

### Findings from the 2012 criminal applicant survey

In September 2012 the Scottish Legal Aid Board carried out a postal survey among people who had received criminal legal assistance and used a solicitor working in private practice. This paper presents the findings from that survey.

### Why we needed the research

The Board has a long history of conducting research with applicants and solicitors. These research projects have worked well and help to provide valuable feedback to the Board. This research project involved seeking the views of clients of private criminal legal assistance practitioners to find out more about their experiences of using criminal legal assistance services.

There are several measures in place to ensure that solicitors deliver a quality service to their clients, including the Board's Code of Practice in Relation to Criminal Legal Assistance, the associated Criminal Quality Assurance Peer Review Scheme and the Law Society of Scotland's Code of Conduct for Criminal Work and Standards of Service. However, none of these involve hearing directly from clients about their views on the service they received from their solicitor. This represented a gap in the Board's knowledge and this research has been a step towards bridging that gap. The survey also asked a number of demographic questions to collect a range of equality characteristics, which will go some way to improving our equality evidence base of legal aid applicants.

### Aims and objectives

The research aimed to learn more about how and why clients selected their criminal defence solicitor and if they had any difficulty in obtaining a solicitor as well as gaining an insight into how satisfied clients were with the service and guidance they received from their lawyer throughout the duration of their case.

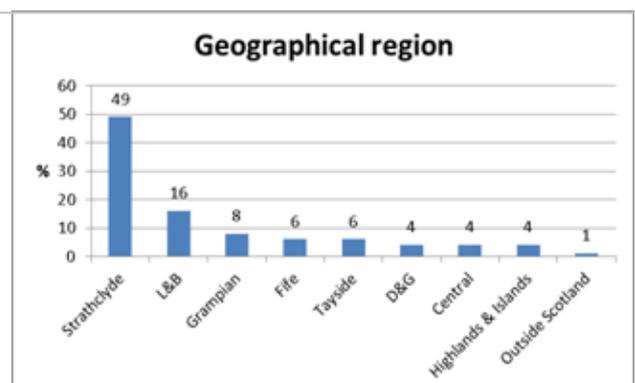
### How the research was carried out

A postal survey was carried out in-house by the Board's Research Unit. Survey packs were sent to a representative sample of 4440 people. The sample was made up of people who had received criminal legal assistance between July 2011 and July 2012 for a case that was now closed, had used a solicitor working in private practice and did not have any on-going criminal cases at the time the sample data was extracted. Anyone whose last case was handled by the PDSO was not included in the sample as this group was surveyed separately in 2011. Completed surveys were returned anonymously direct to the Board's Research Unit.

### Who responded

Three hundred and sixty six responses were received, giving an 8.2% response rate, which is high for this type of survey.

The age of respondents ranged from 16 to 90 years old, with the average age being 41. The majority of respondents were male (74%, n=269) and white Scottish (88%, n=322). Respondents were asked where they were living at the time they needed a lawyer. The breakdown of responses by geographical region is displayed in the graph to the right.



Forty three per cent of respondents had been charged once with a criminal offence (n=154), 33% (n=117) had been charged between two and five times and 21% (n=74) had been charged with an offence six or more times.

## What the research tells us

### Finding a lawyer

Almost all respondents (94%, n=339) did not have any difficulty in finding a lawyer. The most common reason respondents gave for choosing their lawyer was that they had used them in the past (37%, n=133). Following that, respondents were most likely to have chosen a lawyer based on a recommendation (26%, n=96) or because they were the Duty Solicitor at the time the respondent needed a lawyer (12%, n=45).

### Attending court and case outcomes

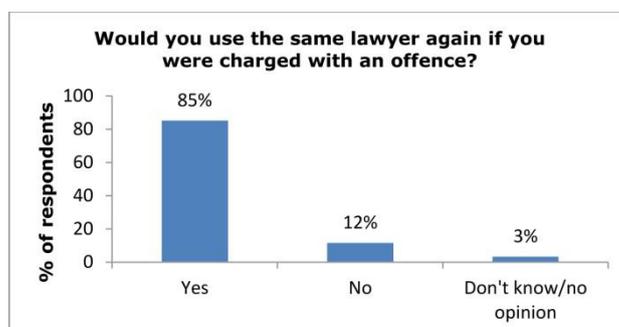
Ninety one per cent of respondents (n=331) attended court as part of their case. A guilty verdict was the most common case outcome (60%, n=214). Twenty nine per cent of all respondents received a fine (n=104), 12% (n=43) were given a community sentence, 11% (n=38) received a prison sentence and 5% (n=19) received a suspended or deferred sentence. Twenty two per cent (n=78) said that their case was abandoned or dismissed while 6% (n=22) said they were found not guilty. Some other outcomes given by respondents included being admonished or acquitted. Forty six per cent of respondents (n=165) said that the outcome of the case was better than they expected, 33% (n=118) said it was about the same as they expected and 13% (n=49) said the outcome was worse than they expected.

### Clients' satisfaction with their lawyer

Ninety three per cent of respondents (n=334) were satisfied with the overall service they received from their solicitor.

When asked about specific aspects of their case over 90% of respondents said their lawyer was very good, good or satisfactory at listening to them (96%, n=349); explaining things clearly in a way they could understand (96%, n=345), explaining at the start of the case the evidence against them and options for what to do next (93%, n=338); keeping them up to date with the progress of their case (91%, n=328); preparing them for what would happen in court (90%, n=325); advising them about the likely outcome of their case (92%, n=331); representing them in the court room (91%, n=298); and explaining the outcome of the case and what would happen next (93%, n=332).

As illustrated in the graph opposite, eighty five per cent of respondents (n=309) said they would use the same lawyer again if they were charged with an offence in the future.



### Financial verification and contributions

Eighty six per cent of respondents (n=312) said that they provided their lawyer with proof of their income and/or savings. Of the 86% of respondents that did provide proof 93% (n=273) of them said that they had no difficulty getting hold of the relevant documentation to give to their lawyer.

Ninety four per cent of respondents (n=338) said that they did not have to pay any financial contribution towards the cost of their case. Seventeen people (5%) said that they did pay a contribution and the value of those contributions ranged from £21 to £1208. The average contribution was £235. Currently, contributions only apply in criminal advice and assistance (A&A) and criminal assistance by way of representation (ABWOR) cases. The maximum contribution is £142 in criminal A&A and £135 in Criminal ABWOR. In 2011/12, 9% of criminal A&A cases had a contribution, while 6% of Criminal ABWOR cases had a contribution. Further work is needed by the Board to explore why there is a difference between the maximum contribution amount payable and the amounts that some respondents have reported paying to their solicitor.

## Contact with the Board

It is rare that criminal legal assistance applicants would need to have direct contact with the Board. This was confirmed in the survey results as only three per cent (n=11) of respondents had direct contact with the Board. Reasons given for having direct contact with the Board included complaints about a solicitor, appeals against the decline of legal aid or to clarify information regarding income or residency. Seven out of the 11 respondents that had contact with the Board said that the service they received from the Board was satisfactory or better. The majority of people who did have contact with the Board were satisfied with the service that they received.

## Building an overall picture of access to and experiences of criminal legal services in Scotland

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This survey, alongside the PDSO client satisfaction survey carried out in May 2011, is helping the Board develop an overall picture of who is accessing criminal legal advice services in Scotland and their experiences when doing so. Although the findings as to satisfaction were very similar, the results of the PDSO and this most recent survey cannot be combined or formally compared for a number of reasons: differences in the sample size, the time that has passed between the two surveys and some important differences in the way the PDSO operates compared to private firms.

In some respects the similarity in the results is surprising. For example, a substantially higher proportion of PDSO clients obtained their solicitor through the duty scheme: 37% compared to 12% of respondents who had used a private solicitor. Under the duty scheme, clients do not choose their solicitor but are allocated the duty solicitor on rota at the time and it is therefore unlikely that the client would have had any previous experience of using that solicitor. We may have expected this to affect respondents' overall satisfaction with their solicitor: the fact that a significant proportion of the respondents in the latest survey were returning to the solicitor they had used previously might suggest a positive previous experience, whereas the same would not be true of those using the duty solicitor.

There were also differences in the age and gender of respondents to the two surveys. The PDSO survey had a slightly higher proportion of respondents in the 16-24 age range (25% compared to 18%) and there was a higher proportion of male respondents (private 74%, PDSO 82%) and a smaller number of female respondents in the PDSO survey (private 26% , PDSO 17%). This is also likely to be explained by the PDSO's higher proportion of clients coming through the duty scheme.

Nevertheless, the fact that the two surveys provide very similar and overwhelmingly positive pictures of the experiences of people accessing criminal legal services in Scotland provides considerable reassurance to the Board about the way in which these services are being provided, whether by PDSO or private firms.

## Conclusion

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The survey was successful in canvassing the views and opinions of past clients of criminal legal aid defence lawyers across Scotland and the findings will be used by the Board to inform on various topics. The survey has shown that the vast majority of respondents did not have any difficulty in finding a lawyer and once they did find one they were satisfied with the service that they received. As expected only a small number of respondents had direct contact with the Board about their case and the majority said that they were satisfied with the service they received. Most respondents had to provide their lawyer with proof of their income or savings and almost of them had no trouble getting a hold of the documents to give to the lawyer. With regards to those respondents who said they paid a contribution towards the cost of their case, the amounts of these contributions is surprising as many exceed the maximum possible amount. The Board recognises that these amounts cannot be verified and that further work on this is required.

This is the first time that a full range of demographic characteristics have been collected from people who have received criminal legal aid and this goes some way to improving our equality evidence base on criminal applicants.

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## Further information

If you would like further information about this research please contact:  
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