

## Key findings

- The total number of civil advice and assistance intimations rose by 10% between 1996/7 and 2000/1. The number of outlets submitting intimations fell slightly over the same period. Despite this fall, there are still more active outlets than in 1991, the year for which the Scottish Legal Aid Board first reviewed distribution and accessibility.
  - Numbers of civil legal aid applications fell considerably over the period<sup>1</sup>. However, the number of outlets submitting applications was actually greater in 2000/1 than in 1992, when applications were at a peak.
  - A study of access to legal firms in Scotland in 1991 and 1992 concluded that "access ... is reasonably adequate throughout Scotland"<sup>2</sup>. Compared with these baseline years, overall access to both advice and assistance and civil legal aid (measured by number of active outlets) does not appear to have altered significantly.
  - The areas with the lowest civil advice and assistance or civil legal aid provision tend to be more rural: Sutherland, for instance, relied on just one outlet for all advice and assistance and civil legal aid throughout the period.
  - There has been some change in provision in most areas over the years, but few such changes appear to represent a significant alteration in access.
  - However, some of the better-served and more populous areas have seen reductions in provision. Edinburgh, for example, saw a decline in advice and assistance intimations (in contrast to the national average). The city also saw greater than average falls in the volume of civil legal aid applications as well as the number of outlets submitting advice and assistance intimations and/or civil legal aid applications.
  - Advice and assistance in social welfare related matters has followed much the same pattern as civil advice and assistance generally;
- numbers of intimations rose, whilst outlet numbers fell slightly.
  - In some areas of social welfare law (immigration and mental health) there have been more significant increases in intimation numbers (although volumes remain relatively low). This has been mirrored by an increase in active outlets.
  - Intimations of social welfare advice and assistance rose in most council areas. There were, however, some decreases, mostly in areas with already low volumes. This suggests that usage of social welfare advice and assistance may be becoming increasingly polarised. Three of the areas with falling intimations also saw a reduction in active outlets, leaving them with less than 1 per 10,000 population.
  - Within civil legal aid, applications relating to matters of social welfare law have fallen in line with the overall drop in civil legal aid application numbers. The number of outlets submitting applications of this type has also fallen slightly.
  - One quarter of active civil advice and assistance outlets and one half of active civil legal aid outlets submitted an average of one or fewer intimations/applications per month during 2000/01.

## Conclusion

- In terms of outlets providing a service, the research indicates that the supply of civil advice and assistance and civil legal aid in Scotland as a whole has remained relatively stable. This is despite the increase in civil advice and assistance intimations and the significant fall in civil legal aid applications between 1992 and 2000/1.
- However, this apparent stability may conceal vulnerability to low provision or gaps in provision for some. These might exist in particular geographic areas. Although a number of rural areas with few providers are identified as vulnerable, even those that seem well-supplied overall may contain 'pockets' of low provision. Another issue may be lack of depth or breadth of experience because of low case numbers (which may be due to lack of demand): specialist areas of law, such as immigration or mental health, might be expected to be particularly vulnerable in this regard.

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<sup>1</sup> This is in part due to the fact that some work, that would previously have been done under civil legal aid, is now being done under advice and assistance. For a detailed discussion of the reasons behind the fall in civil legal aid applications, see 'Legal Aid in a Changing World', Scottish Legal Aid Board, 2001.

<sup>2</sup> 'Research Report on the Distribution of the Supply of Legal Aid in Scotland', Professor Alan Paterson and Malcolm Turner-Kerr, 1994.

## Distribution of the supply of legal aid in Scotland

### A summary of the research report on the supply and use of civil advice and assistance and civil legal aid in Scotland 1996/97 to 2000/01

As part of its research strategy, the Scottish Legal Aid Board has been undertaking a programme of work exploring changes in the provision of legal aid services. The Board recently published a report ('Legal Aid in a Changing World') which considered the reasons for the fall in applications for civil legal aid between 1992 and 2001.

The report considered a range of factors, including eligibility, contributions, changes in legislation and Board policy. It concluded that the bulk of the reduction was due to changes in demand, both in terms of social changes (particularly a fall in the divorce rate) and strategies for the resolution of disputes, with greater emphasis on negotiation and settlement, rather than adjudication. One other factor explored briefly in that report was the availability of solicitors' services. Although the initial analysis suggested that this was not a significant factor in the reduction in applications, further work was identified as necessary to ensure that overall stability in supply did not mask more localised problems. Accordingly, this report reviews civil advice and assistance between 1996/7 and 2000/1 and civil legal aid during the same years. The research report presents the results of a detailed analysis of the number and geographical distribution of solicitor outlets providing civil advice and assistance and civil legal aid. It covers the period from 1996/7 to 2000/1, with reference to earlier years where comparable data exists.

As well as looking at overall provision, the report focuses on the niche sector of social welfare law

(for the purposes of this report encompassing housing, debt, employment, immigration, mental health and welfare benefits). The geographical analysis also pays particular attention to areas identified by previous research as having potential access problems.

The report does not attempt to assess whether provision in particular areas is adequate or otherwise. To do so would require a comparison between the data on supply contained in the report and additional data on the actual level of legal need in a particular area. No ready measure of legal need exists, so the current report is limited to a description of current supply and comparisons between geographical areas and different years. The Scottish Executive is, however, currently developing research on legal needs in the context of ongoing work on the development of proposals for legal services in the community.

#### How to get further information

The full report, **Distribution of the supply of legal aid in Scotland**, is published by the Board, ISBN 1-902300-15-7. It is available by writing to: Secretariat, The Scottish Legal Aid Board, 44 Drumsheugh Gardens, Edinburgh EH3 7SW. Telephone: 0131 226 7061, E-mail: [general@slab.org.uk](mailto:general@slab.org.uk), Web: [www.slab.org.uk](http://www.slab.org.uk)