

Advice sector survey

August 2008

Background

Previous discussions with representatives from Citizens Advice Scotland (CAS) and Scottish Women's Aid (SWA) provided anecdotal evidence that some of their service users have been unable to, or have experienced significant problems in finding a legal aid solicitor for advice and representation. While the Board has worked closely with the advice sector on a number of collaborative policy development programmes, this survey is the first time the Board has specifically sought views from the advice sector about the operation of legal aid supply and their experience of helping people access legal aid.

At present there is no comprehensive national overview of what advice services are provided in Scotland, where and by whom. It would be very difficult and resource intensive to gather this information solely for the purpose of a survey. It was therefore decided for the purposes of this initial piece of work to target those services that had already approached the Board about problems their service users were experiencing in finding a legal aid solicitor, namely: Citizens Advice Bureaux, Scottish Women's Aid groups and Shelter Scotland services.

Aims and objectives

The research aimed to:

- measure advice providers' understanding and perceptions of the legal aid system
- establish how advice providers identify, manage and refer legal problems
- establish whether service users have any concerns or difficulties in accessing legal aid
- identify new areas where the Board can support advice organisations relating to legal issues
- raise the Board's profile among advice sector providers.

Methodology

A postal self-completion survey was sent to managers of 137 services on 26 November 2007, of which 55 services responded (40% response rate) by 25 January 2008. The questionnaire was developed by the Research and Policy & Development teams, with the advice and guidance of representatives from CAS, SWA and Shelter. The research was intended to be exploratory in nature and due to the small sample size detailed analysis is limited with findings being indicative only. The research was carried out in-house by the Research Team.

Summary of findings

The large majority of service providers say they **signpost to solicitors** and the service user has the option to personally contact them or not. This is more common than referral, where just over half of service providers say they make an appointment for a service user with a solicitor. Some of the other most common ways service providers deal with legal problems include: offering general guidance and seeking second tier advice from a solicitor, which may involve seeking advice for a client.

Almost all of the service providers surveyed **formally record the number of service users** coming through their door. Whereas, around two-thirds of providers formally record the number of service users with a legal issue and the number of referrals/signpostings they make to solicitors in general. However, only a quarter formally record the number of referrals/signpostings they make to legal aid solicitors.

When providers signpost or refer service users to solicitors they use a number of **sources of information** to help them do this. A large majority use their own list of solicitors and a third use either a phone directory or The Law Society of Scotland Directory of solicitors. Only one in ten say they use the Board's online solicitor finder tool. This resource is continually updated and has recently been enhanced to make it a more useful resource for members of the public/advice services. For example it now includes a search facility for types of civil case, opening hours for firms, areas of specialism and information about access for people with a disability.

One of the fundamental reasons for conducting this survey was to establish more formally whether service users have any concerns or **difficulties in accessing legal aid**. In terms of the providers' perceptions of supply, the findings suggest that the supply of solicitors providing legal aid is diminishing, with around a third of providers saying that *all* or

most of their service users have experienced some degree of difficulty in finding a legal aid solicitor, in particular, for specific types of case, such as for housing and homelessness and immigration and nationality.

In terms of how the Board can better **support advice agencies** in providing legal advice, around half of providers would find further training and support beneficial to them in providing advice to the public on legal issues. In particular, by way of training events aimed specifically at their service and information on legal aid generally and more specifically, about eligibility requirements for legal aid.

Further information

The findings have been considered by the Board and will be used to inform and further develop our external communication strategy and training plan to improve the way the Board promotes its services, and how the Board supports advice services.

Many of the findings are anecdotal in nature, due to only a few providers *always* being aware of what happens to service users once they leave their service. In addition, perceptions of supply do not necessarily tie up with the information the Board collects regarding application trends and firm activity. To provide a clearer picture of the nature and supply of legal aid, a separate piece of work is being conducted using our in-house data and will draw upon the findings from this survey to provide a richer source of information on which to base any conclusions.

This research briefing and topline results are available on our website at:
http://www.slab.org.uk/about_us/research

If you would like further information about this project please contact Susan King, Research Officer Stakeholder Involvement, tel 0131 226 7061 or email KingSu@slab.org.uk.

