rating this positively.
17. Respondents were less satisfied with the consistency of decisions on accounts and applications, the ease of navigating guidance on accounts and general measures of satisfaction with SLAB in relation to criminal legal assistance.
18. In relation to the Court and Police Duty Schemes, the largest group of solicitors were satisfied on the delivery measures (joining/leaving the scheme, response to problems, running of the scheme, efficiency of the accounts process and information provision (Police Duty Scheme only)). The exception to this was ‘fairness of allocation’ in the plans, where the largest group were dissatisfied. Forty-six percent were dissatisfied with the fairness of allocation of periods on the Court duty plan, and 52% were dissatisfied with fairness of allocation of firms to the Police Station duty plan.
19. Comments in relation to the Duty Schemes expanded on fairness of allocation, with a number commenting that they felt allocation to the PDSO (Public Defender’s Solicitors Office) was unfair or disproportionate.
20. Solicitors also commented about how the set-up of the criminal legal aid process impacted on delivery. A key theme was perceived bureaucracy: *“too much paperwork and regulation”*, with correspondence on abatements at the accounts stage and requests for information about applicants’ financial situation being mentioned specifically. ABWOR was also mentioned by some as being difficult to use, with one solicitor commenting, *“ABWOR and A&A should be abolished allowing one test to obtain legal aid”*. Compared with the civil solicitors survey, dissatisfaction with rates of pay seems to be a stronger theme.

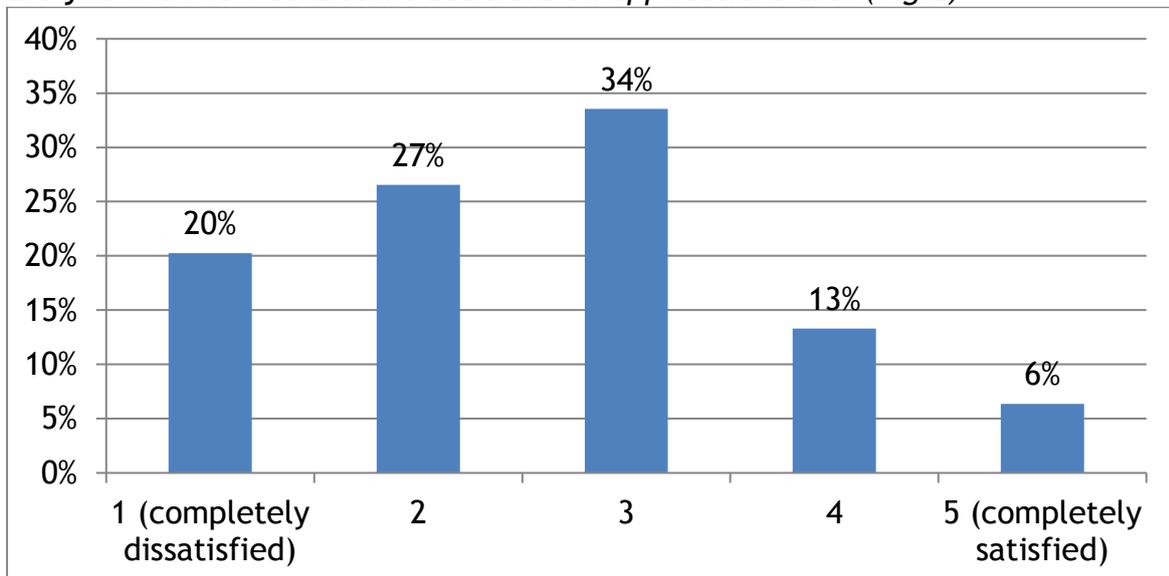
Responses to 'delivery' questions

Question 2a - Thinking about criminal legal aid applications only, how satisfied are you with the efficiency of the applications process? (Fig. 1)



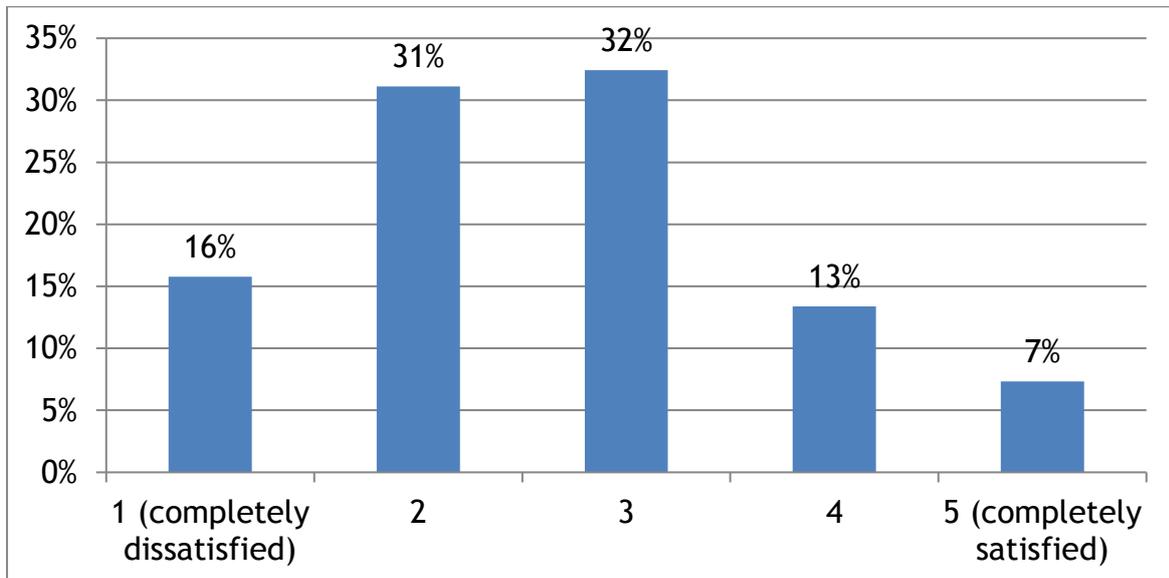
Total number of responses: 129

Question 2d - Thinking about criminal legal aid applications only, how satisfied are you with how consistent decisions on applications are? (Fig.2)



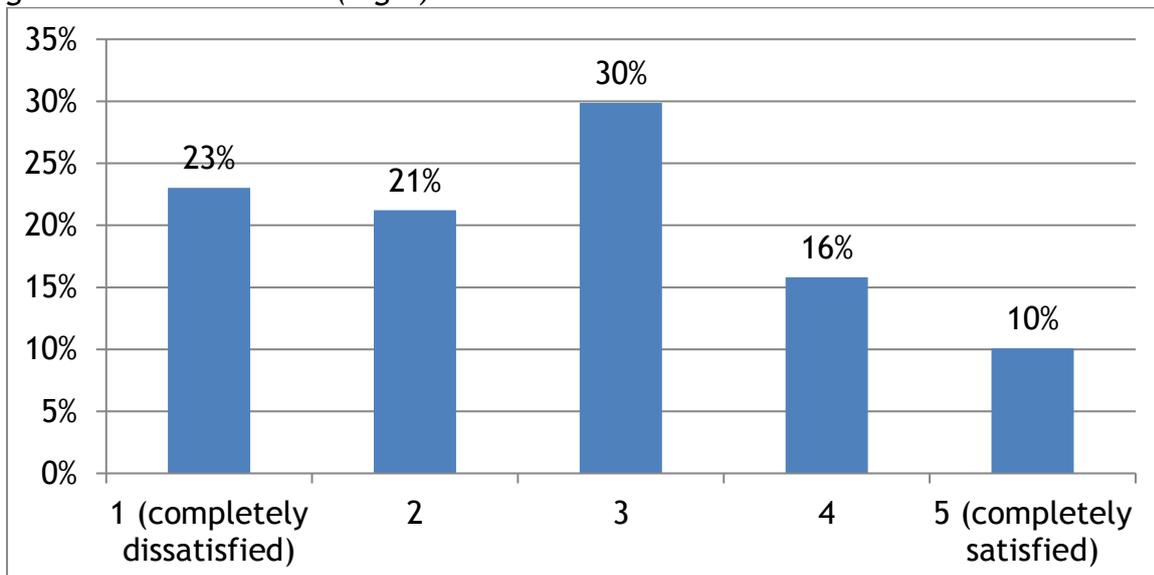
Total number of responses: 129

Question 3c - Thinking about A&A/ABWOR intimations only, how satisfied are you with how consistent decisions are? (Fig.3)



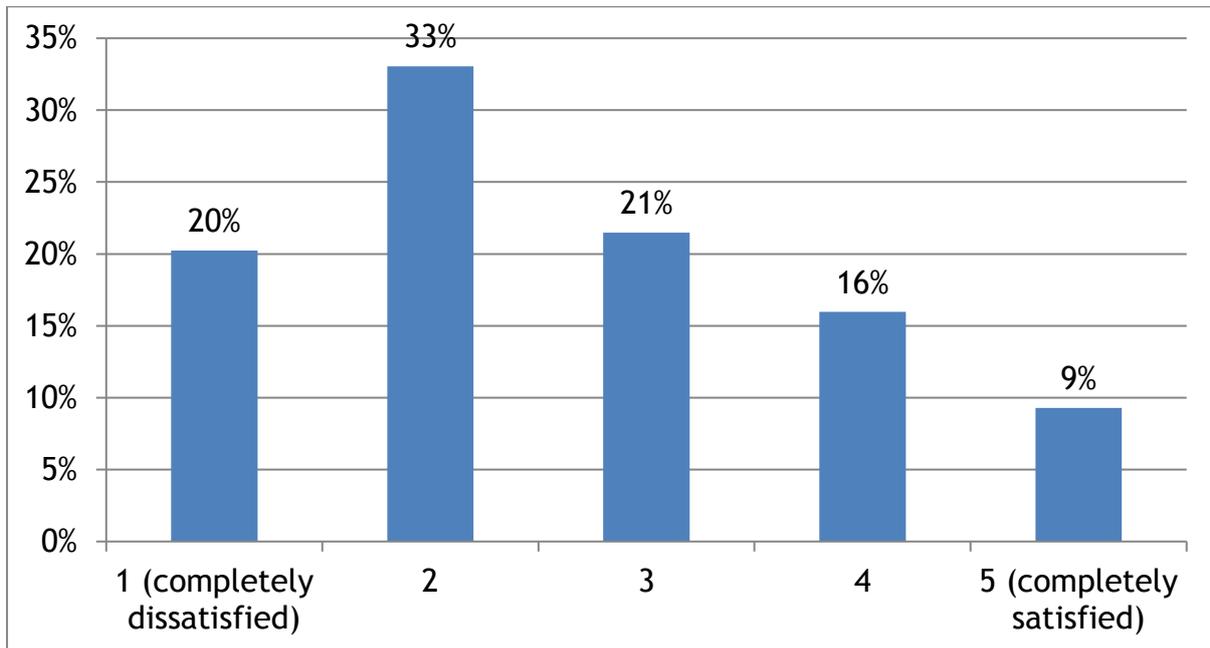
Total number of responses: 127

Question 4c - In general how satisfied are you with the ease of navigating guidance on accounts? (Fig.4)



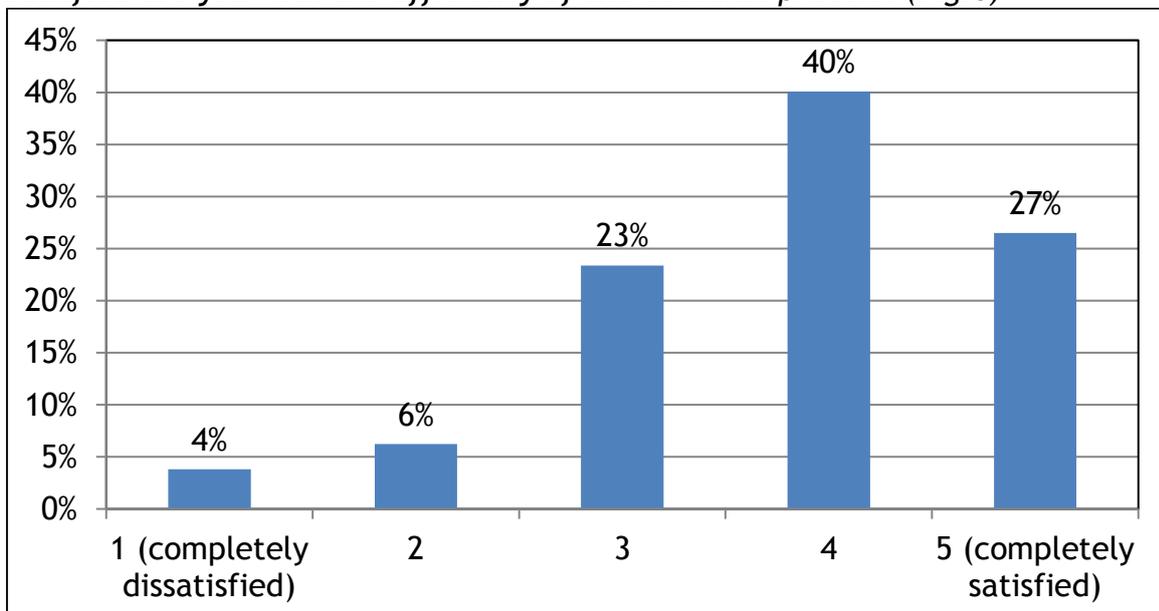
Total number of responses: 106

Question 4e - In general how satisfied are you with how consistent decisions on accounts are? (Fig.5)



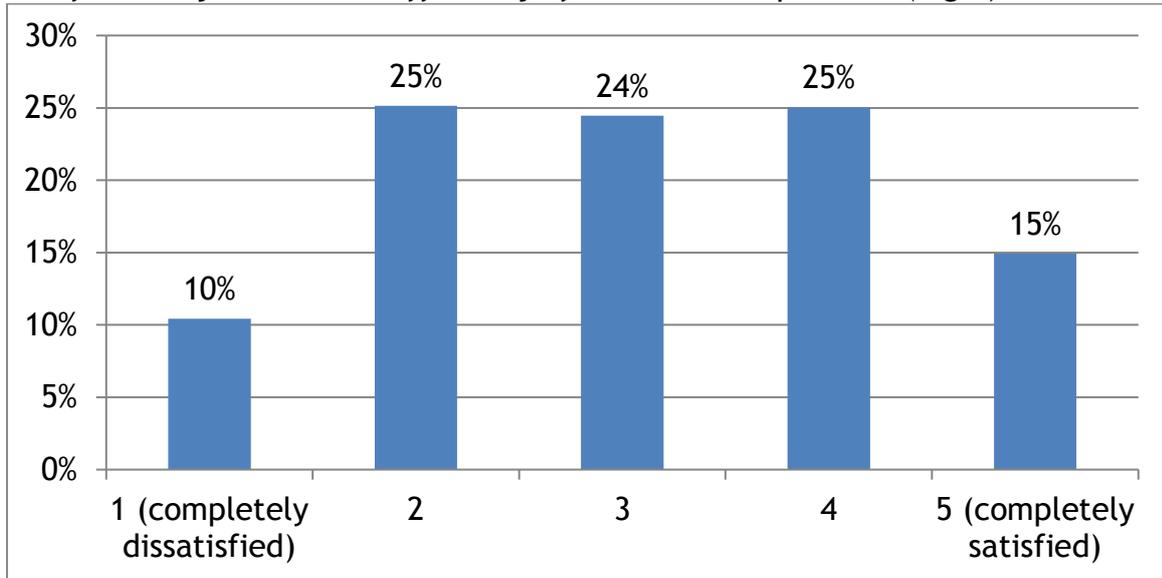
Total number of responses: 110

Question 5a - Thinking about summary criminal legal aid accounts only, how satisfied are you with the efficiency of the accounts process? (Fig.6)



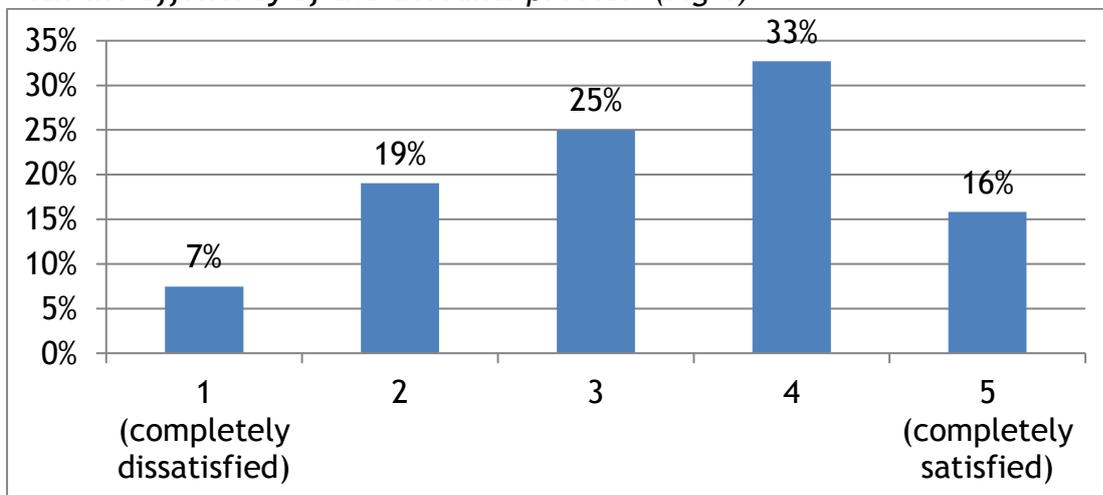
Total number of responses: 107

Question 6a - Thinking about solemn criminal legal aid accounts only, how satisfied are you with the efficiency of the accounts process? (Fig.7)



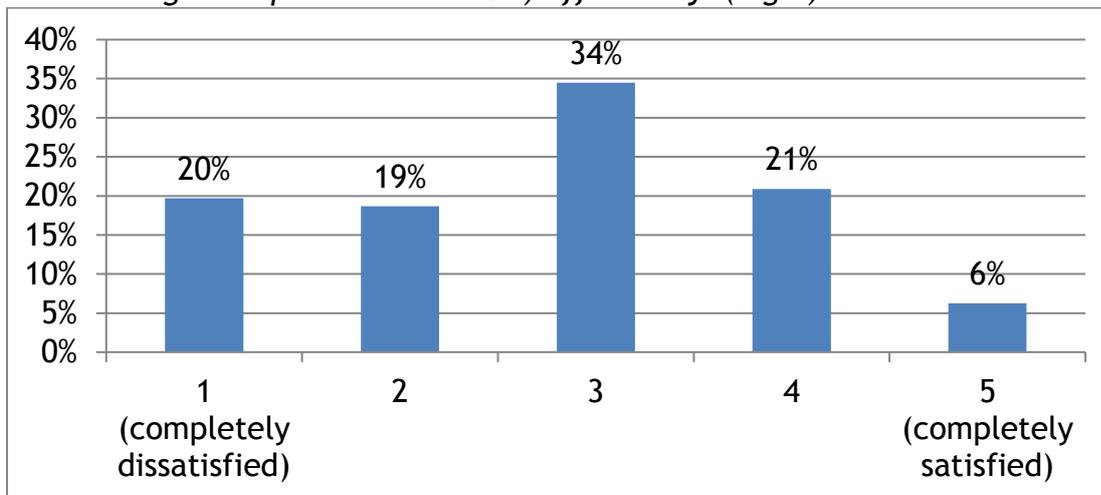
Total number of responses: 100

Question 7a - Thinking about A&A/ABWOR accounts only, how satisfied are you with the efficiency of the accounts process? (Fig.8)



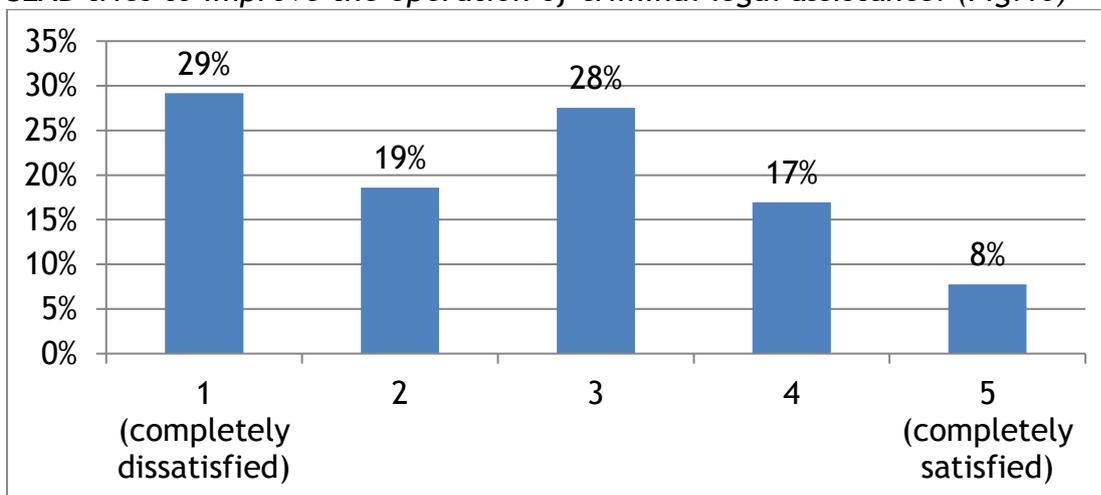
Total number of responses: 108

Question 13a - In general how far do you agree with the following statement: SLAB manages the criminal legal assistance system (including all aspects of criminal legal aid plus A&A/ABWOR) effectively? (Fig.9)



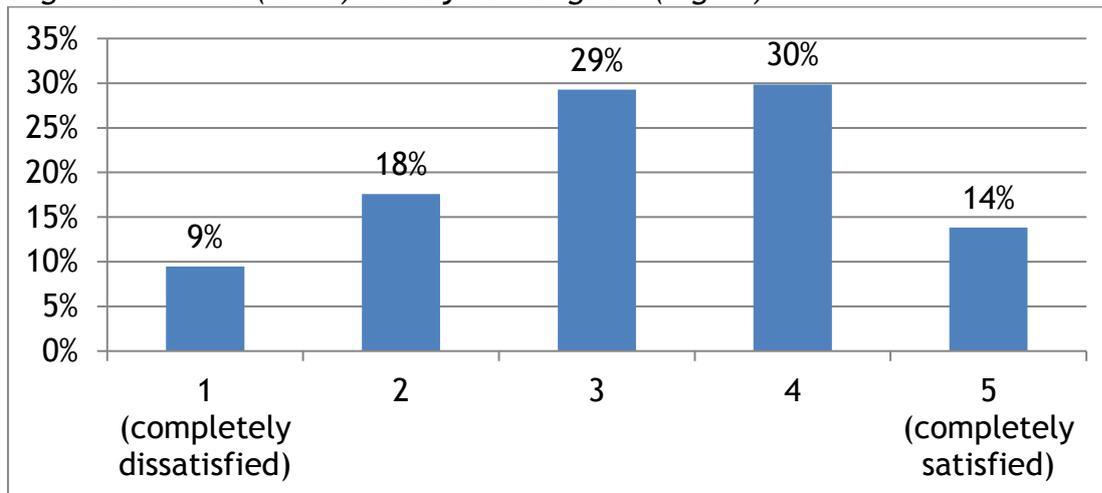
Total number of responses: 120

Question 13b - In general how far do you agree with the following statement: SLAB tries to improve the operation of criminal legal assistance? (Fig.10)



Total number of responses: 115

Question 13c - In general how far do you agree with the following statement:
Legal Aid Online (LAOL) is easy to navigate? (Fig.11)



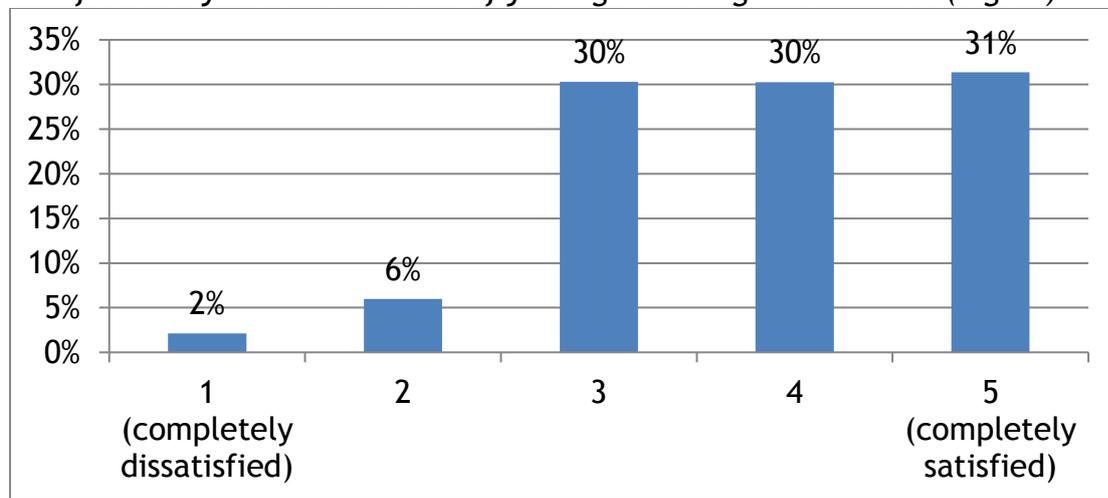
Total number of responses: 117

The Court Duty Scheme - delivery questions

Question 11 - Have you been registered for the Court Duty scheme in the past 12 months? (Table 2)

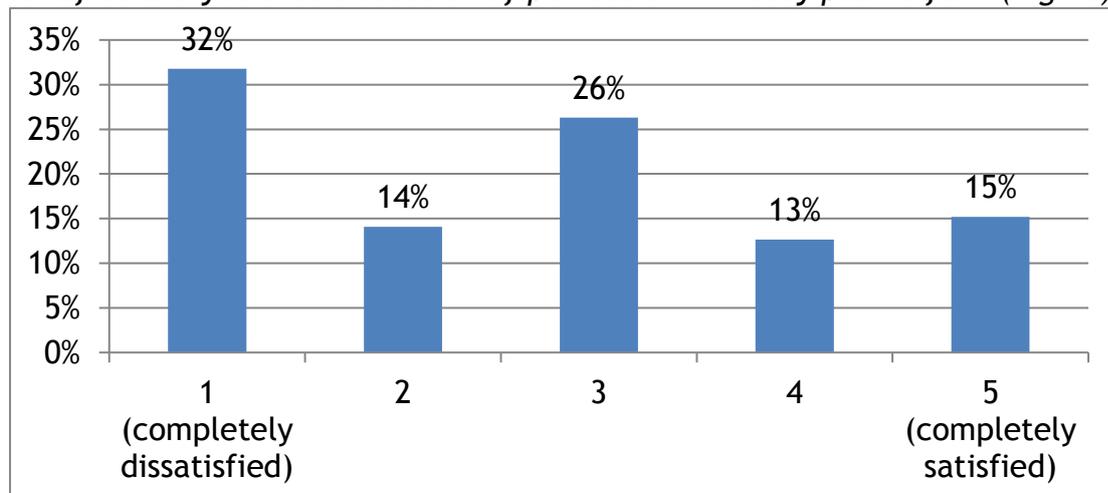
Response	Number of responses	Percent of responses
Yes	111	84%
No	6	5%
Don't know	2	2%
Missing	13	10%
Total	132	100%

Question 12a - Thinking about your experiences of the Court Duty Scheme, how satisfied are you with the ease of joining / leaving the scheme? (Fig.12)



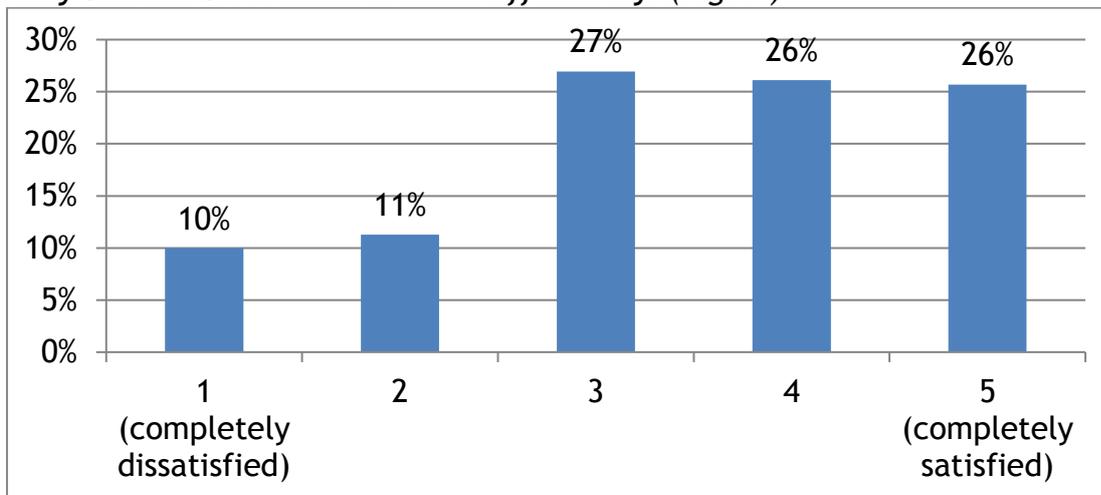
Total number of responses: 99

Question 12b - Thinking about your experiences of the Court Duty Scheme, how satisfied are you that allocation of periods on the duty plan is fair? (Fig.13)



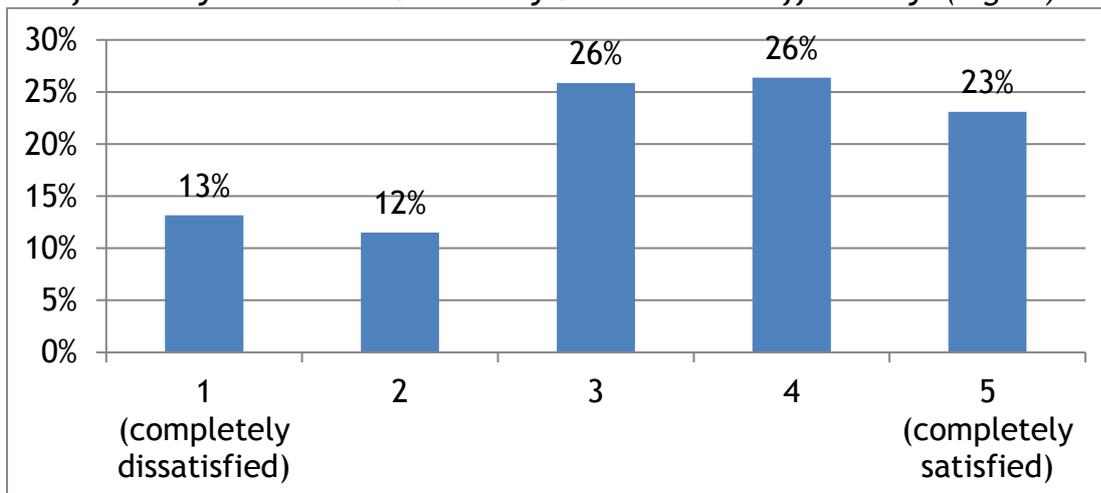
Total number of responses: 109

Question 12c - Thinking about your experiences of the Court Duty Scheme, how satisfied are you that when problems arise with the management of the Court Duty Scheme SLAB handles these effectively? (Fig. 14)



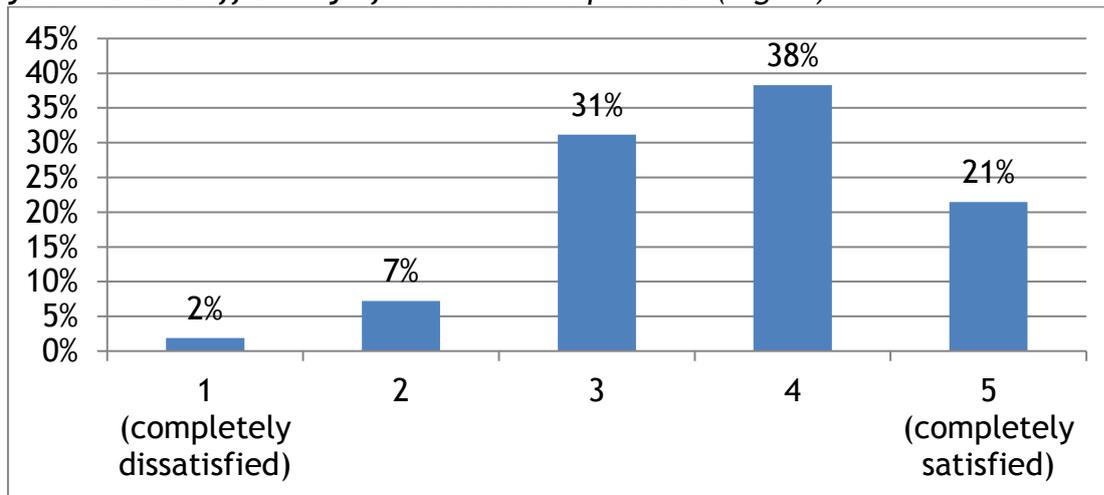
Total number of responses: 89

Question 12d - Thinking about your experiences of the Court Duty Scheme, how satisfied are you that the Court Duty Scheme is run effectively? (Fig. 15)



Total number of responses: 106

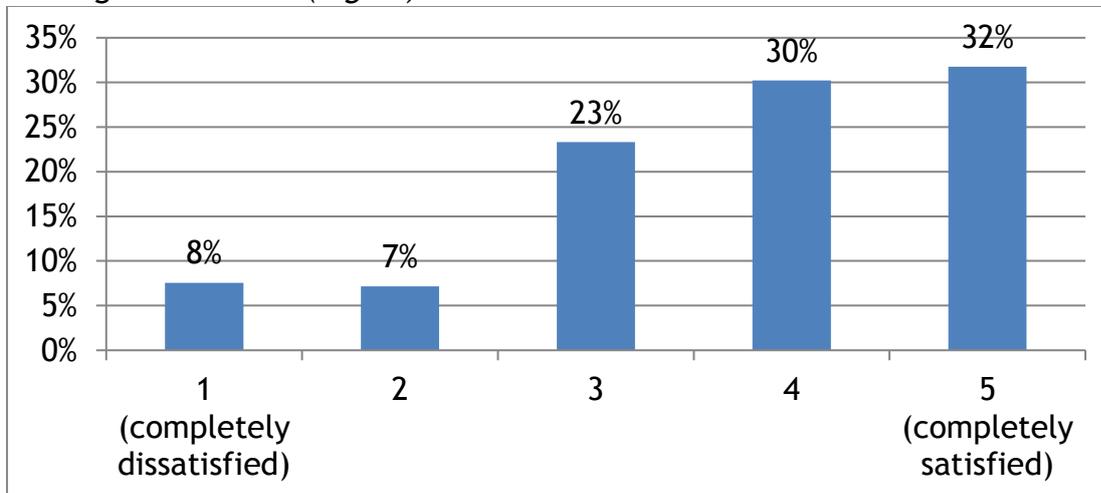
Question 9a - Thinking about Court Duty Scheme accounts only, how satisfied are you with the efficiency of the accounts process? (Fig. 16)



Total number of responses: 96

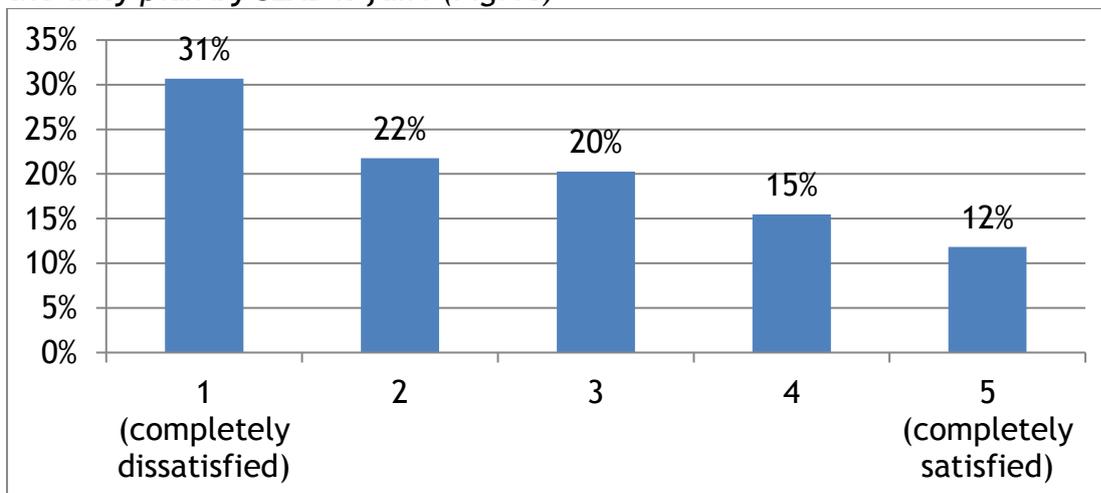
Police Station duty scheme - delivery questions

Question 10a - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you with the ease of joining / leaving the scheme? (Fig. 17)



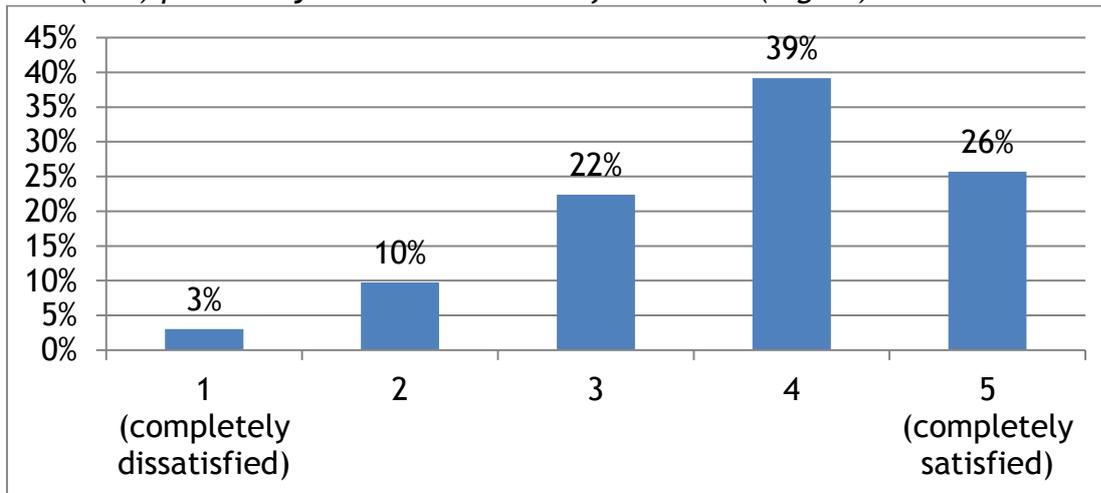
Total number of responses: 95

Question 10b - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that allocation of firms to the duty plan by SLAB is fair? (Fig. 18)



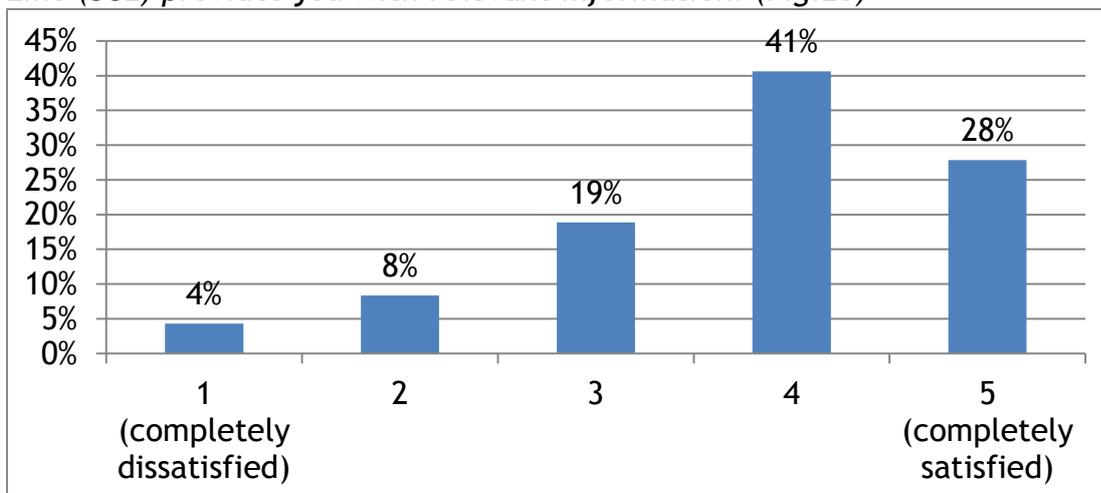
Total number of responses: 100

Question 10c - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that the Solicitor Contact Line (SCL) provides you with accurate information? (Fig. 19)



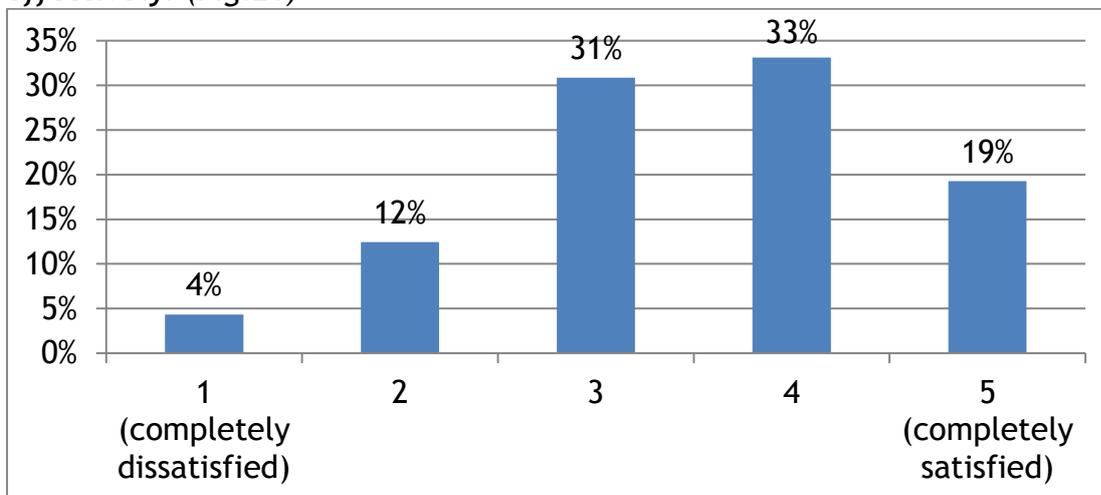
Total number of responses: 101

Question 10d - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that the Solicitor Contact Line (SCL) provides you with relevant information? (Fig.20)



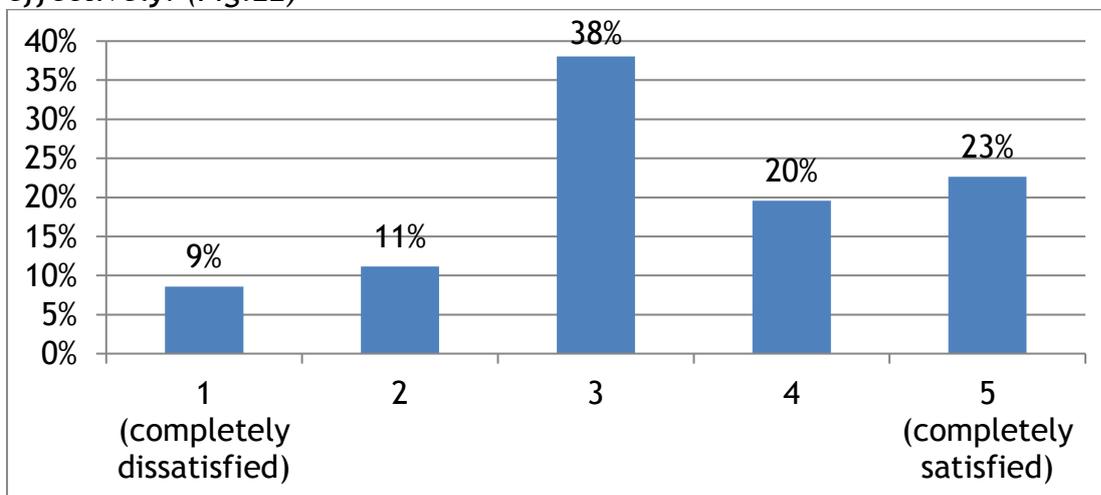
Total number of responses: 101

Question 10e - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that when problems arise with everyday running of the Police Station Duty Scheme the SCL handles these effectively? (Fig.21)



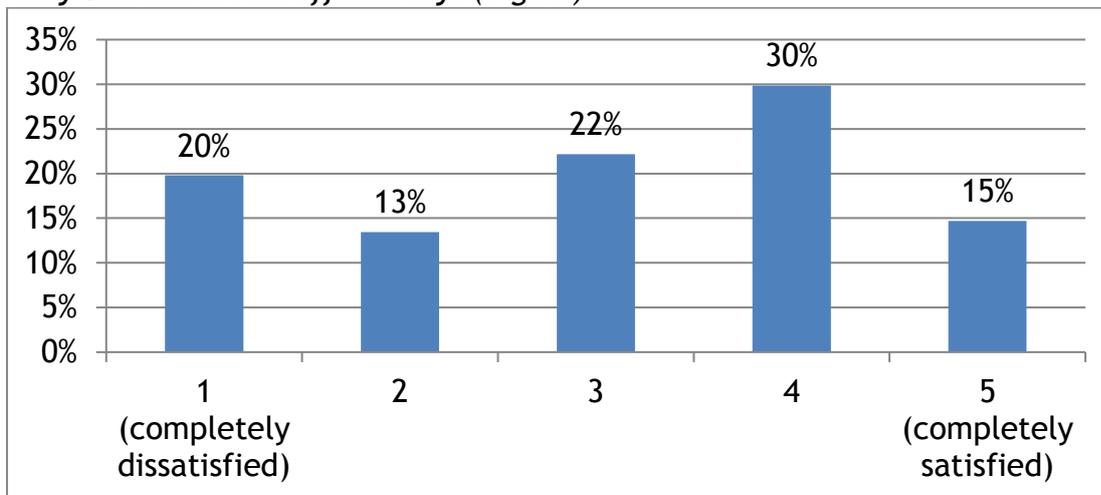
Total number of responses: 67

Question 10f - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that when problems arise with the management of the Police Station Duty Scheme SLAB handles these effectively? (Fig.22)



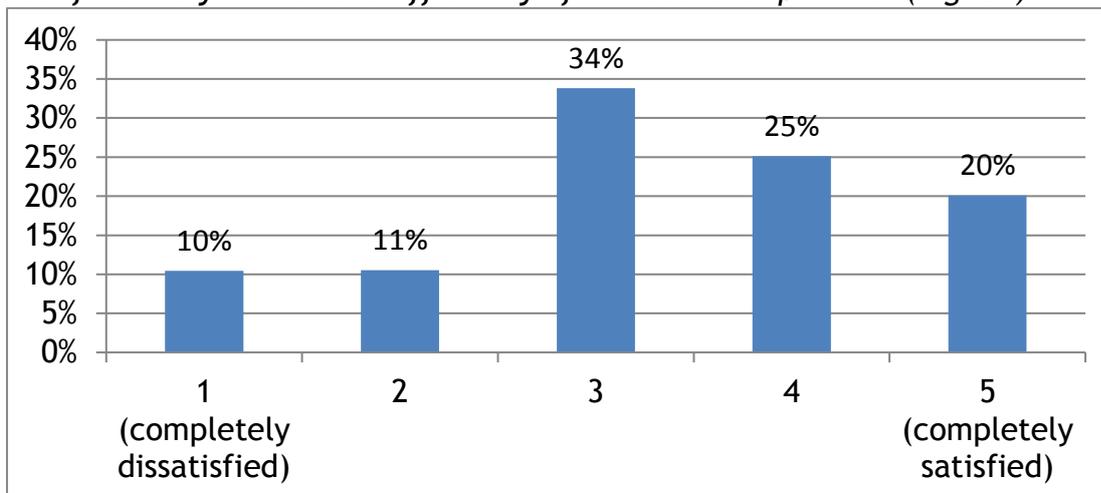
Total number of responses: 74

Question 10g - Thinking about your experiences of the Police Station Duty Scheme and/or the Solicitor Contact Line, how satisfied are you that the Police Station Duty Scheme is run effectively? (Fig.23)



Total number of responses: 92

Question 8a - Thinking about Police Station Duty Scheme accounts only, how satisfied are you with the efficiency of the accounts process? (Fig. 24)



Total number of responses: 82

Timeliness measures

24. Solicitors were asked to rate their satisfaction with the speed of decisions and number of interactions on criminal legal assistance applications and accounts, including the Court and Police Duty Schemes. Although Police Duty Scheme accounts are paid under the A&A/ABWOR process, people were asked about this separately in order to avoid confusion amongst individuals who may have undertaken Police Station work but not other A&A/ABWOR.

25. Solicitors were positive about the ‘speed of decisions’ on both accounts and applications (they were not asked about this in relation to A&A/ABWOR intimations). They were most satisfied about the speed of decisions on summary criminal legal aid accounts (66%).

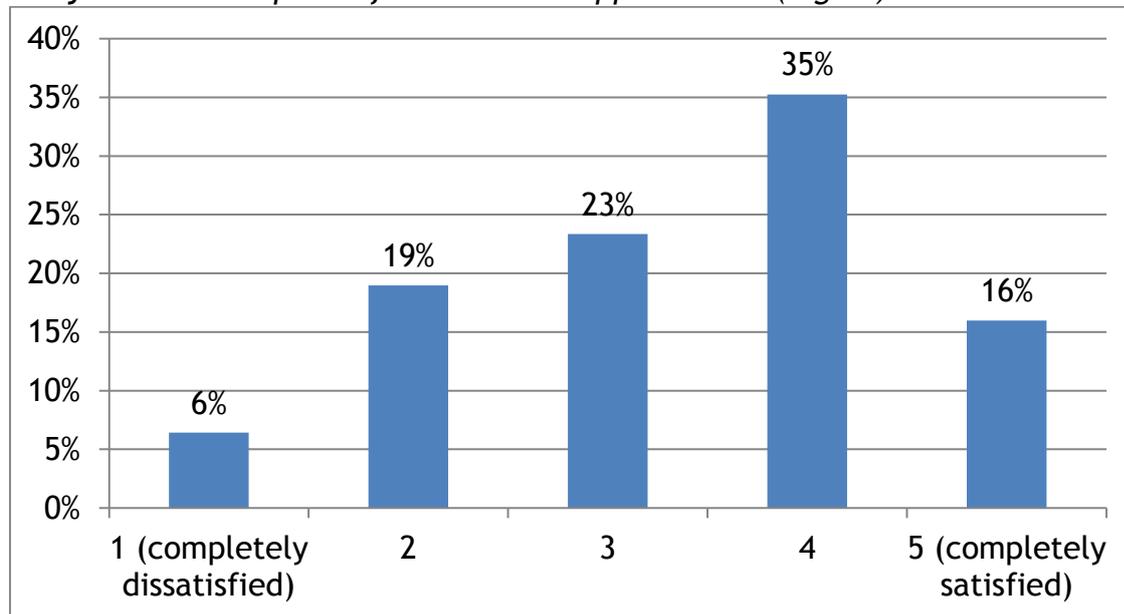
26. Views on the number of times SLAB and the solicitor (or others) typically communicated on applications or accounts were more mixed. In relation to criminal legal aid applications and A&A/ABWOR intimations the single largest group were negative about the number of interactions. However the largest groups were positive in relation to the number of interactions on criminal legal aid and A&A/ABWOR accounts.

27. The largest groups of respondents were positive about timeliness measures in relation to the Court and Police duty scheme accounts.

28. Timeliness was not a key theme in solicitor comments. The comments on this area were principally about the time taken in obtaining proof of income from applicants, and how this could impact on the overall process.

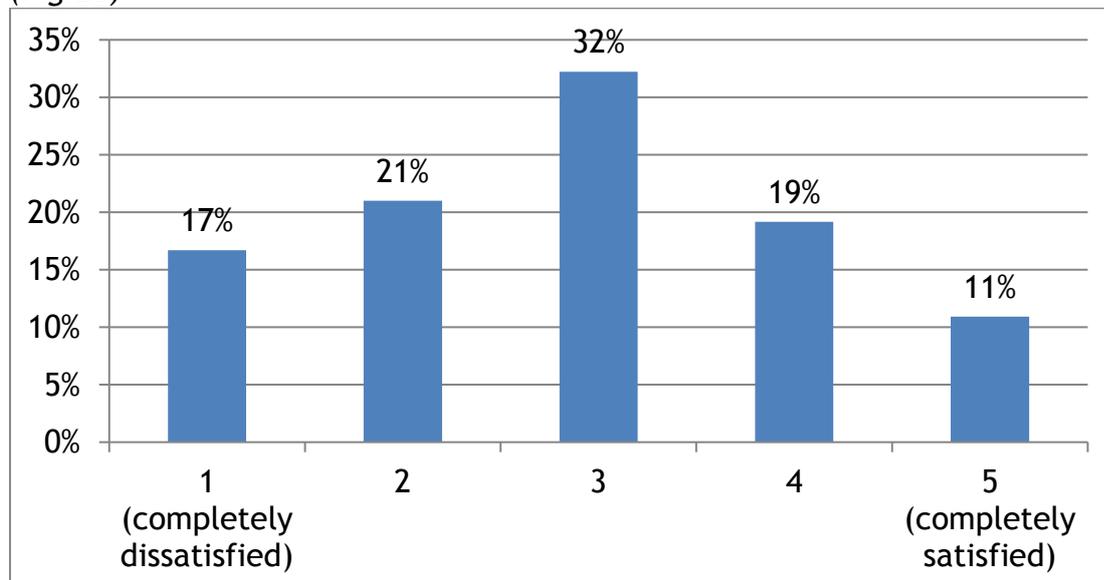
Responses to 'timeliness' questions

Question 2b - Thinking about criminal legal aid applications only, how satisfied are you with the speed of decisions on applications? (Fig.27)



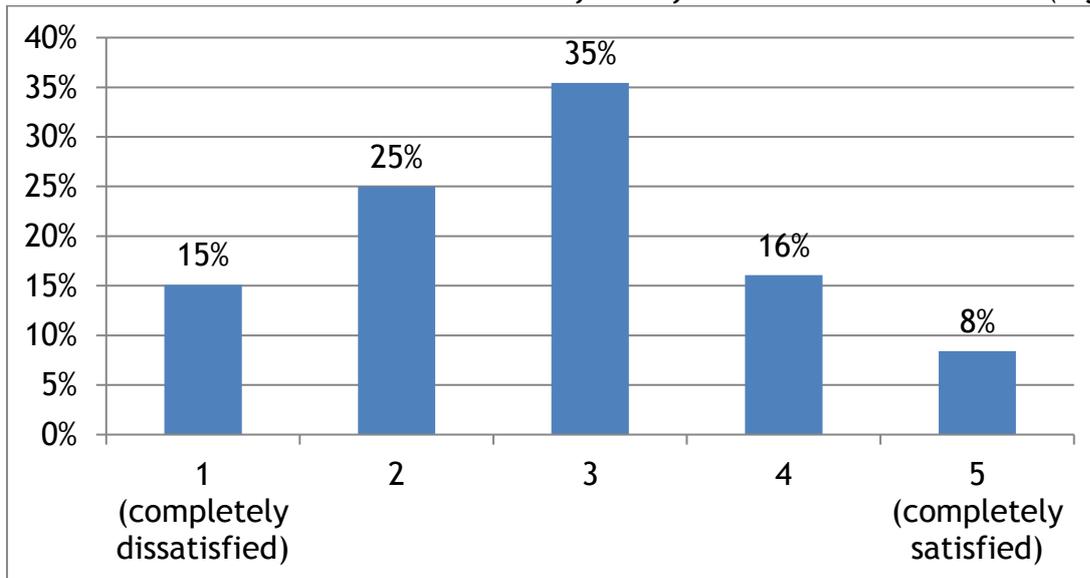
Total number of responses: 129

Question 2e - Thinking about criminal legal aid applications only, how satisfied are you with the number of times SLAB and yourself / other staff in your firm typically communicate about each application before a final decision is reached? (Fig.28)



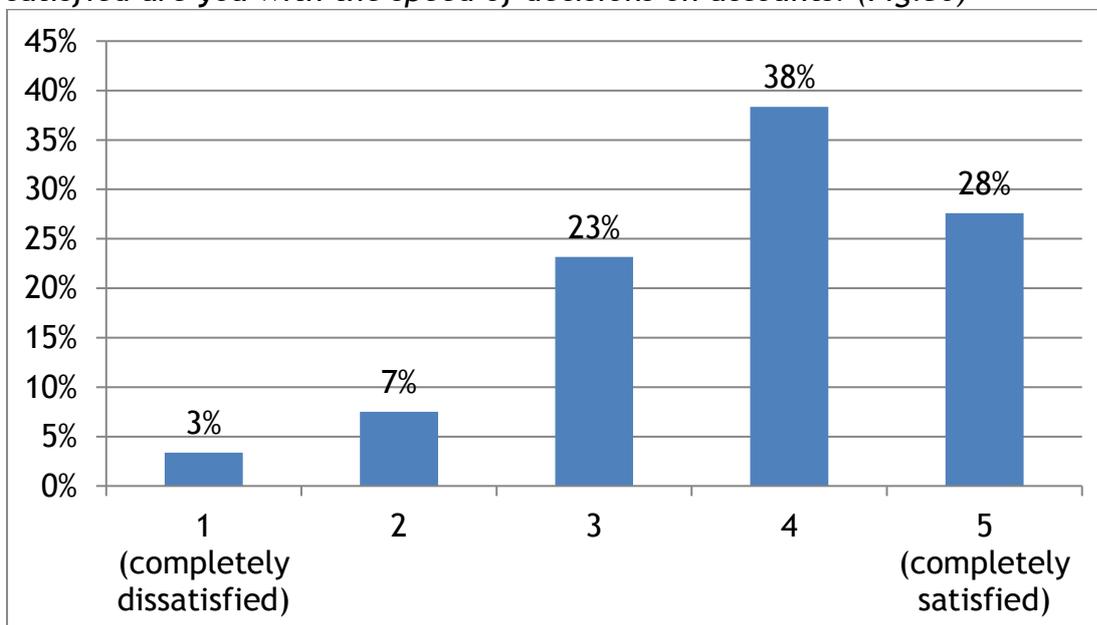
Total number of responses: 122

Question 3d - Thinking about A&A/ABWOR intimations only, how satisfied are you with the number of times SLAB and yourself / other staff in your firm typically communicate about each intimation before a final decision is reached? (Fig.29)



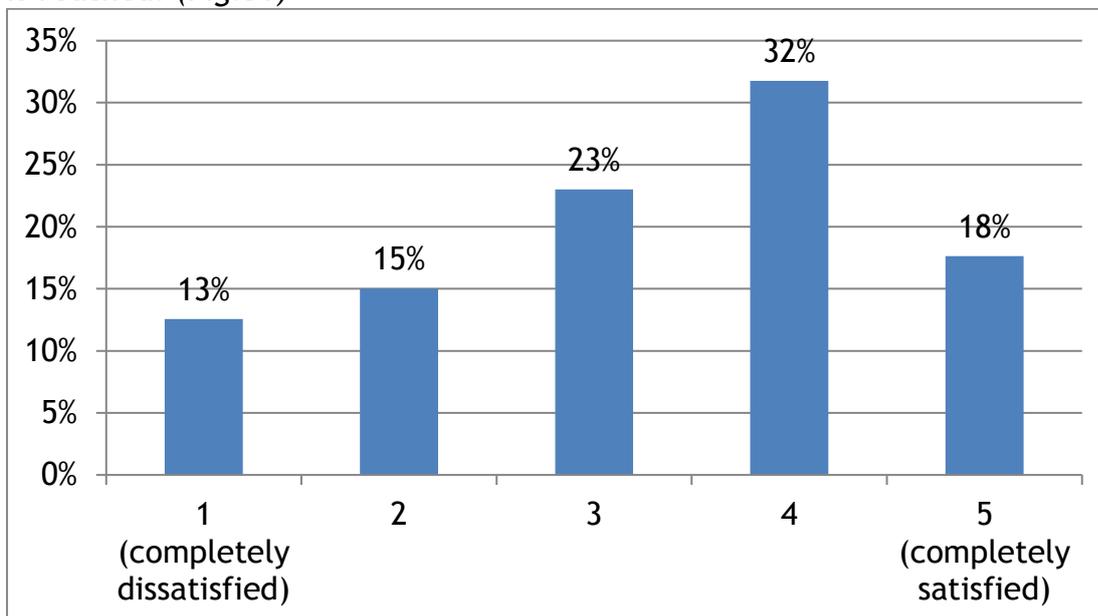
Total number of responses: 124

Question 5b - Thinking about summary criminal legal aid accounts only, how satisfied are you with the speed of decisions on accounts? (Fig.30)



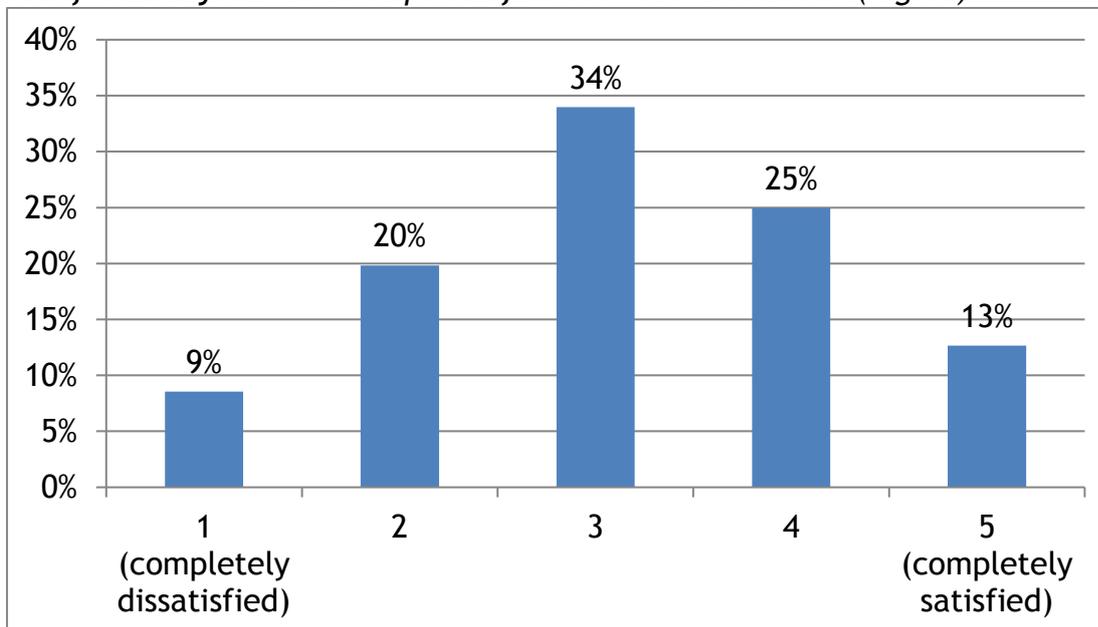
Total number of responses: 107

Question 5c - Thinking about summary criminal legal aid accounts only, how satisfied are you with the number of times SLAB and yourself / others dealing with the account typically communicate about an account before a final decision is reached? (Fig.31)



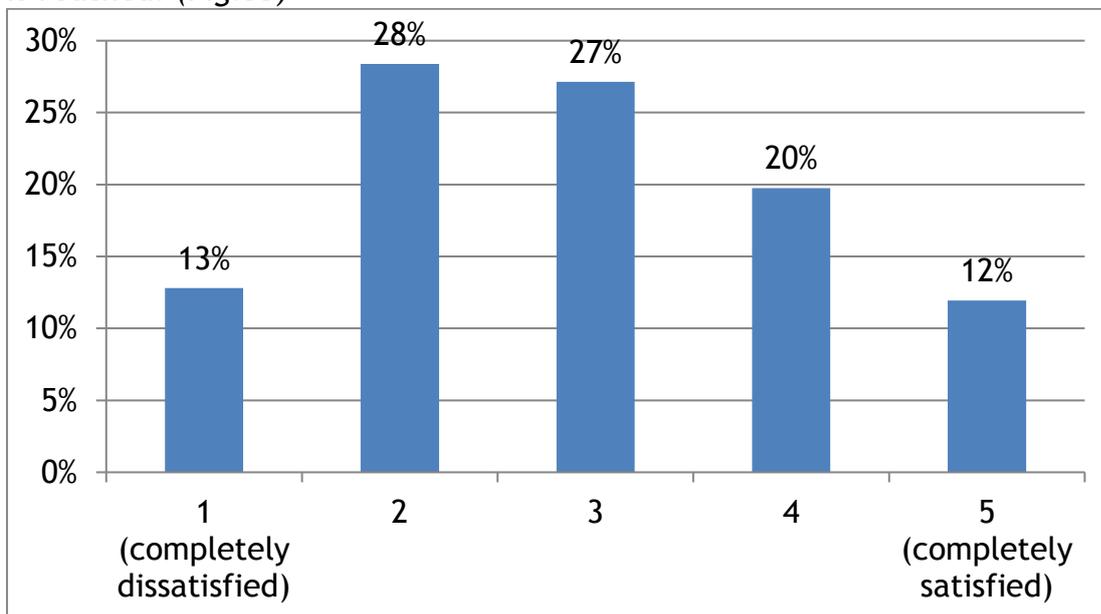
Total number of responses: 102

Question 6b - Thinking about solemn criminal legal aid accounts only, how satisfied are you with the speed of decisions on accounts? (Fig.32)



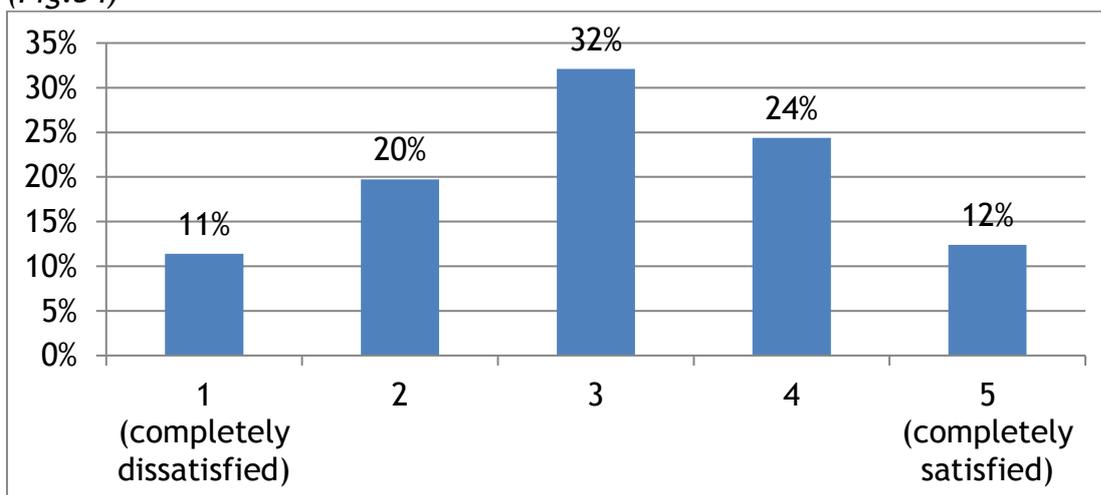
Total number of responses: 99

Question 6c - Thinking about solemn criminal legal aid accounts only, how satisfied are you with the number of times SLAB and yourself / others dealing with the account typically communicate about an account before a final decision is reached? (Fig.33)



Total number of responses: 94

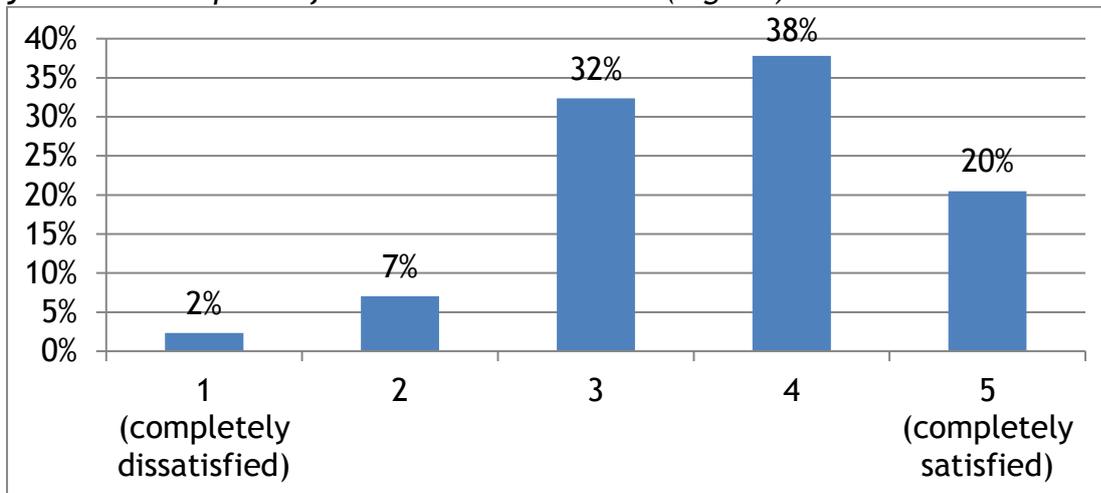
Question 7c - Thinking about A&A/ABWOR accounts only, how satisfied are you with the number of times SLAB and yourself / others dealing with account typically communicate about an account before a final decision is reached? (Fig.34)



Total number of responses: 100

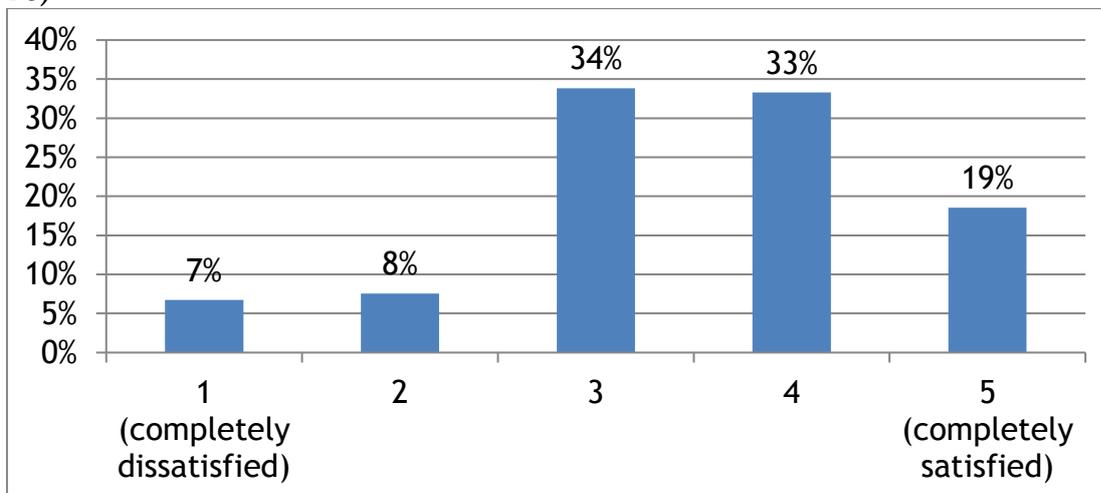
The Court Duty Scheme - timeliness measures

Question 9b - Thinking about Court Duty Scheme accounts only, how satisfied are you with the speed of decisions on accounts? (Fig. 35)



Total number of responses: 96

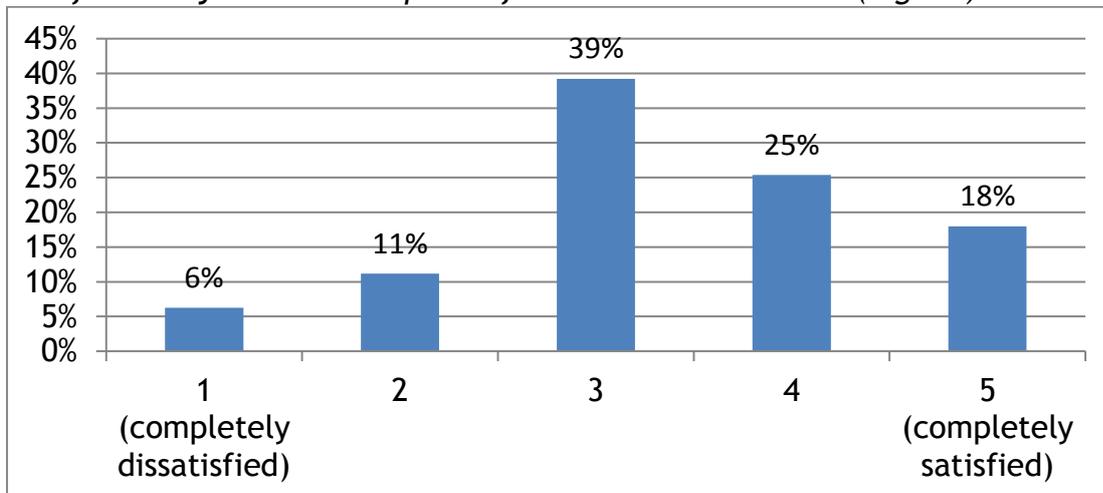
Question 9c - Thinking about Court Duty Scheme accounts only, how satisfied are you with the number of times SLAB and yourself / others dealing with account typically communicate about an account before a final decision is reached? (Fig. 36)



Total number of responses: 93

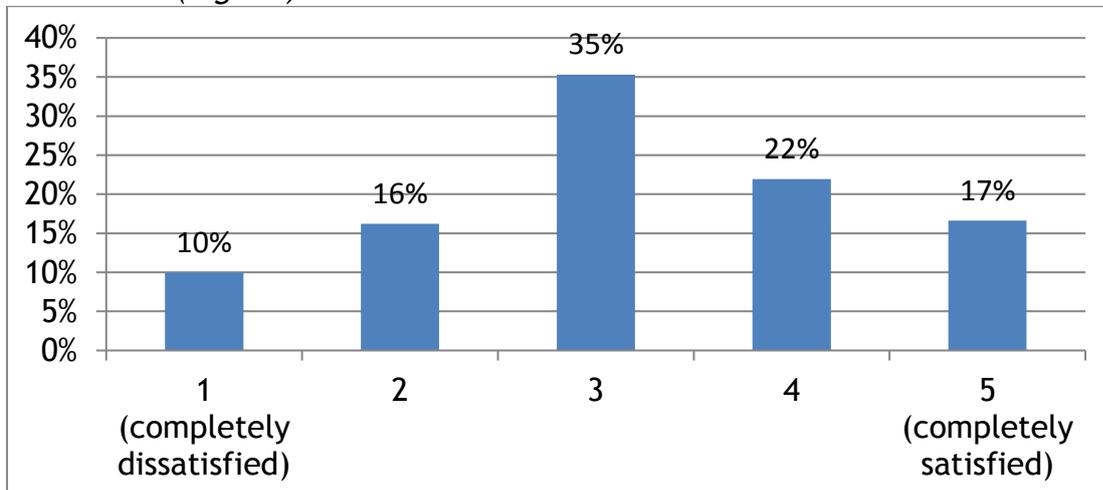
The Police Station Duty Scheme - timeliness measures

Question 8b - Thinking about Police Station Duty Scheme accounts only, how satisfied are you with the speed of decisions on accounts? (Fig. 37)



Total number of responses: 82

Question 8c - Thinking about Police Station Duty Scheme accounts only, how satisfied are you with the number of times SLAB and yourself / others dealing with the account typically communicate about an account before a final decision is reached? (Fig. 38)



Total number of responses: 80

Information

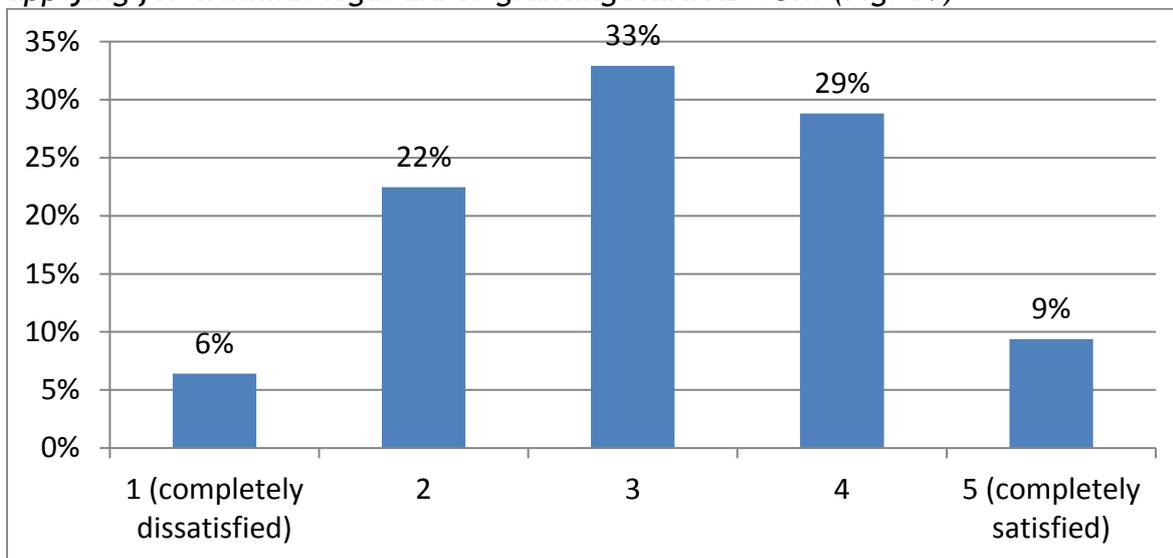
32. The largest group of solicitors was dissatisfied (rating '1' or '2') on most of the information measures. These measures concern the clarity of explanation on decisions, as well as the helpfulness and presentation of guidance on accounts. The proportions for these measures were similar, with between 40% - 43% rating these negatively.

33. The exceptions were 'the helpfulness of guidance on applying for criminal legal aid or granting A&A/ABWOR' (rated positively by 38% of respondents) and 'how easy it is to navigate guidance on applications', which was rated '3' more commonly (38%) than a positive or negative rating, indicating that respondents were neutral or held no strong views about this.

34. Information and guidance were not key themes in the solicitor comments.

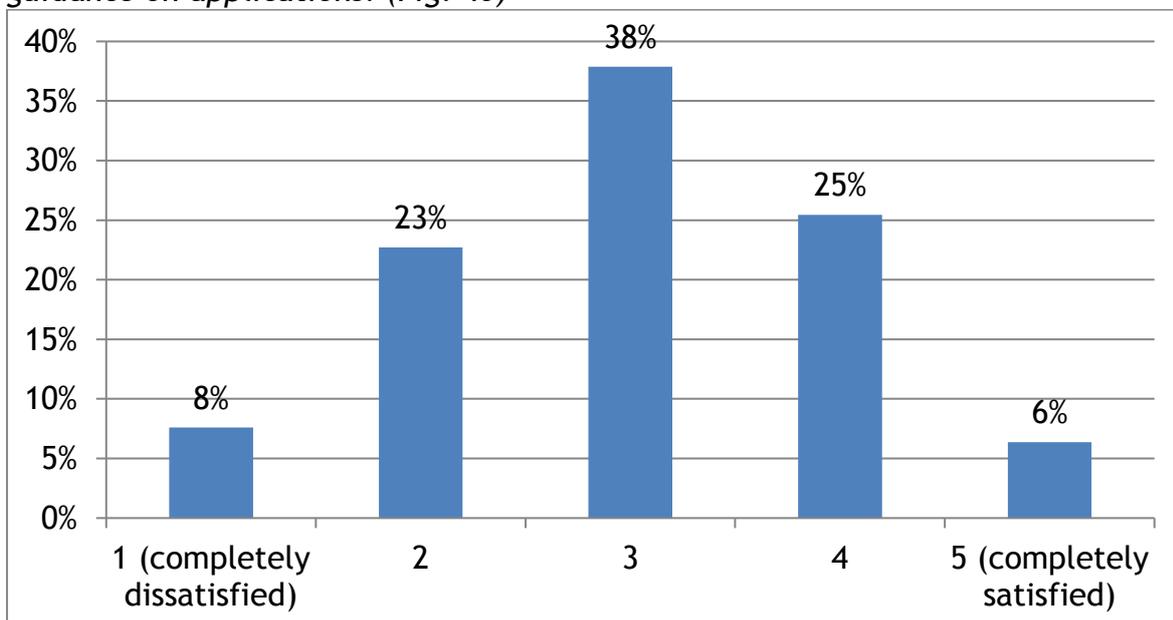
Responses to 'information' questions

Question 1a - In general how satisfied are you with the helpfulness of guidance on applying for criminal legal aid or granting A&A/ABWOR? (Fig. 39)



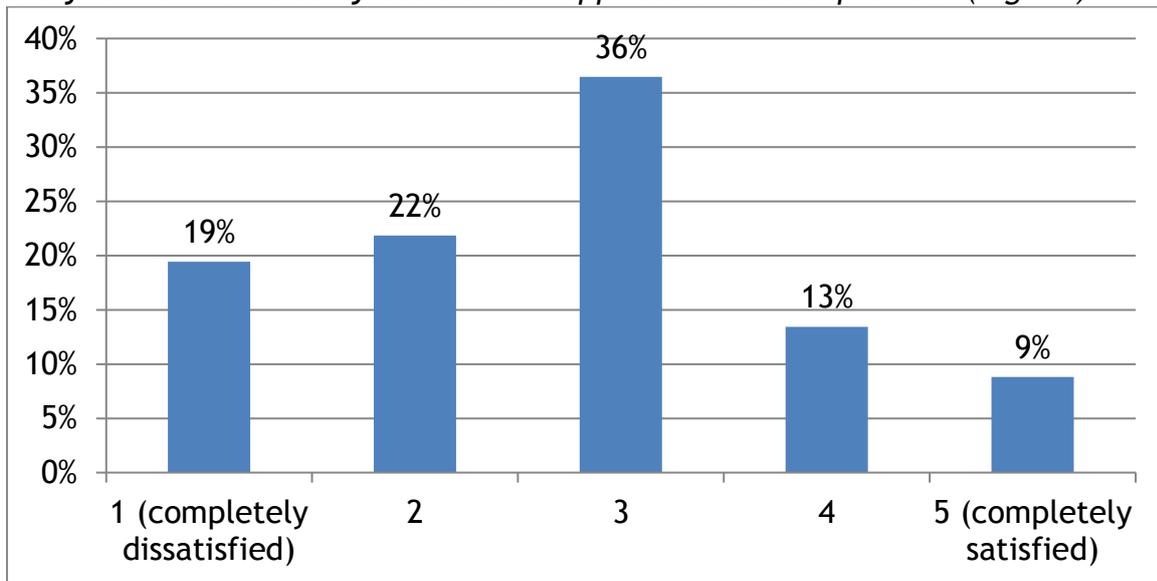
Total number of responses: 129

Question 1b - In general how satisfied are you with how easy it is to navigate guidance on applications? (Fig. 40)



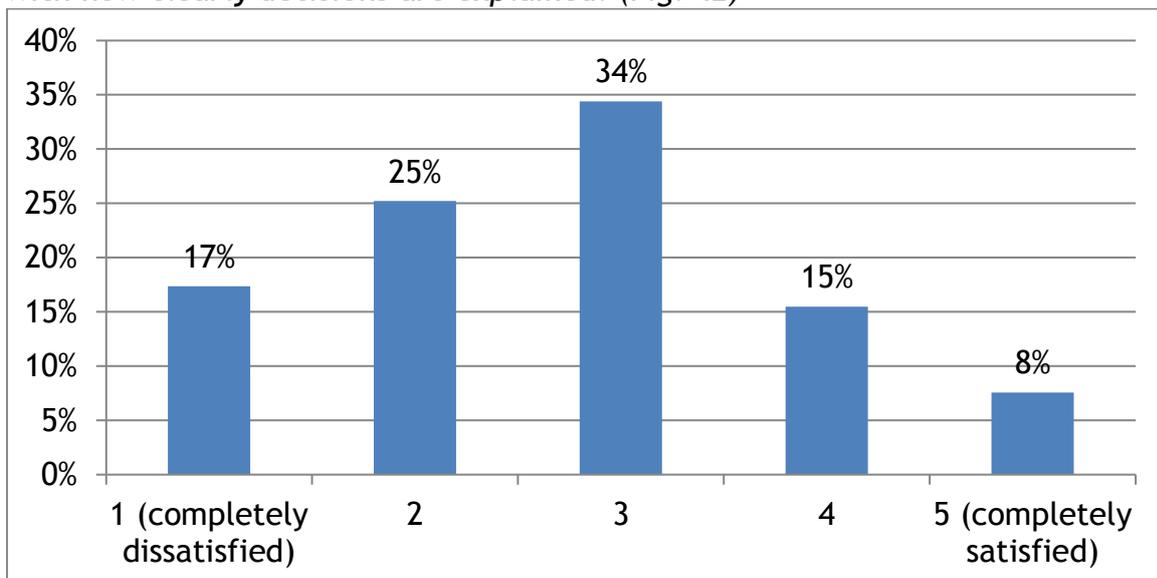
Total number of responses: 129

Question 2c - Thinking about criminal legal aid applications only, how satisfied are you with how clearly decisions on applications are explained? (Fig. 41)



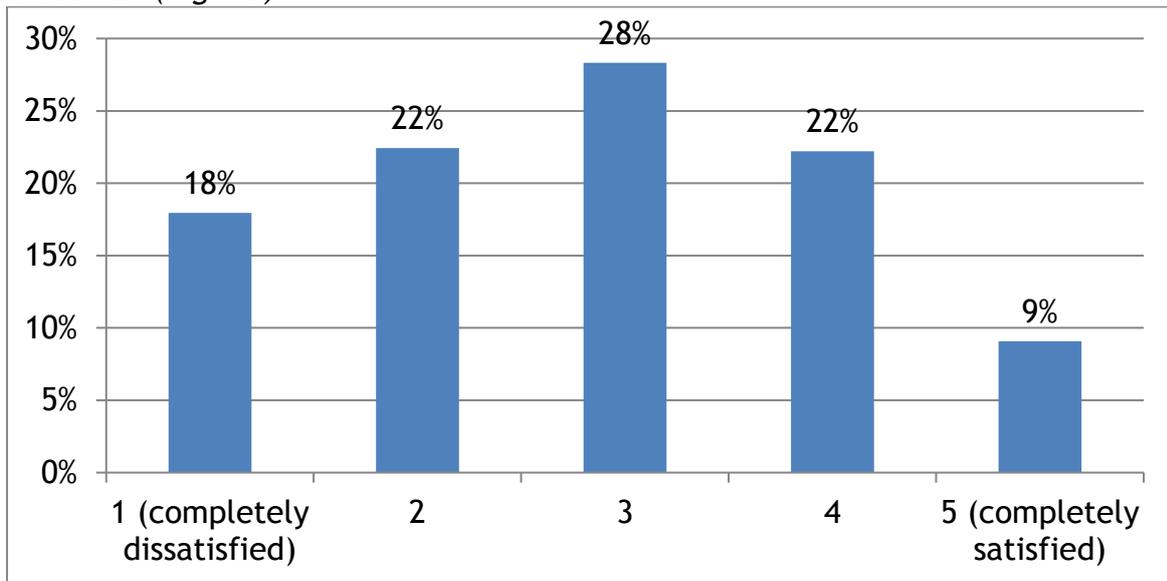
Total number of responses: 129

Question 3b - Thinking about A&A/ABWOR intimations only, how satisfied are you with how clearly decisions are explained? (Fig. 42)



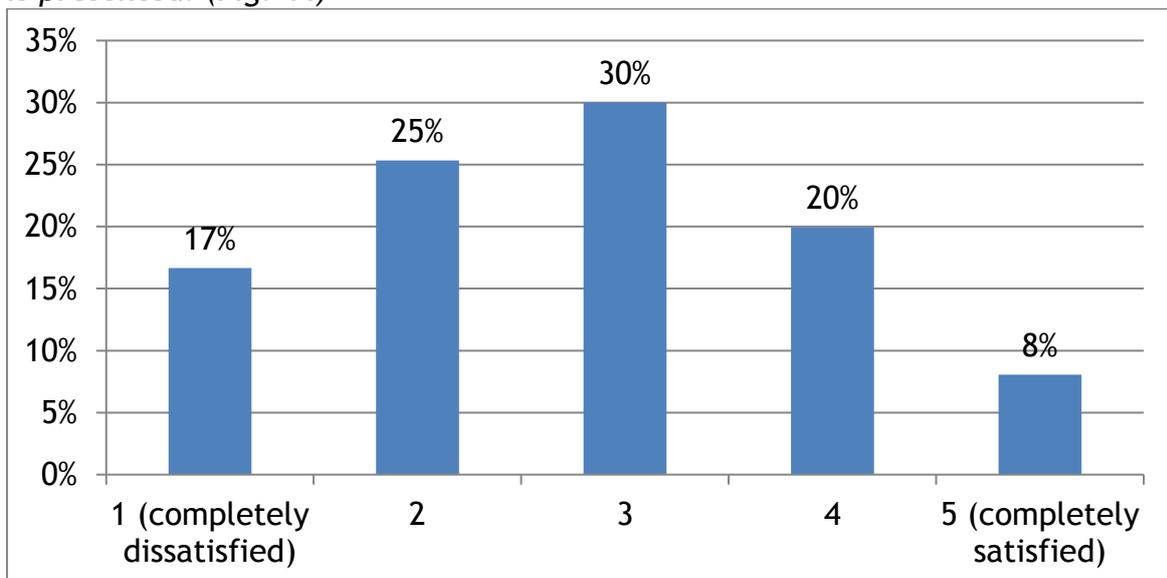
Total number of responses: 129

Question 4a - In general how satisfied are you with the helpfulness of guidance on accounts? (Fig. 43)



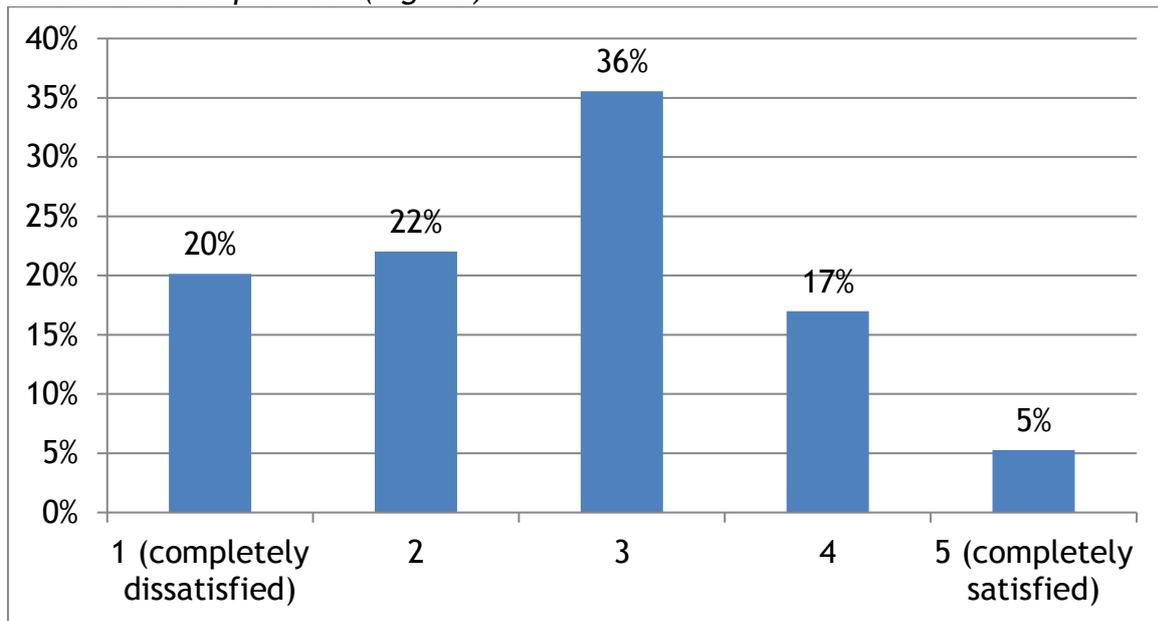
Total number of responses: 106

Question 4b - In general how satisfied are you with the way guidance on accounts is presented? (Fig. 44)



Total number of responses: 105

Question 4d - In general how satisfied are you with how clearly decisions on accounts are explained? (Fig. 45)



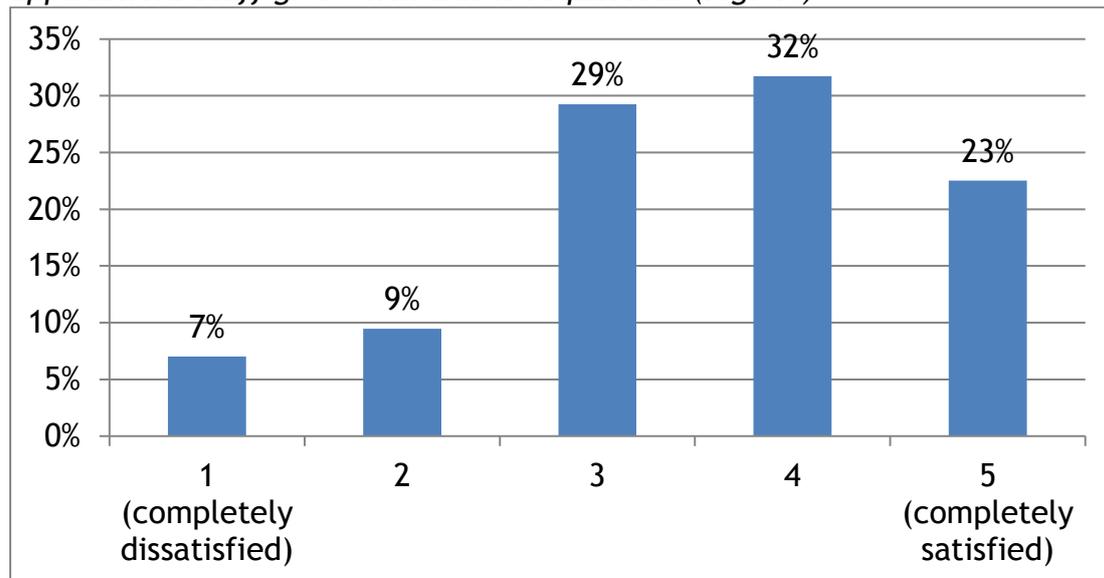
Total number of responses: 109

Professionalism

36. Overall, respondents to the survey were positive that when problems do arise SLAB staff are generally able to assist. The responses to these questions are notably positive when compared to most other measures.

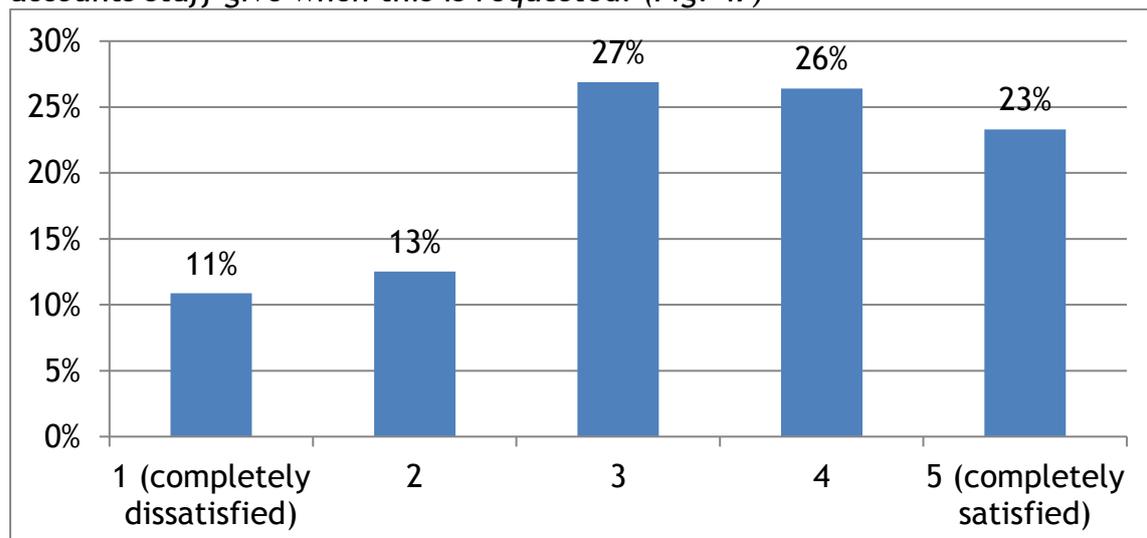
Responses to 'professionalism' questions

Question 1c - In general how satisfied are you with the quality of help SLAB applications staff give when this is requested? (Fig. 46)



Total number of responses: 123

Question 4f - In general how satisfied are you with the quality of help SLAB accounts staff give when this is requested? (Fig. 47)



Total number of responses: 107

Conclusion and next steps

38. Operational improvements which have been made since the surveys took place include on-site training for practitioners, visits to solicitor firms to provide training and information, as well as improved remote guidance. The Performance Framework's focus on overall durations rather than time in our hands has provided a priority to addressing lower levels of satisfaction with the timeliness elements of legal aid amongst civil solicitors. Various possible improvements to the Legal Aid Online (LAOL) systems were also mentioned in response to the surveys. These systems are improved on an on-going basis, with capabilities being updated or added. Fee rates and some of the processes seen as 'bureaucratic' are not something that SLAB can act on.

39. The criminal solicitors survey supports other information gathered by SLAB, including research commissioned specifically to support and guide changes, such as the handbook research commissioned in March 2017. Other ways we communicate directly with solicitors (including seeking their views) are: formal consultations, roadshows on specific topics, attending / speaking at events organised by the Law Society and others, undertaking surveys on specific topics and meeting with individual solicitors / firms.

40. The findings from the civil and criminal solicitor surveys have been shared within SLAB, and have contributed to action planning.



'Findings from the 2016/17 survey of civil legal aid solicitors', published October 2018

*Scottish Legal Aid Board, Thistle House, 91 Haymarket Terrace,
Edinburgh, EH12 5HE*

Tel: 0131 226 7061

www.slab.org.uk