

# ANNUAL REPORT 2003-2004



Each year we publish a Corporate Plan, which sets out our plans and targets for the coming year. We report on how we performed against these plans and targets in our annual report. This year we are reporting against the objectives for the first year of a three-year planning period from 2003-2006.

Our Annual Report covers the period 1 April 2003 to 31 March 2004. The contents of this Annual Report are also available on our website [www.slab.org.uk](http://www.slab.org.uk)

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SE/2004/158. Laid before the Scottish Parliament by the Scottish Ministers in pursuance of section 5(7)(a) of the Legal Aid (Scotland) Act 1986, September 2004.

**MISSION**

To promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost-effective manner.

**STRATEGIC OBJECTIVES:**

- to achieve consistent, timely and sound decision making at all stages of an application for legal assistance
- to achieve consistent, timely and sound decision making at all stages of assessing and paying accounts
- to achieve effective financial management of the legal aid fund
- to improve the effectiveness of the delivery of our service while achieving a reasonable balance between cost and quality
- to communicate effectively with applicants, opponents, their advisers and other stakeholders in a clear, concise, timely, informative and pro-active manner
- to provide sound advice to scottish ministers and the scottish parliament on the current operation and development of the provision of legal aid.

## WHO WE ARE AND WHAT WE DO

THE SCOTTISH LEGAL AID BOARD WAS SET UP IN 1987 TO MANAGE LEGAL AID IN SCOTLAND. WE ARE A NON-DEPARTMENTAL PUBLIC BODY RESPONSIBLE TO THE SCOTTISH EXECUTIVE.

The Board's office is in Edinburgh, and it employs around 300 full-time staff. Our work is overseen by Board Members, who are appointed by Scottish Ministers (the number of Members is currently 12, but can vary between 11 to 15). To give a balanced range of knowledge and experience, they include people from the wider community as well as solicitors and advocates.

#### Our work includes:

- advising Scottish Ministers on how legal aid is working, and ways to develop it
- managing the Legal Aid Fund
- exploring, for example by running pilot schemes, different ways of delivering a legal aid service
- deciding whether to grant applications for legal aid
- examining solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done
- deciding what people have to pay towards the cost of legal assistance and dealing with all collections, refunds and queries

- registering firms and solicitors under the Board's Code of Practice in relation to criminal legal assistance and monitoring their continuing compliance
- registering firms for civil legal assistance and monitoring each firm's administrative arrangements, and funding peer review which is operated by the Law Society of Scotland
- investigating and pursuing abuse of legal aid.

Scottish Executive Ministers are responsible for overall legal aid policy and the Scottish Parliament deals with legislation affecting legal aid.

The law sets the tests for granting legal aid and advice and assistance.

## WHAT IS LEGAL AID?

Legal aid allows people who would not be able to afford it to get help for their legal problems.

If someone qualifies, legal aid will pay for their solicitor to give them legal advice and sometimes to put their case in court – this is called “representation”.

- civil legal assistance helps people to get legal advice and representation in civil cases
- criminal legal assistance helps people charged with a criminal offence to get legal advice and representation.

Under legal assistance there are two kinds of help:

- advice and assistance, which allows a solicitor to give them advice and some other help such as writing letters and negotiating with other people involved in the case
- legal aid, which allows the solicitor to put the case in court.

## WHO CAN GIVE LEGAL AID?

Only a solicitor can provide legal assistance. It may be a solicitor in private practice, a public defender, or one working in a law centre.

## CHAIRMAN'S STATEMENT

In the past year the Board has dealt with high volumes of work and a wide range of responsibilities. Our service delivery has improved further and reform of legal aid moved forward. Increasingly we contribute to the modernisation of the justice system through working with others to make sure that the legal aid system meets the needs of applicants, the profession and the courts.

### Service Delivery

Our 'core' business is deciding applications for legal aid and assessing accounts received from solicitors and advocates. Last year we handled over 407,000 grants of legal assistance and 381,000 accounts. How quickly and how accurately we deal with them is of real importance to applicants, their advisers and many others involved in the wider justice system. It is right therefore that, in 2003-2004, we consolidated previous improvements and raised many of our performance targets reflecting the needs and priorities of our customers. I am delighted to report that we met or exceeded our six main headline targets and 46 of our individual targets; we missed only one target – and only by a narrow margin.

The legal aid bill also rose significantly, by 7% to £146 million. This rise is due in large measure to the increase in the volume of applications, particularly for summary criminal legal aid, and increased costs of solemn criminal cases. Although the average cost of a summary case was unchanged, the average cost of a solemn case rose due to increased spending on solicitors and advocates fees and outlays such as expert reports.

Unlike many other jurisdictions, in Scotland legal aid is not a fixed budget. All applications that meet the criteria set by the Scottish Parliament must be funded; a deserving case is never turned down or delayed because there is no money left in the pot. Yet the ongoing rise in costs must be a concern to all. The Board does, and will continue to, work with the Scottish Executive, the legal profession and other justice system agencies to look for further efficiency in the system, to make sure it is fit for purpose and delivers best value to the taxpayer.

### Reform of Legal Aid

We have implemented a number of developments in the legal aid system, for example improved financial eligibility assessments arrangements for civil legal aid and the introduction of templates to simplify requests for increases in some types of advice and assistance cases. However the key achievement was the successful implementation of the most significant reform of civil legal aid in 50 years, delivered in conjunction with the Law Society of Scotland. This reform brings far-reaching benefits including:

- the provision of quality assured services to applicants
- improved remuneration to those who deliver the service
- control over the continued funding of cases
- more efficient and cost effective administration.

In the coming year we expect to see reform to criminal legal aid and civil

advice and assistance. Scottish Ministers are modernising the criminal justice system. The legal aid system has a key role in helping the criminal justice system work effectively, so it will need to change with it. We expect to see changes in solemn criminal legal aid, following Lord Bonomy's review of the High Court, and to summary criminal legal assistance following Sheriff Principal McInnes' review. We are working on these reforms with the Scottish Executive, Law Society of Scotland and Faculty of Advocates.

Alongside this the Board has continued the programme of investment in the redevelopment of our computer systems and we have made significant progress towards our target of making all our services available online by 2005. This autumn the first stage of Legal Aid Online will go live. This development will bring savings to both the Board and the profession and enable further substantial improvements in the timeliness and accuracy of our decision-making, allowing solicitors to offer an enhanced service to their clients. A range of firms has worked with us in this development and I am heartened by the growing interest amongst the profession for the launch of this fast, efficient and secure way of handling applications and accounts.

### Delivery of services

Developing and testing alternative ways of delivering legal aid and legal advice services is a growing area of work for the Board. Following the decision of the Justice Minister Cathy Jamieson MSP, we have worked to open two further Public Defence Solicitors' Offices. Glasgow and Inverness were chosen as the sites so we



**Jean Couper**  
Chairman

could learn more about the effectiveness of public defenders in the busiest courts in Scotland and those based within a rural community. Both offices opened in June of this summer employing experienced criminal practitioners.

Working with the Scottish Executive we have facilitated the operation of four pilot advice partnerships in Argyll and Bute, Edinburgh, Fife and a partnership for legal advice provision for disabled people. We have worked closely with local authorities, a wide range of advice agencies and other organisations in these pilots. The early results show such partnerships are valuable in planning advice provision for a local area or group of people, resulting in a better match of supply of advice services to the established areas of need.

#### Modernisation

In October 2003 Justice Minister Cathy Jamieson MSP, initiated a strategic review of legal aid, advice and information. The Board welcomed this major piece of work as an opportunity for us, with our stakeholders, to think creatively about how to improve the scope and operation of legal aid and the delivery of publicly funded legal advice that better meets the needs of people throughout Scotland. The Board contributed to the work of the review team and we look forward to undertaking development work in the coming year following Ministers' decisions.

We value the work of the legal profession in delivering legal aid services to enable people to access the justice system. More and more we work in partnership with the Scottish Executive and other agencies - the

profession, advice sector agencies such as Citizens Advice Bureaux, Women's Aid and Victim Support, the Scottish Parliament and other parts of the justice system such as the Crown Office and Scottish Courts. Our performance and developments detailed in this report owe much to their co-operation and support. On the other hand legal aid is a vital cog in the workings of the justice system; any inefficiency or misalignment of the legal aid system hinders the delivery or development work of others. I believe increased collaboration between the Board and these agencies not only helps each organisation achieve its corporate objectives and improvements in customer service, it is fundamental to the delivery of Scottish Ministers' agenda of modernisation.

#### Consultation

Every two years the Board seeks the views of solicitors and our staff on various aspects of the legal aid system and our service. Many changes and improvements have flowed from these surveys as we have tried to address shortcomings and issues raised by respondents. The results of our latest solicitors' survey showed a pleasing improvement in their view of the Board's services with over 79% stating they were satisfied. This year, for the first time, we surveyed applicants and opponents; 85% said they would recommend the legal aid system to a friend and 76% said they were happy with the service they received from their solicitor.

Whilst these and other results show good levels of satisfaction we are certainly not complacent. There are many areas where we see opportunities to develop the system, streamline our service and improve the working

environment and opportunities for our staff.

#### Looking Forward

Our Corporate plan for 2004-2006 details our commitment to implement further reform of legal aid, to increase the effectiveness and efficiency of our services, and to increase access to quality assured legal advice, assistance and representation for applicants. Important too will be our contribution to and collaboration with others in the drive for reform of the High Court and summary justice.

In March Sheriff Sandy Jessop and Nick Kuenssberg retired from the Board after eight years service, during which each made a valuable contribution to our work. Sheriff Kenneth Ross and Satnam Singh joined the Board in April and we welcome the skills and experience they bring.

The volume, range and quality of work that we have delivered in this past year is due to the diligence, commitment and energy of our staff and Board members working together; I thank them all and have every confidence that they will rise to the many challenges which the coming year will undoubtedly bring.

**Jean Couper**  
Chairman



OUR PERFORMANCE

## OUR PERFORMANCE AGAINST TARGET

### KEY POINTS

- performance continued to improve
- all headline targets, the key measure of the board's performance, exceeded
- 46 of 47 individual targets achieved



**Lindsay Montgomery**  
Chief Executive

## OUR PERFORMANCE TARGETS THAT SERVE OUR CUSTOMERS

How quickly, accurately and consistently we deal with applications for legal aid is important to applicants for, and providers of, legal aid.

Achievement of our performance targets is a key priority for us. These reflect our commitment to applicants, opponents and the legal profession to deliver our service on time and to a high standard.

We have service standards and performance indicators covering all aspects of our service. Periodically, we ask the legal profession for their views, and adjust the standards if they are not meeting their needs. We set out our targets in our Corporate Plan, which is agreed each year by the Justice Minister.

Staff of our Independent Checking and Quality Unit check the quality and accuracy of our decision making.

Headline indicators are the key measures of our performance. These combine individual timeliness and accuracy targets for each type of legal assistance, and establish a suitable balance between the measures for speed and accuracy of decision making. In 2003-2004 we set higher standards for all of these compared with the previous year.

### THIS YEAR'S PERFORMANCE

We surpassed all of our six headline performance indicators in 2003-2004. The table below shows our performance against these key measures.

We also met or surpassed 46 of our 47 individual and corporate targets and just missed the remaining target.

This year we have focused on upholding previous improvements in speed, while improving the quality of our decision making. Over the past three years, our performance has continued to improve.

We have also increased our focus on completing work on the small number of applications that failed to meet our targets for speed of decisions.

### WHAT'S NEXT

For 2004-2005 we have set higher targets and headline indicators, increasing accuracy targets considerably and raising over half the individual timeliness targets. You can read these in the table below.

Introducing Legal Aid Online services, where solicitors send us applications and accounts and receive our decisions electronically, rather than on paper, will bring significantly shorter timescales and increased accuracy targets beyond those detailed below.

### WANT TO KNOW MORE?

Full details of our performance can be found on pages 38-39.

| Headline indicator                 | 2001-2002 |             | 2002-2003 |             | 2003-2004 |             | 2004-2005 |
|------------------------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|
|                                    | Target    | Performance | Target    | Performance | Target    | Performance | Target    |
| Civil applications                 | 85%       | 88%         | 89%       | 90%         | 90%       | 93%         | 92%       |
| Criminal applications              | 93%       | 99%         | 94%       | 99%         | 95%       | 99%         | 99%       |
| Advice and assistance applications | 91%       | 97%         | 94%       | 97%         | 95%       | 98%         | 96%       |
| Civil accounts                     | 88%       | 92%         | 90%       | 98%         | 91%       | 98%         | 95%       |
| Criminal accounts                  | 95%       | 95%         | 95%       | 98%         | 96%       | 99%         | 97%       |
| Advice and assistance accounts     | 94%       | 96%         | 94%       | 98%         | 95%       | 98%         | 96%       |

## LEGAL ASSISTANCE FACTS AND FIGURES

Legal aid provides access to justice for many people each year. In this section we set out how people gained access to justice through legal aid and how much the service cost the taxpayer. It outlines the key costs and volumes in civil, criminal and children's legal assistance during the year and aims to explain significant trends or changes.

### KEY POINTS

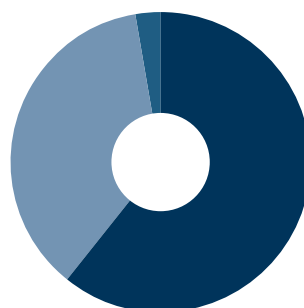
- 407,156 grants of legal assistance made in 2003-2004
- £146.0 million spent on providing legal assistance
- providing legal assistance cost 7% more than in 2003-2004
- the increase is mainly because of an increase in the number of grants and costs of criminal legal aid

Full details of legal assistance statistics and expenditure are in the statistics and accounts section of this Annual Report.

### Grants of legal assistance

There were 407,156 grants of legal assistance made in 2003-2004, a fall of 3% compared with the previous year of 2002-2003.

GRANTS OF LEGAL ASSISTANCE 2003-2004



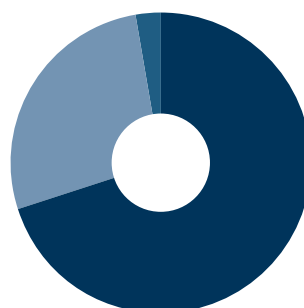
- **Criminal legal assistance**  
2003-2004 – 246,988 grants (60.7%)  
(2002-2003 – 245,278 grants)
- **Civil legal assistance**  
2003-2004 – 148,962 grants (36.6%)  
(2002-2003 – 164,391 grants)
- **Children's legal assistance and contempt of court**  
2003-2004 – 11,206 grants (2.7%)  
(2002-2003 – 10,125 grants)

### Legal aid spending

The cost to the taxpayer of providing legal assistance was £146.0 million. This was an increase of £10.8 million on the previous year, a rise of 7%. Most of this increase was because of increased costs of criminal legal aid.

£11.4 million was paid into the Legal Aid Fund in contributions from assisted persons, expenses from opponents and money assisted persons have to pay into the Fund after the successful outcome of their civil cases. (This may be through either an award by the court or successful negotiations.)

LEGAL AID SPENDING 2003-2004



- **Criminal legal assistance**  
2003-2004 – £102.2 million (70.0%)  
(2002-2003 – £92.7 million)
- **Civil legal assistance**  
2003-2004 – £39.9 million (27.3%)  
(2002-2003 – £38.1 million)
- **Children's legal assistance and other**  
2003-2004 – £3.9 million (2.7%)  
(2002-2003 – £3.8 million)

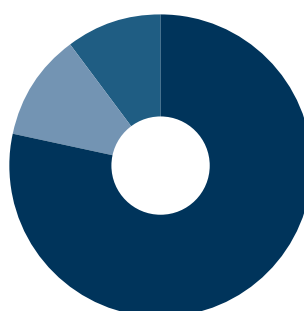
### Payments made

Payments to solicitors and the cost of outlays have risen by 6% and 7% respectively. However, fees to advocates and solicitor advocates rose by 32%. (These figures are gross expenditure and include VAT.)

### How much does it cost to run legal aid?

Grant-in-Aid expenditure (the cost of running the Board's offices, including all staffing and capital costs) was £10.9 million, a planned increase of £0.2 million on the previous year. Much of the increase was to fund capital "spend to save" initiatives and to introduce civil legal aid reform.

PAYMENTS MADE 2003-2004



- **Solicitors**  
2003-2004 – £122.9 million (78.4%)  
(2002-2003 – £115.9 million)
- **Advocates and solicitor advocates**  
2003-2004 – £17.9 million (11.4%)  
(2002-2003 – £13.5 million)
- **Outlays**  
2003-2004 – £16.0 million (10.2%)  
(2002-2003 – £15.0 million)

## CIVIL LEGAL ASSISTANCE

### KEY POINTS

- use of civil advice and assistance including ABWOR continued to fall, to 136,640 grants, a reduction of 9% compared to 2002-2003
- the net cost to the taxpayer of civil advice and assistance increased by 3% to £21.3 million
- the number of applications for civil legal aid also continued to fall, to 18,175, a decrease of 5%
- the net cost to the taxpayer of civil legal aid increased by 7% to £18.6 million.

This section covers civil advice and assistance, civil assistance by way of representation and civil legal aid. You can read about civil legal assistance developments on page 19 and you can find civil legal assistance statistics from page 40.

### CIVIL ADVICE AND ASSISTANCE AND ASSISTANCE BY WAY OF REPRESENTATION (ABWOR)

The downward trend in the use of civil advice and assistance and ABWOR seen over the last four years continued in 2003-2004. The fall of 9%, to 136,640, was bigger than in each of the previous three years. The total is now 19% lower than 1999-2000.

Immigration was the only category to increase significantly, by 13% (or 884 grants) (table 2.3). However, within this category we have seen a larger increase in advice and assistance, combined with a decrease in ABWOR (reversing the rapid upward ABWOR immigration trend of recent years).

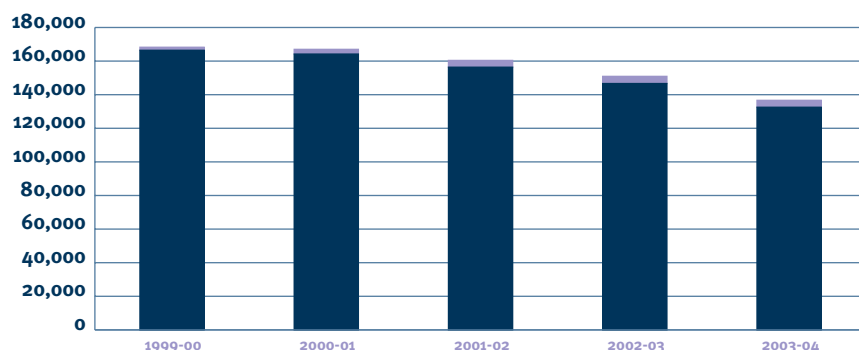
This may be for several reasons. This category includes general advice on immigration and nationality, as well as asylum. Immigration advisers tell us that a higher proportion of asylum applications are being granted, meaning fewer appeals. While advice on initial asylum applications is given under advice and assistance, the more extensive work often needed for appeals is funded through ABWOR.

The last year has also seen marked percentage increases in several smaller categories, including advice and assistance on mental health, human rights and judicial review and ABWOR for sequestration. The latter increased by 331%, from 48 cases to 207.

The numbers of requests for an increase in authorised spending in civil advice and assistance fell by 2% (table 2.6). However, this is a smaller drop than might have been expected, given the far more significant fall in grants, suggesting continued growth in the number of increases for each case.

By contrast, the number of civil ABWOR increase applications fell by 11%, faster than initial grants, meaning that, on

CIVIL ADVICE AND ASSISTANCE AND ABWOR INTIMATIONS, 1999/00 TO 2003/04



|                       |         |         |         |         |         |
|-----------------------|---------|---------|---------|---------|---------|
| Advice and assistance | 166,425 | 164,177 | 156,358 | 146,639 | 132,525 |
| ABWOR                 | 1,808   | 2,811   | 4,033   | 4,272   | 4,115   |

average, there are now fewer increase requests per case. This is a result of introducing 'templates' for asylum cases, which allow single, larger increases in authorised expenditure, reducing the need for additional requests as a case proceeds. The vast majority of increase requests were granted, either in full or in part. Only 7% of civil advice and assistance and 3% of civil ABWOR increase requests were refused, identical to the previous year.

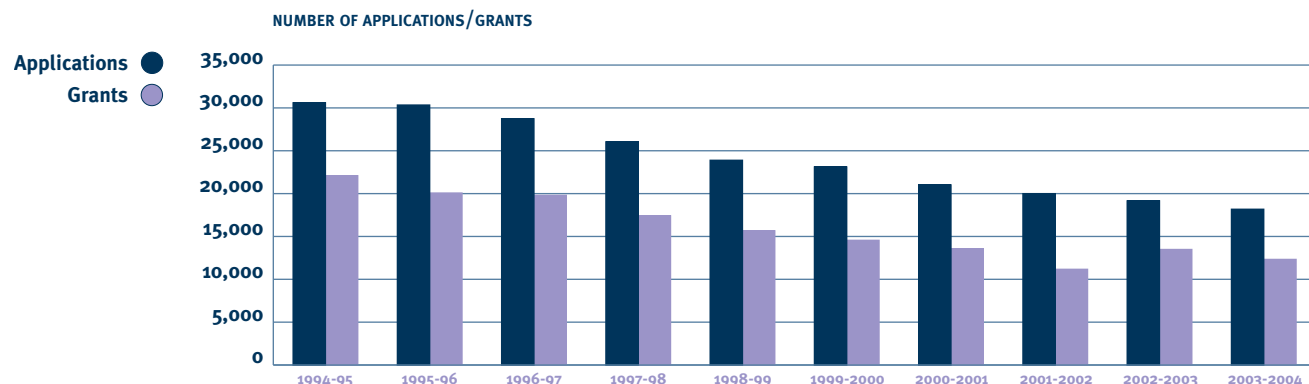
#### Costs

Spending on civil advice and assistance, including ABWOR, increased this year by 2.6%, or £0.5 million, to £21.3 million. There were significant increases in spending on immigration and, to a lesser extent, mental health. The cost of advice and representation for immigration cases alone increased by over £1 million and, at almost £3.2 million, this category now accounts for 15% of all civil advice and assistance spending. These increases were balanced to some extent by drops in the number and overall value of accounts paid in many other categories.

The time lag between receiving grants and paying accounts (because of the time the work takes) means that, despite falling grants, the number of civil ABWOR accounts paid rose by 11%, with expenditure rising by 37% to £2.6 million. This was again mainly because of a 63% rise in spending on immigration work under ABWOR (table 2.10). The average cost of a civil ABWOR immigration case rose from £542 to £746; however, employment tribunals are still the most expensive category of case, averaging £857.

The average cost of non-ABWOR civil advice and assistance cases also rose by 7% to £158. The increase was seen across a wide range of categories, although some rose more markedly than others (for example, employment at 18% and other at 10%). This general increase almost fully negated the impact of the fall in volumes, leaving the cost of non-ABWOR advice and assistance 0.8% lower than the previous year at £18.8 million.

## COSTS, VOLUMES AND TRENDS IN LEGAL ASSISTANCE



## CIVIL LEGAL AID

### Applications and grants

The number of applications continued to fall in 2003-2004, by just under 1,000 to 18,175. This continues the trend over recent years, shown in the chart above. At 5%, the rate of decrease has risen slightly: applications fell by 4% the previous year. The number of applications is now just over half the number received in the peak year of 1992-1993.

Of the headline categories shown in the table, family/matrimonial and reparation cases together continue to account for just over 80% of civil applications. Application numbers in both these categories fell faster than the overall rate (by 8% and 9% respectively).

Within family/matrimonial, divorce on the grounds of unreasonable behaviour has fallen by 15% to 2,519 (this is from additional analysis of table 3.1). Following a 19% increase between 2001-2002 and 2002-2003, applications for contact fell slightly during the year. However, at 2,560, this is now the most common action which civil legal aid is applied for.

The number of applications in the 'other' category has also fallen, by 32%, following an increase of 22% the previous year. This is largely because we have changed the way we categorise cases, with some cases that would previously have appeared under 'other' now being included in specific categories. Of the cases remaining

within the 'other' category, the largest single grouping, 17%, is the Adults with Incapacity Act 2000.

Several smaller categories have increased. Recovery of heritable property (actions for eviction or mortgage repossession) has increased by 57% in the last year, partly because of the recoding of 'other' cases. The number of judicial reviews has also almost doubled to 651. This rise is partly because of the number of judicial reviews brought by prisoners.

The overall grant rate for civil legal aid applications decided in the year (including both grants on review and grants at first instance) is 67%, 3% higher than last year (tables 3.2, 3.4 and 3.5).

Despite this increase, changes in the number of decisions on applications mean that total grants of civil legal aid have fallen by 9% to 12,322. However, last year's grant total was inflated because we were clearing a backlog left over from the final quarter of 2001-2002. This means the fall in the current year is also exaggerated: averaging out the impact of the backlog suggests a far less significant drop in grants this year.

The proportion of cases where the applicant has to pay a contribution has risen again to 25%, from 23%. The average contribution has also increased, by just over 20%, to £1,026.

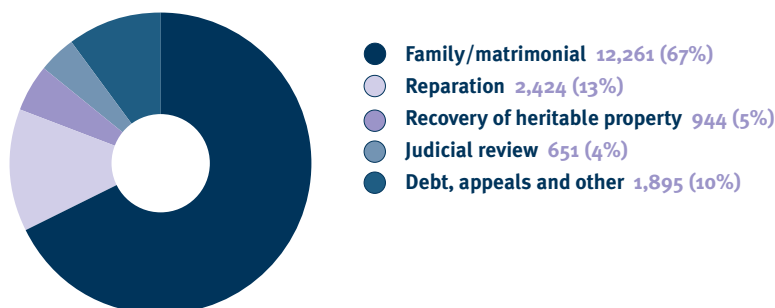
This is mainly because a higher proportion of people pay contributions within the highest contributory bands (£1,201 - £1,700 and £1,701 and over) (see table 3.8). Because we extended the period over which people can pay their contributions, those asked to pay these high contributions are now less likely to refuse an offer of legal aid.

Once legal aid has been granted, solicitors can ask for various changes or additional steps. They may wish to use expert witnesses or advocates or to incur unusual expenditure (table 3.9); to extend grants (table 3.10); to redetermine someone's financial eligibility after a change in circumstances (table 3.11); or to change solicitor (table 3.12).

In comparison with last year, sanction requests have increased by 5%, to 4,732, while grants fell very slightly. Applications for extension of grants and for change of solicitor have both decreased slightly to 2,387.

However, the number of applications for a redetermination of means after a grant has once again increased sharply, from 2,701 last year to 3,803, a rise of 41%. This may be for several reasons – for example: we are giving solicitors and applicants more details after assessing eligibility and contributions; and we are proactively reassessing assisted persons' means to ensure they are still financially eligible, using random file sampling.

## PROPORTION OF CIVIL LEGAL AID APPLICATIONS BY CATEGORY 2003-04



### Costs

Gross expenditure on civil legal aid increased by £2.9 million (11%) to £30.0 million (table 3.13). However the net cost to the taxpayer (allowing for contributions, expenses recovered from opponents and amounts recovered from assisted persons) was £18.6 million, a 7% increase compared with 2002-2003.

The increase in gross expenditure is mainly because of a 12% (or £2.4 million) rise in spending on sheriff court cases; this is a result of increases in both volumes and case costs. There was also a 7% increase in the gross cost of Court of Session cases, although the lower volume means that this increase accounts for less than £0.5 million.

The amounts paid to solicitors, advocates and on outlays rose by 10% to £18.0 million, 28% to £4.2 million and 5% to £7.9 million respectively. Overall, payments to advocates are now 14% of all civil legal aid expenditure, compared with 6% ten years ago. Last year's increase in payments to advocates was particularly marked in the sheriff court, where payments were 45% higher than the previous year.

The single biggest increase in spending within the sheriff court stemmed from solicitors' fees for reparation cases, which went up by £562,000, over 20%. This was despite only a small rise in the number of accounts paid. There was also a 36% increase in outlays, again suggesting increased use of experts. However, the net cost of reparation cases is far lower because of amounts paid back to us.

The 7% rise in the cost of Court of Session cases was despite a 3% reduction in volume. Reparation cases account for 72% of gross Court of Session spending. The volume of reparation cases stayed the same, but the average case cost rose by 12% to £15,206. Again, much of this will be recovered.

The average cost of a civil case has risen by 4% and now stands at £2,358, almost exactly double the average cost in 1994-1995. This long-term increase is likely to be in part because the courts tend to deal with more complex or lengthier family cases, with other means such as negotiation and mediation

being used to resolve cases wherever possible. This is reflected in the fall in applications over the last ten years.

Some of the more straightforward reparation cases are probably now going forward under 'no win, no fee' arrangements, again resulting in fewer – but more complex – cases proceeding under legal aid.

This overall fall in volume also means that the gross total spent on civil legal aid this year is slightly less than it was ten years ago (£30.0m, compared with £30.2m in 1994-1995).

Of the £11.4 million paid back to us in civil cases, £8.7 million (77%) was in expenses from opponents; 13% in contributions; and 10% in sums 'clawed back' from amounts awarded to assisted persons. Reparation has the most repayment in proportion to expenditure; we recouped 82% of spending (£7.5 million), compared with 65% last year (table 7.1). We recovered 17% of expenditure on family/matrimonial work, the single most expensive civil category.

## CRIMINAL LEGAL ASSISTANCE

### KEY POINTS

- the number of grants by solicitors of advice and assistance (including criminal ABWOR) was 159,031, almost the same as the previous year
- expenditure increased by 2% to £12.5 million but the average case cost remained the same, at £83
- summary criminal legal aid applications increased by 4% to 82,999, the highest ever level
- there were 75,414 grants of summary criminal legal aid. The grant rate fell by 1% to 91%
- the number of grants by the courts of solemn criminal legal aid increased by 4% to 11,399
- the cost of summary criminal legal aid increased by £2.8 million to £49 million because of an increase in the number of cases. The average case cost remained unchanged at £649
- the cost of solemn criminal legal aid increased by £6.4 million to nearly £40 million. These cases saw large increases in the cost of advocates and solicitor advocates.

This section covers criminal advice and assistance, criminal advice and assistance by way of representation and criminal legal aid. You can read about criminal legal assistance developments on page 21 and criminal legal assistance statistics from page 40.

### CRIMINAL ADVICE AND ASSISTANCE

The total number of criminal advice and assistance grants (including Assistance By Way Of Representation (ABWOR)) remained virtually unchanged compared with 2002-2003 (table 2.2). Criminal advice and assistance recorded a fall of 1% to 136,102, while criminal ABWOR grants increased by 6% to 22,931.

Within criminal advice and assistance (non-ABWOR), several individual case categories bucked the slight downward trend (table 2.4). These include some of the largest categories: offensive weapons (which has overtaken theft as the biggest single category), assault and Road Traffic Act. This appears consistent with increases in applications for criminal legal aid in these categories.

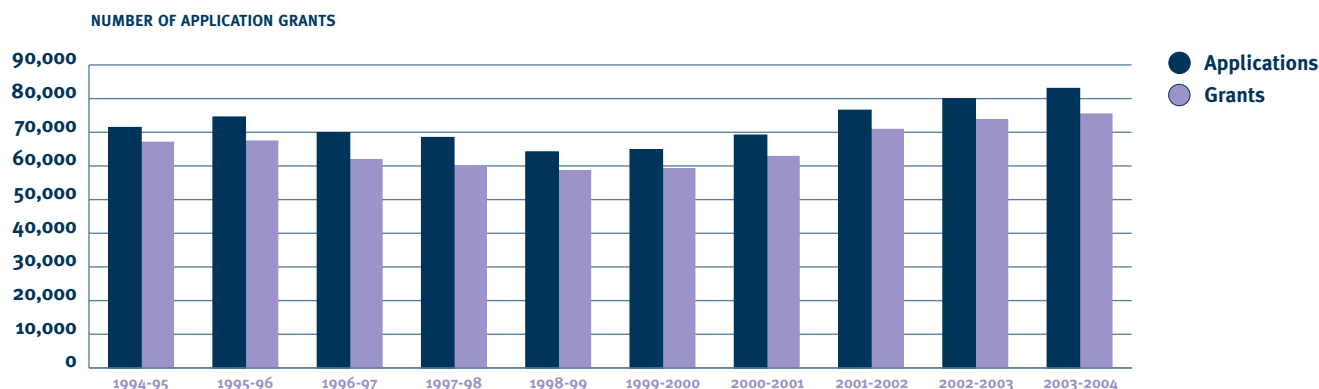
The rise in criminal ABWOR was due mainly to the categories of 'other', breach proceedings, Criminal Procedure (Scotland) Act and drugs.

Requests for an increase in authorised expenditure rose by 1% for criminal advice and assistance and 10% for criminal ABWOR (table 2.6). This is greater than the change in grants, suggesting more increases in each case than last year. As with civil advice and assistance, most increase requests were granted.

#### Costs

Expenditure on criminal advice and assistance and ABWOR rose by 2% to £12.5m. The number of accounts paid also rose by 2%, meaning the average cost of a case remained unchanged at £83 (table 2.9).

Most of the individual case categories within criminal advice and assistance saw relatively small changes in spending compared with last year (table 2.11). Although breach proceedings remain the most expensive cases, the average cost has fallen to £158, from £167 in 2002-2003.



There has been a 6% increase in the number of Criminal ABWOR accounts paid. However, the average cost of a case has fallen by £7 to £180.

## CRIMINAL LEGAL AID

### Applications and grants

The number of applications for summary criminal legal aid this year increased to 82,999 from 79,927, with the rate of growth static at 4%. This is the highest ever number of applications for the third year running and continues the upward trend seen since 1998-1999. These increases are broadly consistent with the rise in summary complaints registered by the Scottish Court Service.

The total number of these increased by 4% between 2002-2003 and 2003-2004, the same rate of increase as seen for summary criminal legal aid applications to the Board.

The rate of grants by the Board fell by 1%, to 91%. Combined with the rise in applications, this resulted in a 2% increase in the number of grants to

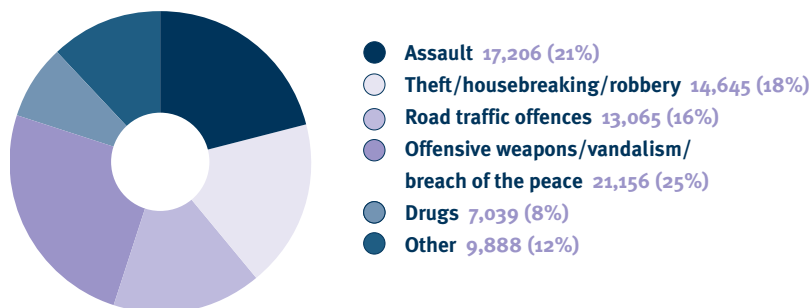
75,414. As with applications, this is the highest ever total and is 13% higher than the previous 'peak years' of 1994-1995 and 1995-1996.

After a period of stability between 1998-1999 and 2000-2001, grants by the courts for solemn proceedings have risen sharply over the last three years and have reached a new peak (table 4.5). The number of grants rose to 11,399 in 2003-2004, an increase of 4% on the previous year.

Most of the growth in applications for summary criminal legal aid was in the three categories of 'drugs', 'offensive weapons/vandalism/breach of the peace' and 'assault' (table 4.1). As well as being large categories in themselves, they saw some of the greatest proportional rises in application numbers (14%, 8% and 9% respectively compared with 2002-2003).

## COSTS, VOLUMES AND TRENDS IN LEGAL ASSISTANCE

PROPORTION OF CRIMINAL LEGAL AID APPLICATIONS BY CATEGORY 2003-04



Although applications in both the district and sheriff courts rose last year, the biggest increase was in the stipendiary magistrates' court in Glasgow, which rose by 44% to 5,680 (included in the sheriff court total in table 4.1). This increase accounted for over half of the total rise in applications.

Applications for review of an initial refusal of criminal legal aid rose by 11% to 7,111. This is partially accounted for by a 6% increase in the number of initial refusals. However, the proportion of those refusals that result in a review has also increased slightly, from 61% to 64%.

There has been a 54% decrease in grants of automatic legal aid in the Glasgow Drug Court (65, compared with 140 in 2002-2003). There were 123 grants of automatic legal aid from the Hamilton Youth Court in its first year.

Applications for appeals (table 4.8), sanction for advocates, expert witnesses or unusual expenditure (table 4.9) and transfers (table 4.11) have all decreased in the last year. The fall in sanction requests should have an impact on expenditure levels in due course, although this year's decrease follows a considerable increase last year.

### Costs

Total expenditure on criminal legal aid (including the duty solicitor scheme) during 2003-2004 was £89.7 million, an increase of £9.3 million (12%) on 2002-2003. The average criminal legal aid case cost increased by 6% to £1,009.

Overall, the main drivers of cost have been solicitors' fees (up by almost £5 million, or 8%) and advocates' and solicitor advocates' fees (up by £3.7 million, or 39%). Outlays increased by £0.6 million, 13%.

Spending on summary cases increased by 6% (£2.8 million). There was no change in the average cost of a summary case.

By contrast, spending on solemn proceedings overall rose by 19% to £39.9 million. It now accounts for 45% of all criminal expenditure, up from 42% in 2002-2003 and just 35% in 1999-2000. This includes expenditure on both first instance cases and appeals. The patterns of spending under these two headings are different.

Total expenditure on appeals has remained almost unchanged at £2.4 million, and the average case costs rose by 7% to £967. This is because the average payments for a single case to solicitors, advocates and solicitor advocates, and average outlays, have all increased. However, payments to advocates and solicitor advocates,

and outlays, showed higher average percentage increases (12% and 25% respectively) than solicitors' fees (4%).

For first instance solemn cases, there has been an 8% increase in the number of accounts paid, but a 21% increase in spending. This has led to a 12% increase in the average case cost to £3,680.

This increase in the average case cost is for payments to solicitors, solicitor advocates and advocates and, for outlays. However, while the average cost of solicitors' fees for a first instance solemn case has increased by 4% and of outlays by 5%, by far the largest increase has been for advocates' and solicitor advocates' fees, which have increased by 33%.

We are studying these figures to assess the impact of a relatively small number of large payments in particularly lengthy or complex high court cases. This will help us identify whether the increases we have seen are happening across the board or are restricted to certain types of case.

### Duty solicitors

The cost of the duty scheme (excluding work done by the PDSO under the scheme) has risen by 8% to £945,000. However, the number of accused represented has risen even more sharply, to 30,233 (19%) (table 4.13). This means the average cost of a case under the scheme has fallen to £31 from £35.

# LEGAL ASSISTANCE FOR CHILDREN

## KEY POINTS

- children's advice and assistance grants increased by 9% to 7,346.
- grants of children's legal aid increased by 18% to 3,649, but spending fell to £2.7 million.

The legal aid in this section is specifically for proceedings under the Children (Scotland) Act 1995. This involves measures to ensure children are protected and supervised and appeals against decisions of children's hearings.

### Children's advice and assistance

Against the trend in civil and criminal advice and assistance, there was a 9% increase between 2002-2003 and 2003-2004 in the number of grants of advice and assistance on matters under the Children (Scotland) Act. The total now stands at 7,346 (table 2.2).

£0.6 million was spent on advice and assistance for children's matters, 8% more than the previous year. The average case cost was little changed at £101 (table 2.9).

You can read statistics on legal assistance for children from page 40.

### Children's legal aid

The number of grants of legal aid by the courts under the Children (Scotland) Act 1995 has continued to increase. In 2003-04 there were 3,649 grants, 18% more than in the previous year (table 5.1).

There was a 19% fall in expenditure, to £2.7 million (table 5.5). This reverses a trend of continuing increases in expenditure since 1997-1998.

In particular, payments to advocates decreased substantially, by 38%, compared with the previous year.

The average case cost fell by 27% to £1,069.

## DEVELOPING LEGAL ASSISTANCE IN 2003-2004

THIS YEAR BROUGHT REFORMS  
AND MODERNISATION OF LEGAL  
AID AND THE JUSTICE SYSTEM.

## CIVIL LEGAL ASSISTANCE

### REFORM OF CIVIL LEGAL AID

The most significant reform of civil legal aid for over fifty years was implemented on 1 October 2003. We worked with the Scottish Executive and the Law Society of Scotland to carry out the changes, which have far-reaching implications. There were three main elements to the reforms:

- Introducing quality assurance and registration – any firm that provides civil legal assistance must now be entered on the Board's civil legal assistance register, ensuring that solicitors' offices work to agreed standards. Firms must show that they have proper administrative procedures in place, which we check and be subject to 'peer review', which involves experienced civil practitioners inspecting files to check that they meet agreed quality standards.
- New application and reporting procedures – the introduction of progress reports to the Board on legal aid cases (at key stages of the case, every 6 or 12 months or whenever something important happens), provides better information about their progress and whether they continue to meet all the statutory tests for legal aid. If a case does not, we may stop legal aid.
- Better, simpler arrangements for paying solicitors – fees for solicitors were increased, the first increase in civil legal aid fees for many years, and a simplified block fee structure

for most sheriff court cases was introduced. Solicitors now receive payments at key stages of a case before it ends and this "front-loading" encourages early settlement of cases, rewarding good practice.

The advantages of these reforms are significant and benefit:

- applicants and assisted persons – have the confidence of a quality assured legal aid service from their solicitors
- solicitors – practitioners receive fair payment for the work they do through an increase in fees, and more efficient administration
- the taxpayer – through a more efficient and cost-effective system.

To support the successful introduction of the reforms we:

- produced, and are continuing to produce and update, detailed guidance and information for the legal profession, such as guidance on new application processes and accounts assessment manuals
- held seminars with local faculties of solicitors throughout Scotland
- provided a telephone helpline to deal with any questions that solicitors had about the new procedures

- published new forms and information for the public.

We also developed a new civil applications computer system and registration process that will become operational in 2004-2005.

#### What's next?

In the coming year we will:

- monitor the effectiveness of the reforms
- with the Law Society, put quality assurance into practice, including registration of firms undertaking civil work, auditing their administrative procedures, and peer review
- implement our new civil applications computer system and document management system.

### CIVIL ADVICE AND ASSISTANCE REFORM

During the year we started work with the Scottish Executive and the Law Society of Scotland on a major review of civil advice and assistance. This aims to improve how civil advice and assistance works and ensure that it works effectively alongside the reformed civil legal aid system.

We expect to begin putting into place reforms on 1 April 2005, following consultation. As well as short-term improvements, including how much is paid to solicitors carrying out this work, there will be more fundamental long-term reforms.

### CHILDREN'S LEGAL ASSISTANCE

Scottish Ministers agreed that legal aid for children would use elements of the reformed civil legal aid system, including quality assurance, as an interim step until a distinct system is developed for children's legal aid.

In July 2003 we published guidance to the profession on sanction for advocates in children's cases.

### FINANCIAL ELIGIBILITY

With the reform of civil legal aid came improved financial eligibility assessment arrangements. We now encourage applicants to contact us direct for financial eligibility application information.

We also introduced new guidance for applicants and application forms to help applicants provide the information we need to assess financial eligibility. These changes enable us to deal with applications more quickly, giving a better service to the applicant.

We have clarified what evidence we need to support the information given to us as part of the financial assessment and increased the checks we make to help ensure that only those eligible receive civil legal aid. We also ran a pilot scheme for verifying financial information for applications for proceedings in the Court of Session.

We provided guidance to the profession on improvements for those paying a contribution for civil legal aid. Where the solicitor provides an estimate of the civil case costs, we can provisionally restrict an assisted person's contribution to the estimated costs, rather than paying more in contributions than the case costs, and then later having to refund the money.

In the coming year we will work with the Scottish Executive to review the basis for assessing financial eligibility to develop a regime that is better, more coherent and simpler to understand. We also want to further streamline and improve financial eligibility and the contributions processes.

### TREASURY

We successfully introduced a new computer system in our Treasury Department, which collect monies from assisted persons and opponents in civil cases. The new system has brought a number of benefits, including improved information for assisted persons, and better integration and administrative information for the Board.

For example, we can now produce regular information to assisted persons on the amounts they owe and the alternatives available to them to change payment plans or make repayments. Feedback from assisted persons shows that these statements have been welcomed.

## CRIMINAL LEGAL ASSISTANCE

### REFORMING CRIMINAL LEGAL ASSISTANCE

Legal aid is a key component of the justice system. Scottish Ministers are committed to modernising the criminal justice system and are taking this forward through new legislation and reviews.

During the year significant developments that are likely to influence the future of criminal legal aid were completed or commenced, including:

- the Criminal Procedure (Amendment) (Scotland) Bill, following Lord Bonomy's review of the High Court
- the outcomes of our review of the interests of justice test and criminal legal assistance
- Sheriff Principal McInnes' review of the sheriff court summary justice system, published in March 2004.

#### Working towards reform

We have been working on reforms that are important to the reform of the High Court, which is expected to come into effect in early 2005.

We have also worked with the Faculty of Advocates on developing a scheme of graduated fees for criminal cases.

Quality assurance will be a key part of criminal legal aid reforms, both for advocates and solicitors. We began piloting a quality assurance scheme for criminal legal assistance in the Edinburgh Public Defence Solicitors' Office.

We expect that in the coming year we will implement various reforms as a result of this partnership working.

#### Review of summary criminal legal assistance

We carried out a review of summary criminal legal assistance.

We believe that more fundamental changes are needed to improve the efficiency and effectiveness of criminal legal assistance, and its impact on the courts and the justice system. Legal aid cannot be considered in isolation from the justice system as a whole, nor from the other major reviews undertaken.

We consulted on our proposals for the review of summary criminal legal assistance in summer 2004. This will contribute to Scottish Ministers' intended reform of the summary criminal justice system.

#### Working in partnership

We have endeavoured to work more closely with other organisations in the criminal justice system. The Scottish Executive set up a National Criminal Justice System Board to help improve dialogue and partnership working amongst the key criminal justice agencies. We are delighted to be a member.

We also aim to further expand our work with other criminal justice partners. By working with others, we can aim to maximise efficiency gains through the better integration of systems, processes and data sharing. For example, we have already seen benefits from sharing information on legal aid trends to help develop forecasting.

### EXPANSION OF THE PUBLIC DEFENCE SOLICITORS' OFFICE (PDSO)

In October 2003, Justice Minister Cathy Jamieson MSP announced that two more Public Defence Solicitors' Offices (PDSO) were to open in Glasgow and Inverness, following the passing of the Criminal Justice Act 2003.

She said: "The Public Defence Solicitors' Office is part of our overall policy in continuing to modernise legal aid by developing more efficiency and choice in the provision of legal services. Extending the pilots outwith Edinburgh to bring in Glasgow and Inverness courts will enable us to make better comparisons between public defence and private solicitors in terms of cost, quality, client satisfaction and the wider impact on the criminal justice system."

We welcomed this decision, having given advice to Ministers on the possible locations. Ministers had stated that more PDSOs "would provide an opportunity for increasing the workload without severely affecting local businesses; and would enable us to examine whether a public defence service would make sense in a rural setting". We assessed several locations, including two rural areas, considering the local legal markets, using information on volumes of business, numbers of firms and operation of duty plans.

We worked during the year to open the two new offices by summer 2004.

We have been working in partnership and co-operation with those involved in the justice system in these areas to set up the new offices. We aim to develop productive relationships between them and the PDSO, just as we have in Edinburgh.

The new offices bring different opportunities to consider the future use of public defenders in Scotland. Glasgow has the busiest courts in Scotland with a diverse advice and community environment, which could allow a more holistic approach to criminal defence work to be explored.

The office in Inverness will serve people facing criminal charges in the Highlands and Moray, at the courts in Inverness, Elgin, Dingwall, Tain and Dornoch. This PDSO will enable lessons to be learned about the challenges of practice in a rural area.

Under the Criminal Justice (Scotland) Act 2003, Scottish Ministers must publish further research on the PDSOs by 31 December 2008.

#### About the PDSO

All the public defence solicitors in the PDSO are experienced criminal court lawyers. Each of them receives a fixed annual salary, rather than being paid, like private solicitors, on a case by case basis.

The Board was responsible for setting up the PDSO and the Director of the PDSO reports to the Chief Executive of the Board on administrative issues. In all other ways, the PDSO works entirely independently. The Board assesses applications for summary criminal legal aid from the PDSO in the same way that it does for applications by private solicitors.

The Edinburgh PDSO has been running since 1998, when it was the first public defender service to open in the UK. Last year the PDSO's caseload increased by 6%, with 1,186 cases dealt with, including 28 solemn cases.

You can read more about the PDSO's work in Appendix 9 on page 56.

### NEW COURTS

The Scottish Executive has introduced several pilots of new court arrangements over the past two years. These include a drugs court, initially in Glasgow; a youth court, initially in Hamilton; and a domestic abuse court that will open in October 2004. We worked with colleagues in other parts of the justice system to help set up arrangements for the courts.

The two year youth court pilot began in Hamilton Sheriff Court in June 2003. It was expected to deal with about 120 young people between the ages of 15 and 17 each year. These clients, who are likely to have at least three previous offences, are fast tracked to sheriffs with a wider range of sentencing powers, aimed at addressing the young people's offending behaviour.

A youth offender is entitled to legal representation, subject to financial eligibility, from a solicitor of choice for all appearances before or leading to the youth court, including hearings about sentencing. We put in place new arrangements to make criminal legal assistance available for this new court.

### CRIMINAL COMPLIANCE WORK

Firms and solicitors who provide criminal legal assistance must be registered with the Board under our Code of Practice. We have a team of auditors who monitor solicitors' ongoing compliance.

As at 31 March 2004, there were 1,583 solicitors and 665 firms registered to provide criminal legal assistance. The number of registered firms fell slightly by 1% compared to the previous year.

During the year we carried out 275 compliance audits. We found serious breaches of the Code in 21 cases.

Where we find such breaches we provide assistance to the firms concerned to amend and/or implement procedures to enable them to comply with the Code. We also conduct follow up audits.

We ask solicitors to comment on how we conducted the compliance audits. Last year ratings increased slightly compared to the previous year. Our overall rating was 88%, 94% said we made reasonable requests and 86% said our audit report findings were useful.

## FURTHER LEGAL AID DEVELOPMENTS

### SANCTIONS REVIEW

For some time we have been considering our approach to requests for sanction to employ experts, or to undertake unusual work or work likely to incur unusually large expenditure in both civil and criminal cases. We completed a review of sanctions and will introduce changes in the coming year, including:

- introducing semi-automatic grants for certain categories of experts
- consulting with interest groups and professional bodies to our new approaches to fees for certain categories of expert witnesses.

We will review our guidelines and practice for considering applications for advocates in criminal cases as part of the implementation of reform following Lord Bonomy's review of the operation of the High Court.

#### Advice and assistance 'templates'

We also provided guidance to solicitors following the introduction of 'templates' for increases in advice and assistance

expenditure for particular cases. This new approach aims to simplify the process. It provides greater certainty about the subject matter of the increase request and reduces administration for both the solicitor and the Board. In August 2003 we issued guidance notes dealing with immigration and asylum cases.

We also prepared further advice and assistance 'templates' guidance materials which we will issue in summer 2004, on reparation claims, family law matters and employment tribunal cases.

### LEGISLATIVE CHANGES DURING 2003-2004

Among the changes to legislation which became effective during the year, were in financial eligibility for advice and assistance and civil legal aid, and the "clawback" limits – as usual, these were effective from April 2003 and April 2004. At the same time, adjustments were made to which state benefits we can ignore in assessing financial eligibility, simplifying assessment and widening eligibility.

Other legislation, not relating directly to legal aid, can have an indirect effect. Examples include legislation about protection from abuse, adults with incapacity, mortgage rights, and extradition proceedings. None of these, however, has had a significant impact on volumes or costs of legal aid cases during the year.

#### Guidance issued to the profession during 2003-2004

We keep the legal profession fully informed about changes to legislation, policies and procedures, through our periodic newsletter, The Recorder, and

our website. We also issued 20 updates dealing with various issues.

We continue to seek to improve the quality and quantity of guidance for the profession on legal aid matters. During the year some of the more significant issues on which we have issued guidance have included:

- the reform of civil legal aid, and how this will affect practitioners, including:
  - registering to carry out legal aid
  - applying for legal aid – detailed guidance for the profession and applicants
  - the reports that we now need at different stages of the case
  - how we assess accounts under the new civil legal aid fee regulations
- the use of the special urgency provisions in civil legal aid
- making payment on offer for civil accounts, and providing advisory sessions for firms on accounts issues
- the "merits" tests which are applied to civil legal aid applications – that is, the evidence we require to show there is a legal basis for the case, and it is reasonable to grant legal aid
- civil cases involving a wider public interest
- sanction for expert witnesses, or work likely to be unusually expensive, and sanction for advocates in children's cases
- the youth court pilot in Hamilton Sheriff Court, and the fees payable to solicitors in cases heard in this court.

# TOWARDS A MODERN LEGAL AID SYSTEM

## KEY POINTS

- A strategic review of the delivery of legal aid, advice and information is examining fundamental changes in how access to justice is provided.
- Our innovative projects have begun delivering and demonstrating a modern legal aid system for the 21st century.
- To deliver our plans we continue to identify and respond to the opportunities and the needs of our stakeholders and customers through partnership and consultation.

## STRATEGIC REVIEW

The Justice Minister announced a strategic review of the delivery of legal aid, advice and information in October 2003. The review began in December 2003, and the review team was asked to make recommendations to Scottish Ministers and the Board by June 2004.

The review team were asked to focus on the:

- purposes and objectives of publicly funded legal advice, which includes services provided by non-solicitor advice agencies and local authorities as well as legal aid
- roles and responsibilities of stakeholders and the relationships between them
- promotion of best value, particularly in criminal legal assistance
- modernisation of legal aid and delivery of a national framework for legal advice and assistance, including the scope for streamlining legal aid legislation and developing the Board's operation, such as its role, resourcing and powers.

We welcome the review. We believe it gives an excellent opportunity to think creatively, with stakeholders, about how to improve the scope and operation of the legal aid system and the delivery of publicly funded legal advice, benefiting the people of Scotland.

It is a wide-ranging review and takes into account the Executive's modernisation of the criminal justice system, as well as the report of the inquiry on legal aid of the Justice 1 Committee. Before the review got underway, it was the subject of an interesting debate in the Scottish Parliament in December 2003.

The review team comprises staff from the Scottish Executive Justice Department and the Board. They are advised by a Reference Group, whose role is to provide advice and guidance to the review team and keep a focus on the terms of reference. Members of the group come from a range of bodies involved in legal aid, advice and information and can, therefore, provide expert guidance to the review.

The review team met with stakeholders, including those in the legal profession, the not-for-profit sector and local authorities, and has considered their views. All of these providers have a role to play in meeting the needs of the people who use these services.

We expect the outcomes of the review will affect many of the plans we have for delivering improved legal aid services. We expect to take action on some recommendations in the next year, and to plan how to deliver others in the longer term.

## DELIVERING SERVICES THROUGH LEGAL AID ONLINE

Making our services available online is an important part of our plans to improve the legal aid system and provide best value to the taxpayer.

All Board services will be available online by the end of 2005, improving the efficiency and effectiveness of the legal aid system and, by reducing bureaucracy, making it easier, quicker and more cost-effective.

Moving from paper based processes to online services offers great opportunities to develop innovative ways of managing and delivering legal aid, bringing a range of benefits to legal aid customers.

During the year we made significant progress in developing our computer systems for advice and assistance online services.

We have renamed our new services "Legal Aid Online", to better reflect the range of services and information that the legal profession will be able to use through the internet. The new name also shows that we expect our new online services to become an everyday part of legal aid work.

We have been working with fifteen legal firms who will begin piloting our advice and assistance online service in autumn 2004. The pilots will help us finalise the

new online service and identify what information and support the profession may need to gain the most benefit from our service.

**What our Online services will offer**

Online services, such as those for advice and assistance, will enable online submission and processing of advice and assistance grants, increases and accounts. It will be convenient, faster, easy to use, and safe and secure. Advice and Assistance Online will bring:

- faster and easier processing of grants
- faster and more accurate decisions on increase requests
- better information on progress of cases
- faster and more accurate consideration and payment of accounts
- reductions in administration – no returns of incomplete forms
- savings on handling and postage.

Online services will allow us to substantially improve the speed of service we offer. We have developed indicative service standards for cases that use our online service. These are included in our Corporate Plan 2004-2006. We will revise these standards and targets following our pilots and consultation.

To underline the benefits of our new online service to the profession and legal aid applicants, examples of our targets for Advice and Assistance Online include:

- we will register advice and assistance applications online in 3 days, compared with 10 days for paper based applications
- we will pay online advice and assistance accounts in 15 days, rather than 30 days.

**Legal aid information online**

We launched our redeveloped website in December 2003 as part of our plans to improve our information services to the profession and public. All of our information is now on one site, at [www.slab.org.uk](http://www.slab.org.uk) We want to make our website the key source of legal aid information that is accessible, easy to

use and contains the information our customers need.

We have been planning further developments to the site through experience of using the site and by listening to the views and comments of website users. For the public, we will make it easier to find out about legal aid services and to find firms of legal aid solicitors. This will include a “find my nearest” location map service, that uses the information from our registers of criminal legal assistance and civil legal assistance.

**What's next**

In the coming year we will encourage greater use of electronic communications instead of paper. We plan to:

- launch advice and assistance online services and encourage uptake as we make it available progressively during 2004-2005 to the profession
- start to implement criminal legal aid and civil legal aid online services later in 2005
- continue to enhance our web site to make it the key source for legal aid information.

## PROVIDING BEST VALUE TO THE TAXPAYER

Providing best value to the taxpayer and increasing the Board's efficiency and effectiveness is one of the key themes of our work:

- Our staff examine legal aid applications and accounts received from solicitors and advocates carefully to make sure that public money is spent properly.
- We have increased our checks of the information applicants give us, including financial information for all types of legal aid. For example, we check carefully information given on initial applications, and we undertake more detailed checks on samples of forms. We also check and exchange information with other bodies such as banks, applicants' employers and government departments including the Department for Work and Pensions, Inland Revenue, and Child Support Agency.
- We have continued to invest in capital expenditure, especially in information systems and "spend to save" initiatives, such as an improved computer system in our Treasury Department.
- We are on target to reduce our staff numbers.

### What's next

We have further plans to continue to improve services and deliver best value. Over the next year, we will be:

- continuing our investment in new systems
- further reducing bureaucracy by electronically delivering all Board services
- increasing our research and analytical capabilities to help us identify possible improvements, both within legal aid and the wider justice system, and further developing our models for forecasting future demands and spending
- further reducing staff numbers in administration and support services.

### ONLY PEOPLE ELIGIBLE SHOULD RECEIVE LEGAL AID

Providing access to justice through legal aid cost £146 million last year. But we saved almost £700,000 because of our work to ensure only those eligible receive legal aid.

Sometimes we may suspect we have been given wrong information. We may get information from an opponent in a legal aid case or from our own checks. We have an investigations team who look into these cases.

If we find that someone has deliberately misled us:

- we may stop their legal aid at any time, and they may have to repay money we have paid for the case
- there could also be a criminal prosecution.

We looked into 930 cases in 2003-2004 where someone did not appear to have given us full information when they applied for legal aid or, in civil cases, had not told us of a change in their circumstances. As a result we:

- refused 65 applications
- stopped legal aid in 146 cases
- referred five cases to the procurator fiscal for possible prosecution. These included cases where applicants had lied about state benefits, their employment or savings they had, or not told us about a company directorship.

### Case example

*This year we investigated an applicant who failed to tell us the truth about his savings. He held more than £100,000 in various banks and buildings societies, and did not qualify for legal aid. We referred his case to the procurator fiscal, and he was prosecuted. In court he plead guilty, was fined £750 and now has a criminal record. We are also taking action against him to recover the money paid out in legal aid following his deception.*

## CHECKS ON SOLICITORS

We also conduct investigations into the conduct of solicitors. During the year we made three formal complaints about solicitors to the Law Society of Scotland. We also referred one case to the police and procurator fiscal.

## LEGAL ADVICE AND INFORMATION SERVICES

Over the past few years, working with the Scottish Executive, the Board has become increasingly active in examining and testing different models for the delivery and planning of advice provision in Scotland. This recognises that legal advice, information and representation is available from a wide range of organisations and agencies, as well as from solicitors.

This development work is helping to inform the strategic review of the delivery of legal aid, which will consider the steps necessary to deliver a national network of legal advice and information services.

In the last year our work has focused on two main areas:

- co-ordinating and facilitating pilot legal advice and information partnerships for the Scottish Executive
- continued work on alternative models of delivery – in particular, four pilot projects under Part V of our governing legislation, in which solicitors employed direct by the Board work in a partnership arrangement with other services.

## WORKING IN PARTNERSHIP TO DELIVER ACCESS TO JUSTICE

Four one-year pilot partnerships were set up in May 2003, to examine how access to justice in Scotland might be improved by developing a more effective network of advice provision at the local community level. This approach recognises that different organisations provide a diverse range of legal information and advice. Working in partnership is seen as a better way to develop services with the capacity to deliver more effective, responsive and integrated advice and information to local people.

The pilot partnerships brought together providers, funders, and, where possible, users of advice services. Three of the partnerships covered geographic areas, in Edinburgh, Fife, and Argyll and Bute. The fourth partnership was national with a remit to look at access to advice for disabled people.

We have worked closely with the Scottish Executive to facilitate these partnerships. The partnerships completed their pilot phase in April 2004, with the development of strategic plans for improving the delivery of legal advice and information. The work carried out by the groups focused on:

- analysis of information and research findings about needs for advice on particular topics in the area
- mapping of the supply of advice providers
- identification of any gaps between need and supply
- identifying strategies for tackling these, or improving delivery of advice through better collaboration

- developing action plans for carrying out the strategic plans.

### Who did we work with?

There was a mix of partners involved:

- solicitors
- Citizens Advice Bureaux
- local authority planning representatives
- local authority advice teams
- independent advice services
- representatives from public and voluntary sector organisations with a particular interest in access to advice
- Scottish Executive representatives.

Much of the work involved breaking down barriers or misconceptions about the roles and responsibilities of partners, and finding opportunities to improve access to information, advice, and representation for those in greatest need.

### What was our role?

The Board worked with over 50 service providers from the public, private and voluntary sectors of legal advice provision. We helped build links with, and amongst, providers of legal advice. Our role was to facilitate progress through the management of meetings and seminars, and sharing and spreading information.

This has been an invaluable experience for us to improve knowledge about the range of providers and planners involved in the delivery of legal advice and information.

We hope that these relationships can be built on in the future, and that we can develop our role as a link between the private sector and the other sectors.

### INNOVATIVE PART V PROJECTS

In 2002 we set up four innovative pilot projects under Part V of our governing legislation, in which solicitors employed directly by the Board work within advice organisations, to help develop new approaches to delivering legal advice. The current projects work with:

- **Citizens Advice Bureaux Service** – the solicitor serves nine bureaux throughout the Highlands and Islands.
- **Streetwork** – the solicitor provides legal advice to young people and rough sleepers in Edinburgh in informal surroundings, such as on the streets and in drop-in centres.
- **West Lothian Advice Partnership** – brought together the expertise of all the major advice providers in West Lothian.
- **Castlemilk Law and Money Advice Centre and Ethnic Minorities Law Centre** – two solicitors provide advice and representation to clients throughout the asylum process at outreach surgeries in the north and southside of Glasgow. Additional Scottish Executive funding enabled this service to be extended to asylum seekers in Sighthill, Glasgow.

#### What's next?

We will evaluate and report in 2005 on what has been learned from the experience of running the projects and their outcomes. Experience gained from

the projects will contribute to the strategic review and its consideration of a national network of legal advice and information services. We hope to continue some of these projects as well as develop and set up further projects, subject to agreement and more funding by the Scottish Executive.

### ENGAGING WITH OUR CUSTOMERS

Listening to the views of our stakeholders, consulting and working in partnership are key elements our approach to delivering our objectives. In the last year we undertook several surveys and research projects and were able to consider and develop action plans to take forward emerging issues.

We undertook research with users of civil advice and assistance in 2003. The research found high satisfaction with the experience of civil advice and assistance, with most people achieving their aims. The research identified some areas where people wanted to see change, and where there were issues to address, such as lack of information or awareness. Another research survey looked at the perception and satisfaction of users of legal aid. We issued surveys to almost 5,000 users of advice and assistance, civil legal aid, criminal legal aid, opponents in civil cases, and people who made contributions or payments for civil assistance. The survey found that almost 85% of respondents would recommend the legal aid system to a friend, and almost two thirds were positive about their experience of the quality of the legal aid service.

The survey provided useful information to help consider how the legal aid system and Board's services could

be improved. Survey respondents often raised the need for more information, although this did not always result in dissatisfaction.

We carefully analysed and considered the findings, and throughout the Board we developed action plans to take forward the results of the surveys. We plan to continue to seek the views of our customers and to respond.

#### Listening to the views of solicitors

As part of our continuing programme of consultation with the profession, we undertake surveys of their views every two years. In 2003 we surveyed a random sample of solicitors practising legal aid. Through the survey, we aimed to get views on the efficiency and ease of use of legal aid, so that we could improve procedures, communication and any other problem areas identified.

Overall, the survey showed that 79% solicitors were generally satisfied with our services.

Compared to our previous solicitors' survey of 2000, solicitors' views of our performance were significantly more positive. 81% said they were positive about changes to our services overall and they considered that most services had improved since our previous survey in 2000.

The survey provided a wide range of detailed information on our services and solicitors' views of legal aid administration. The information has helped us identify further changes we could make to improve both our services and provision of legal aid.

### What's next?

We plan to continue research and survey work as part of our continuing commitment and approach to working with stakeholders to improve legal aid in Scotland. We will:

- undertake research and consultation with our stakeholders, including surveys of the legal profession, research with users of the legal aid system, and through holding legal aid clinics
- set up advisory groups of practitioners, experts and client group representatives to provide us with advice on the operation and development of legal assistance
- continue our programme of research, to provide evidence-based advice for the Board and Scottish Ministers on the operation of legal aid and to develop forecasting. Research areas will include legal aid in actions involving children, the supply of legal aid services, and how the duty solicitor scheme is working.

### OUR STAFF

Our staff are key to delivering an ever-improving service to serve the needs of our stakeholders and customers.

Introducing Legal Aid Online services, new computer systems and policy developments will change the number and job profiles of our staff. During the year the number of staff employed fell to 303.

We agreed a new human resources strategy for the coming years to help plan how we will manage these changes, including by continued investment in staff training and development. We also sought the views of staff through a survey, and developed an action plan to take forward issues identified.

### Prestigious national worklife balance employer award success

An open-minded and innovative approach to flexible working won recognition for the Board at the Parents at Work Employer of the Year Awards 2003, held in London. We were recognised in two categories: receiving a prestigious award for most promising new initiative in the Lloyds TSB sponsored “Scottish Employer of the Year” category, and as one of the five finalists for the UK-wide “Innovation Award”.

We were delighted to win the award as it provides the recognition that our staff, and their representatives, deserved for their willingness to work together to improve our business.

Although the Board had ‘employee friendly’ policies and practices before the initiative, we wanted to explore how more flexible working could improve both the working lives of staff, and our business. We encouraged staff teams to design and manage their own working hours and the results exceeded everyone’s expectations.

The flexible working initiative has resulted in several business benefits. As well as the boost to staff morale, the

benefits have included improved service and productivity, while halving overtime costs, reducing days lost through sickness, significantly lowering staff turnover and cutting recruitment costs. We have continued to see these benefits in the past year with, for example, staff turnover down by 5% to less than 10%. Also sickness absence levels remain low, and by external benchmarks, our performance is good.

### What's next?

We plan to evaluate our worklife balance arrangements in summer 2004. This will allow us to see what benefits continue to be made, and how we can further improve and extend them, so we can improve the services we offer as well as our staff’s quality of life.

### IMPROVING OUR INFORMATION

We recognise that providing clear and comprehensive information about legal aid is important for our customers. In the past year we continued to increase our range of leaflets published giving information and guidance on:

- applying for civil legal aid, including the procedures involved and the effects of a grant of legal aid
- “clawback” in civil cases where an assisted person has gained or kept money because of their case
- working out if they are likely to qualify financially for help with legal costs for advice and assistance or for civil legal aid.

In the next year, we will continue to update and publish new information leaflets for the public. We will move towards mainly electronic delivery of information and communications for the legal profession, and encourage the transition away from paper through further enhancing the information and ease of use of our website.

### **SCOTTISH LEGAL AID HANDBOOK**

We have worked on a comprehensive revision to our Scottish Legal Aid Handbook. As part of this revision, we published up-to-date legislative sections of the Handbook on our website in January 2004.

Our aim is to make the Handbook the key reference material for the profession, to provide them with the right information, when they need it. The new edition will include a wider range of information. It will cover everything from registering to provide legal aid, applying for legal aid and steps in carrying out the work, through to putting in accounts and dealing with matters such as contributions and recoveries. It will include information previously published in other materials, such as guidelines and mailshots. It will be fully indexed, and regularly updated.

### **FREEDOM OF INFORMATION**

The Freedom of Information (Scotland) Act 2002 will introduce important new rights on access to information held by public authorities. We have begun work to ensure we meet the Act's requirements when it comes into effect on 1 January 2005.

We are committed to openness and transparency. However, people entrust us with both sensitive personal information and details about cases.

We will not be able to provide information where the Act exempts it. Under the legislation that set up the Board, there are particular restrictions in the information we can supply. We have sought legal opinion on how this legislation applies to the new era brought in by the Act.

In the coming year we will draft a publication scheme, develop policies and procedures for records management, carry out staff training and publish a leaflet for the public on access to information.

### **EQUALITY**

We made progress in applying our Race Equality Scheme, which we published in November 2002. We have formed a project group to not only focus on meeting the legal requirements we have as a public body, but to consider equalities issues throughout our work.

We have begun to revise our application forms to seek equality information that will be used for monitoring. We provided diversity awareness training for all staff to encourage them to be aware of the existence of the different needs of people in all parts of society.

We have made our new leaflets available in several different community languages and formats, including Braille, Hindi, Punjabi, Arabic, Bengali, Urdu, Chinese, Turkish and Gaelic. We have also responded to requests from

legal aid applicants for leaflets in further languages such as Farsi.

### **COMPLAINTS**

We encourage members of the public and legal profession to raise issues of concern with us. We use the information we get from looking into and resolving these to identify problem areas and improve our service. Last year we received 179 formal complaints, 7% less than the previous year. Of the complaints that we cleared, we considered 47% were justified. The level of complaints we receive remains low when compared to the high number of applications we decide on each year.

Further information on complaints is shown in Appendix 8 on page 55.

### **OUR PLANS TO FURTHER IMPROVE OUR SERVICE**

We are committed to continuous improvement in our response to the needs of our stakeholders and customers.

Over the coming year we will carry out further work on customer service, using tools such as the Business Excellence Model, Charter Mark and the Scottish Executive's "Best Value" initiative. We also plan to increase legal aid training for the profession and others, particularly on the introduction of further reforms.

## **OPPORTUNITIES FOR ACCESS – OUR WAY AHEAD**

THE COMMITMENT TO IMPROVING AND DEVELOPING LEGAL AID IN SCOTLAND TO PROVIDE GREATER OPPORTUNITIES FOR ACCESS TO JUSTICE IS CENTRAL TO OUR STRATEGY FOR 2004-2006.

You can get the Board's Corporate Plan 2004-2006 on our website at [www.slab.org.uk](http://www.slab.org.uk) and from our Communications Department, direct tel 0131 240 1985 or e-mail [general@slab.org.uk](mailto:general@slab.org.uk)

We made significant progress during the year and we expect substantial further changes in the next two years in access to justice and how legal aid works. We are committed to working with the Scottish Executive and others to continue developing legal aid, and to help provide greater opportunities for people to get access to more efficient, effective and quality assured legal aid services.

We set out our strategy in our Corporate Plan 2004-2006. We will report against what we achieved from our action plan and targets in our annual report next year. There are three key themes to our strategy:

- **Increasing access to quality assured legal advice, assistance and representation for those who need it and who qualify for legal aid.** It is important that those who need legal advice, assistance and representation and cannot afford to pay are able to get this help when they need it. They should also have the comfort and confidence that the legal help they receive is appropriate and of a good standard.
- **Working with others to improve the efficient and effective operation of the legal aid system and its interaction with the justice system.** We play a key role in the administration of justice and believe that by working in partnership with others we can improve how the legal aid system works and how it interacts with the rest of the justice system.

- **Increasing our efficiency and effectiveness, and providing best value.** We recognise the need continually to improve the services we provide, and to deliver these services at the best value to the taxpayer.

Over the next two years we expect to continue to achieve higher performance targets. We have also introduced significantly shorter timescales and increased accuracy targets for Legal Aid Online services, where solicitors send us applications and accounts electronically, rather than on paper. Our main projects and tasks that we will deliver over the next two years include:

- All of our services will be available online by the end of 2005. This will enable solicitors to send us applications and accounts through a secure internet site. It will improve the efficiency and effectiveness of the legal aid system and make it easier, quicker and more cost effective. Advice and assistance online services will be the first stage and will be launched and available to the legal profession in 2004.
- Working with others to bring about reform of criminal legal assistance, including taking forward changes resulting from reviews of the sheriff court and High Court.
- The reform of civil advice and assistance so it is more efficient and works effectively alongside the reformed civil legal aid system.

- Further improving our service to our customers, including improving communications and information. For example, we will ensure comprehensive and up-to-date guidance is available to the legal profession through an online Legal Aid Handbook.

#### **Our approach**

We adopt a common approach to delivering our objectives, which includes:

- working in partnership with the Scottish Executive, the Law Society of Scotland, the Faculty of Advocates, the advice sector, local authorities, others in the justice system and representative bodies
- consulting with applicants, assisted persons, opponents, solicitors, advocates and others with an interest in legal aid and access to justice
- communicating direct with applicants, assisted persons and opponents through letters, meetings and consultations, as well as through their solicitors
- sharing with others our policies and practices to achieve greater openness, understanding and effectiveness
- engaging in others' consultations and development processes to play our full part in improving the justice system and how legal aid fits in it
- continuously improving our policies and systems and carrying out changes to achieve efficiency and effectiveness.

## THE BOARD



## BOARD MEMBERS AND SENIOR STAFF

THE BOARD KEEPS A REGISTER OF BOARD MEMBERS' INTERESTS IN LINE WITH THE CODE OF BEST PRACTICE FOR BOARD MEMBERS OF PUBLIC BODIES. MEMBERS MUST TELL US OF ALL RELEVANT INTERESTS AND WE UPDATE THE REGISTER, WHICH IS ON OUR WEBSITE, [WWW.SLAB.ORG.UK](http://WWW.SLAB.ORG.UK), EVERY QUARTER.

### BOARD MEMBERS

**1 Jean Couper, Chairman** Appointed 1 April 1994 - 31 March 2006. Appointed Chairman April 1998. Jean Couper is a director of Catalyst Consulting, which she established in 1995 specialising in the provision of skills and training services primarily to the financial services and software sectors. Prior to this she worked for leading manufacturing companies and international consultancy firms. She is a member of the Accounts Commission and Police Advisory Board for Scotland. She was previously Vice-Chairman of the Health Education Board for Scotland, the Wise Group and Heatwise Glasgow.

**2 William Gallagher** Appointed 1 April 2000 - 31 March 2008. Willie Gallagher holds a number of directorships in both private and public sectors. He is a director of Touchdown Services, and Board Member of the Strategic Rail Authority and Lothian Buses plc. He was previously Director of Customer Services for the ScottishPower group and was the director responsible for managing the introduction of competition into the supply

of electricity for all customers. He is a Chartered Engineer and a Member of the Institute of Electrical Engineers.

**3 Peter Gray QC** Appointed 1 September 2002 - 31 March 2006. A member of the Faculty of Advocates, Peter Gray was called to the English Bar in 1984 and to the Scottish Bar in 1992. He served as Advocate Depute from 1998 to 2000 and was appointed Queen's Counsel in 2002. He was formerly Chairman of the Faculty's Criminal Bar Association. He is also director of two private companies.

**4 Sheriff Alexander Jessop** Appointed 1 April 1996 - 31 March 2004. Sheriff Jessop is a sheriff of Grampian, Highlands and Islands at Aberdeen. He is a former Procurator Fiscal for Glasgow.

**5 Nick Kuenssberg OBE** Appointed 1 April 1996 - 31 March 2004. Nick Kuenssberg is an experienced businessman with considerable UK and international experience. He is

chairman of three companies including iomart Group plc and GAP Group Ltd and a non-executive director of four quoted companies. Previously he was chairman of Dynacast International, Stoddard International and David A Hall, a main board director of Coats Viyella, Dawson International, ScottishPower and Standard Life Assurance Company plc and chairman of the Institute of Directors, Scotland and ScotlandIS and a visiting professor at Strathclyde University. He is also chairman of the Glasgow School of Art and Scottish Networks International and deputy chairman of the Scottish Environment Protection Agency. He was awarded an OBE for services to the Scottish Legal Aid Board in June 2004.

**6 Graeme McKinstry** Appointed 1 April 2002 - 31 March 2006. Graeme McKinstry is a solicitor and runs his own practice in Ayr. He is a director of Ayrshire Medical Support Ltd and is a lecturer/tutor/speaker to the legal profession. Previously, he was a



non-Executive Director of the South Ayrshire Hospitals NHS Trust and a non-Executive Director of Ayrshire and Arran Acute Hospitals NHS Trust. He was formerly a Professional Development Officer at the centre for Professional and Legal Studies at Strathclyde University, and holds an MBA in Legal Practice.

**7 Ellen Morton** Appointed 1 December 2002 - 31 March 2006. An elected local councillor for Argyll and Bute since 1999, Ellen Morton is a part-time member of the Immigration Appeal Tribunal. Mrs Morton's experience includes thirty years in various teaching posts, and managing a business.

**8 David Nicol** Appointed 1 April 2002 - 31 March 2006. David Nicol is a solicitor and partner with Allan McDougall Solicitors, Edinburgh. He has been a legal adviser at a legal clinic run by a voluntary organisation for over 10 years and is a Director of Family Mediation Lothian.

**9 Yvonne Osman** Appointed 1 April 1996 - 31 December 2004. Yvonne Osman runs her own consultancy service. She previously worked as Enquiries and Investigations Manager with the Mental Welfare Commission, and is a former manager of the Dumfries Citizens Advice Bureau and former member of the Scottish Consumer Council.

**10 Professor Ian Percy CBE** Appointed 1 April 2000 - 31 March 2006. Professor Percy is an experienced accountant and businessman. He is Chairman of Kiln plc and Companies House plc. He is director of four companies and consultant on Audit and Corporate Governance. He was a member of the Treasury and DTI Co-ordinating Committee on Accounting and Auditing issues. He is a Past President of the Institute of Chartered Accountants of Scotland, and past Chairman of the Accounts Commission and Audit Scotland. He is an Honorary Professor of Accounting and Doctor of Laws at Aberdeen University. He was awarded the CBE for services to the accountancy profession and Local Government in 1996.

**11 Margaret Scanlan** Appointed 1 September 1997 - 31 March 2006 Margaret Scanlan has been a consultant with Russells, Gibson and McCaffrey, Solicitors since 1992. An accredited specialist in family law, Mrs Scanlan is a founder member and past Chair of the Family Law Association.

**12 Malcolm Thomson QC, Deputy Chairman** Appointed 1 April 1998 - 31 March 2006. Malcolm Thomson QC has been a member of the Scottish Bar since 1974 and a Queen's Counsel since 1987. He is also a temporary judge and a member of the English Bar. He is Chairman of the National Health Service Tribunal in Scotland and Consultant Editor for two legal publishers.

On 31 March 2004, Sheriff Jessop and Nick Kuenssberg's term of Board membership ended. Two new Board Members joined on 1 April 2004, Sheriff Kenneth Ross and Satnam Singh.

Related party transactions for any Board Member who engages in legal aid work or whose spouse or relative engages in legal aid work are shown in our annual accounts.

#### SENIOR STAFF

**13 Lindsay Montgomery** – Chief Executive. Appointed July 1999.

**14 Andrew Menzies** – Director of Corporate Services and Accounts. Appointed March 2003.

**15 Ian Middleton** – Director of Audit and Compliance. Appointed May 1987.

**16 Tom Murray** – Director of Legal Services and Applications. Appointed May 1999.

## PERFORMANCE TARGETS AND STATISTICS

THIS SECTION DETAILS OUR PERFORMANCE AGAINST TARGET, AND COSTS AND VOLUMES STATISTICS FOR CIVIL, CRIMINAL AND CHILDREN'S LEGAL AID, ADVICE AND ASSISTANCE, CONTEMPT AND PAYMENTS MADE DURING THE YEAR.

### PAYMENTS MADE

Information on payments made to all solicitors' firms, advocates and solicitor advocates in 2003-2004 for legal aid work is available on our website [www.slab.org.uk](http://www.slab.org.uk)

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# OUR PERFORMANCE

# APPENDIX 1

## 1.1 CIVIL LEGAL AID APPLICATIONS

| HEADLINE        | WEIGHTING | TARGET     | ACTUAL     |            |
|-----------------|-----------|------------|------------|------------|
|                 |           |            | 2003-2004  | 2002-2003  |
| Timeliness      | 0.5       | 88%        | 90%        | 86%        |
| Accuracy        | 0.5       | 91%        | 97%        | 94%        |
| <b>Headline</b> |           | <b>90%</b> | <b>93%</b> | <b>90%</b> |

### TIMELINESS

| Percentage of applications actioned within service standard time    | STANDARD               | TARGET     | ACTUAL     |            |
|---|------------------------|------------|------------|------------|
|   |                        |            | 2003-2004  | 2002-2003  |
| Initial applications  | within 42 days         | 87%        | 88%        | 83%        |
| Sanction to employ counsel, expert witnesses or incur unusual costs | within 14 days         | 85%        | 92%        | 86%        |
| Requests to change solicitor  | within 14 days         | 90%        | 92%        | 90%        |
| Reviews of refusal of initial application                           | within 35 days         | 82%        | 82%        | 77%        |
| Requests to extend the scope of the case                            | within 35 days         | 87%        | 89%        | 89%        |
| Reassessments of financial eligibility                              | within 35 days         | 95%        | 98%        | 94%        |
| Special urgency cases   | within 5 days          | 97%        | 97%        | 97%        |
| <b>All application types</b>  | <b>within standard</b> | <b>88%</b> | <b>90%</b> | <b>86%</b> |

### ACCURACY

| Percentage of decisions that are free of material errors            | STANDARD          | TARGET     | ACTUAL     |            |
|---|-------------------|------------|------------|------------|
|   |                   |            | 2003-2004  | 2002-2003  |
| Initial applications  | error free        | 91%        | 96%        | 92%        |
| Sanction to employ counsel, expert witnesses or incur unusual costs | error free        | 91%        | 98%        | 96%        |
| Requests to change solicitor  | error free        | 91%        | 99%        | 99%        |
| Reviews of refusal of initial application                           | error free        | 91%        | 96%        | 92%        |
| Requests to extend the scope of the case                            | error free        | 91%        | 99%        | 96%        |
| Reassessments of financial eligibility                              | error free        | 91%        | 98%        | 97%        |
| Special urgency cases   | error free        | 91%        | 97%        | -          |
| <b>All application types</b>  | <b>error free</b> | <b>91%</b> | <b>97%</b> | <b>94%</b> |

## 1.2 CRIMINAL LEGAL AID APPLICATIONS

| HEADLINE        | WEIGHTING | TARGET     | ACTUAL     |            |
|-----------------|-----------|------------|------------|------------|
|                 |           |            | 2003-2004  | 2002-2003  |
| Timeliness      | 0.5       | 97%        | 99%        | 99%        |
| Accuracy        | 0.5       | 93%        | 99%        | 99%        |
| <b>Headline</b> |           | <b>95%</b> | <b>99%</b> | <b>99%</b> |

### TIMELINESS

| Percentage of applications actioned within service standard time     | STANDARD               | TARGET     | ACTUAL     |            |
|--|------------------------|------------|------------|------------|
|  |                        |            | 2003-2004  | 2002-2003  |
| Initial applications in summary cases                                | within 12 days         | 97%        | 99%        | 99%        |
| Sanction to employ counsel, expert witness or incur unusual costs    | within 7 days          | 97%        | 99%        | 99%        |
| Requests to change solicitor   | within 7 days          | 97%        | 99%        | 99%        |
| Reviews of refusal of initial application                            | within 14 days         | 99%        | 99%        | 99%        |
| Application to make an appeal in court (including children's appeal) | within 7 days          | 97%        | 99%        | 99%        |
| Request to reconsider a decision by the Board                        | within 14 days         | 97%        | 99%        | 99%        |
| Special urgency cases (summary first instance and appeals)           | within 3 days          | 97%        | 99%        | 99%        |
| Exceptional Cases  | within 14 days         | 97%        | 92%        | -          |
| <b>All application types</b>   | <b>within standard</b> | <b>97%</b> | <b>99%</b> | <b>99%</b> |

### ACCURACY

| Percentage of decisions that are free of material errors             | STANDARD          | TARGET     | ACTUAL     |            |
|--|-------------------|------------|------------|------------|
|  |                   |            | 2003-2004  | 2002-2003  |
| Initial applications in summary cases                                | error free        | 93%        | 99%        | 99%        |
| Sanction to employ counsel, expert witness or incur unusual costs    | error free        | 93%        | 99%        | 99%        |
| Requests to change solicitor   | error free        | 93%        | 99%        | 99%        |
| Reviews of refusal of initial application                            | error free        | 93%        | 99%        | 99%        |
| Application to make an appeal in court (including children's appeal) | error free        | 93%        | 99%        | 99%        |
| Request to reconsider a decision by the Board                        | error free        | 93%        | 99%        | 98%        |
| Special urgency cases (summary first instance and appeals)           | error free        | 93%        | 99%        | -          |
| Exceptional Cases  | error free        | 93%        | 99%        | -          |
| <b>All application types</b>   | <b>error free</b> | <b>93%</b> | <b>99%</b> | <b>99%</b> |

## 1.3 ADVICE AND ASSISTANCE

| HEADLINE        | WEIGHTING | TARGET     | ACTUAL     |            |
|-----------------|-----------|------------|------------|------------|
|                 |           |            | 2003-2004  | 2002-2003  |
| Timeliness      | 0.5       | 93%        | 97%        | 95%        |
| Accuracy        | 0.5       | 96%        | 99%        | 99%        |
| <b>Headline</b> |           | <b>95%</b> | <b>98%</b> | <b>97%</b> |

## TIMELINESS

| Percentage of applications actioned within service standard time              | STANDARD               | TARGET     | ACTUAL     |            |
|---|------------------------|------------|------------|------------|
|   |                        |            | 2003-2004  | 2002-2003  |
| Registration of intimations of a grant of advice and assistance by solicitors | within 10 days         | 95%        | 98%        | 95%        |
| Requests for increase in authorised expenditure                               | within 7 days          | 90%        | 95%        | 95%        |
| Requests for change of nominated solicitor                                    | within 14 days         | 95%        | 97%        | 94%        |
| Request to reconsider a decision by the Board                                 | within 7 days          | 85%        | 89%        | 90%        |
| <b>All application types</b>  | <b>within standard</b> | <b>93%</b> | <b>97%</b> | <b>95%</b> |

## ACCURACY

| Percentage of decisions that are free of material errors                      | STANDARD          | TARGET     | ACTUAL     |            |
|---|-------------------|------------|------------|------------|
|   |                   |            | 2003-2004  | 2002-2003  |
| Registration of intimations of a grant of advice and assistance by solicitors | error free        | 96%        | 99%        | 99%        |
| Requests for increase in authorised expenditure                               | error free        | 96%        | 97%        | 99%        |
| Requests for change of nominated solicitor                                    | error free        | 96%        | 99%        | 99%        |
| Request to reconsider a decision by the Board                                 | error free        | 96%        | 97%        | 95%        |
| <b>All application types</b>  | <b>error free</b> | <b>96%</b> | <b>99%</b> | <b>99%</b> |

## 1.4 ACCOUNTS ASSESSMENT

| CIVIL LEGAL AID   | STANDARD       | TARGET     | ACTUAL     |            |
|---|----------------|------------|------------|------------|
|   |                |            | 2003-2004  | 2002-2003  |
| Timeliness – percentage of accounts actioned within service standard time | within 30 days | 86%        | 99%        | 99%        |
| Accuracy – percentage of accounts that are free of material errors        | error free     | 95%        | 96%        | 97%        |
| <b>Headline</b>   |                | <b>91%</b> | <b>98%</b> | <b>98%</b> |

| CRIMINAL LEGAL AID  | STANDARD       | TARGET     | ACTUAL     |            |
|---|----------------|------------|------------|------------|
|   |                |            | 2003-2004  | 2002-2003  |
| Timeliness – percentage of accounts actioned within service standard time | within 30 days | 97%        | 99%        | 99%        |
| Accuracy – percentage of accounts that are free of material errors        | error free     | 95%        | 99%        | 97%        |
| <b>Headline</b>   |                | <b>96%</b> | <b>99%</b> | <b>98%</b> |

| ADVICE & ASSISTANCE   | STANDARD       | TARGET     | ACTUAL     |            |
|---|----------------|------------|------------|------------|
|   |                |            | 2003-2004  | 2002-2003  |
| Timeliness – percentage of accounts actioned within service standard time | within 30 days | 95%        | 99%        | 99%        |
| Accuracy – percentage of accounts that are free of material errors        | error free     | 95%        | 97%        | 96%        |
| <b>Headline</b>   |                | <b>95%</b> | <b>98%</b> | <b>98%</b> |

## 1.5 CORPORATE TARGETS

|                                | STANDARD  | TARGET | ACTUAL    |           |
|--------------------------------|---|--------|-----------|-----------|
|                                |   |        | 2003-2004 | 2002-2003 |
| Complaints handling            | within 28 days  | –      | 70%       | 59%       |
| Payment for goods and services | within 30 days  | 97%    | 99%       | 97%       |
| Collection of contributions    | percentage of assisted persons' contributions payable which are actually collected in civil legal aid cases | 90%    | 93%       | –         |

## Notes

- performance in 2002-2003 was measured against different targets to those shown for 2003-2004, that were mainly lower
- headline indicators are rounded to the nearest percentage
- targets and indicators for criminal legal aid include legal aid for children.

## ADVICE AND ASSISTANCE

## APPENDIX 2

### 2.1 INCOMPLETE INTIMATIONS RETURNED UNREGISTERED

|              | 2003-2004    | 2002-2003    |
|--------------|--------------|--------------|
| <b>TOTAL</b> | <b>4,872</b> | <b>8,054</b> |

### 2.2 INTIMATIONS OF ADVICE AND ASSISTANCE (INCLUDING ASSISTANCE BY WAY OF REPRESENTATION (ABWOR))

|   | 2003-2004      | 2002-2003      |
|---|----------------|----------------|
| Civil advice and assistance   | 132,525        | 146,639        |
| Civil ABWOR   | 4,115          | 4,272          |
| <b>Total civil advice and assistance and ABWOR</b>                                | <b>136,640</b> | <b>150,911</b> |
| Criminal advice and assistance  | 136,102        | 137,732        |
| Criminal ABWOR  | 22,931         | 21,631         |
| <b>Total criminal advice and assistance and ABWOR</b>                             | <b>159,033</b> | <b>159,363</b> |
| <b>Advice and assistance for matters relating to Children (Scotland) Act 1995</b> | <b>7,346</b>   | <b>6,768</b>   |
| <b>Total advice and assistance (excluding ABWOR)</b>                              | <b>275,973</b> | <b>291,139</b> |
| <b>Total ABWOR</b>  | <b>27,046</b>  | <b>25,903</b>  |
| <b>TOTAL</b>  | <b>303,019</b> | <b>317,042</b> |

### 2.3 CIVIL INTIMATIONS BY SUBJECT MATTER

| SUBJECT MATTER                                     | 2003-2004      | 2002-2003      |
|--|----------------|----------------|
| <b>Civil advice and assistance</b>                 |                |                |
| Divorce  | 12,521         | 14,240         |
| Separation   | 7,591          | 8,098          |
| Other family/matrimonial                           | 4,032          | 4,475          |
| Contact  | 11,603         | 12,626         |
| Residence  | 2,712          | 3,048          |
| Aliment/Child Support Agency                       | 1,440          | 1,975          |
| Hire purchase/debt                                 | 12,507         | 14,969         |
| Housing  | 11,060         | 11,696         |
| Recovery of heritable property                     | 869            | 910            |
| Reparation   | 13,024         | 13,322         |
| Breach of contract                                 | 561            | 611            |
| Employment   | 3,377          | 3,857          |
| State benefit                                      | 7,883          | 8,816          |
| Interdict/harassment/non-harassment                | 9,597          | 10,252         |
| Immigration  | 5,395          | 4,218          |
| Human rights                                       | 298            | 240            |
| Criminal Injuries Compensation Agency              | 3,965          | 4,350          |
| Wills/executry                                     | 3,614          | 4,332          |
| Mental health                                      | 881            | 640            |
| Complaints against professional bodies             | 2,890          | 2,916          |
| Judicial review                                    | 787            | 668            |
| Conveyancing                                       | 286            | 352            |
| Power of attorney                                  | 444            | 558            |
| Restoration of driving licence                     | 382            | 381            |
| Civil appeals                                      | 216            | 179            |
| Other  | 14,590         | 18,910         |
| <b>Total civil advice and assistance</b>           | <b>132,525</b> | <b>146,639</b> |
| <b>Civil ABWOR</b>                                 |                |                |
| Employment tribunals                               | 128            | 174            |
| Immigration  | 2,138          | 2,431          |
| Mental health                                      | 1,112          | 1,130          |
| Bankruptcy/petition by debtor                      | 47             | 48             |
| Sequestration                                      | 207            | 48             |
| Restoration of driving licence                     | 378            | 328            |
| Other  | 105            | 113            |
| <b>Total civil ABWOR</b>                           | <b>4,115</b>   | <b>4,272</b>   |
| <b>TOTAL CIVIL ADVICE AND ASSISTANCE AND ABWOR</b> | <b>136,640</b> | <b>150,911</b> |

## 2.4 CRIMINAL INTIMATIONS BY SUBJECT MATTER

| SUBJECT MATTER  | 2003-2004      | 2002-2003      |
|---|----------------|----------------|
| <b>Criminal advice and assistance</b>                 |                |                |
| Murder/attempted murder/culpable homicide             | 683            | 726            |
| Assault   | 16,913         | 16,519         |
| Theft/housebreaking/robbery                           | 21,627         | 23,831         |
| Road traffic  | 16,961         | 16,619         |
| Offensive weapons/vandalism/breach of the peace       | 22,294         | 21,420         |
| Drugs   | 7,823          | 7,255          |
| Embezzlement/fraud                                    | 1,769          | 1,790          |
| Sexual offences                                       | 981            | 974            |
| Appeals   | 4,330          | 5,522          |
| Criminal Procedure (Scotland) Act                     | 10,641         | 11,113         |
| Mean enquiries/fines                                  | 14,955         | 15,145         |
| Prison rules  | 2,496          | 2,857          |
| Breach proceedings                                    | 1,587          | 1,579          |
| Contempt of court                                     | 350            | 914            |
| Civic Government (Scotland) Act                       | 1,514          | 1,613          |
| Criminal Law Consolidation (Scotland) Act             | 1,440          | 1,413          |
| Other   | 9,738          | 8,442          |
| <b>Total criminal advice and assistance</b>           | <b>136,102</b> | <b>137,732</b> |
| <b>Criminal ABWOR</b>                                 |                |                |
| Assault   | 1,013          | 1,010          |
| Theft/housebreaking/robbery                           | 2,145          | 2,323          |
| Road traffic  | 6,209          | 6,427          |
| Offensive weapons/vandalism/breach of the peace       | 1,968          | 1,932          |
| Drugs   | 1,034          | 851            |
| Embezzlement/fraud                                    | 329            | 311            |
| Sexual offences                                       | 50             | 55             |
| Criminal Procedure (Scotland) Act                     | 2,694          | 2,454          |
| Breach proceedings                                    | 4,960          | 4,468          |
| Contempt of court                                     | 9              | 13             |
| Civic Government (Scotland) Act                       | 186            | 157            |
| Criminal Law Consolidation (Scotland) Act             | 161            | 133            |
| Other   | 2,173          | 1,497          |
| <b>Total criminal ABWOR</b>                           | <b>22,931</b>  | <b>21,631</b>  |
| <b>TOTAL CRIMINAL ADVICE AND ASSISTANCE AND ABWOR</b> | <b>159,033</b> | <b>159,363</b> |

## 2.5 INTIMATIONS BY GENDER

|                        | MALE APPLICANT |            | FEMALE APPLICANT |            | TOTAL          |
|------------------------|----------------|------------|------------------|------------|----------------|
| Civil                  | 59,919         | 45%        | 72,606           | 55%        | 132,525        |
| Criminal               | 112,248        | 82%        | 23,854           | 18%        | 136,102        |
| Civil ABWOR            | 2,567          | 62%        | 1,548            | 38%        | 4,115          |
| Criminal ABWOR         | 18,495         | 81%        | 4,436            | 19%        | 22,931         |
| Children               | 2,792          | 38%        | 4,554            | 62%        | 7,346          |
| <b>TOTAL 2003-2004</b> | <b>196,021</b> | <b>65%</b> | <b>106,998</b>   | <b>35%</b> | <b>303,019</b> |
| TOTAL 2002-2003        | 201,922        | 64%        | 115,120          | 36%        | 317,042        |

## 2.6 INCREASES IN LIMIT OF AUTHORISED EXPENDITURE

|                                | APPLICATIONS<br>FOR INCREASE |                | INCREASES<br>GRANTED |                | INCREASES<br>REFUSED |              |
|--------------------------------|------------------------------|----------------|----------------------|----------------|----------------------|--------------|
|                                | 2003-2004                    | 2002-2003      | 2003-2004            | 2002-2003      | 2003-2004            | 2002-2003    |
| Civil advice and assistance    | 100,144                      | 102,457        | 83,317               | 85,640         | 6,021                | 6,778        |
| Criminal advice and assistance | 20,964                       | 20,839         | 17,579               | 17,410         | 1,271                | 1,213        |
| Civil ABWOR                    | 6,842                        | 7,674          | 5,729                | 6,348          | 183                  | 228          |
| Criminal ABWOR                 | 18,140                       | 16,493         | 16,204               | 14,507         | 443                  | 454          |
| Children                       | 3,116                        | 2,787          | 2,654                | 2,372          | 140                  | 156          |
| <b>TOTAL</b>                   | <b>149,206</b>               | <b>150,250</b> | <b>125,483</b>       | <b>126,277</b> | <b>8,058</b>         | <b>8,829</b> |

## NOTE

- Decisions in table 2.6 do not include decisions after reconsideration. These are reported separately in table 2.8.

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a "cash" basis
- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 2.7 DISPOSAL OF APPLICATIONS UNDER REGULATION 16(3) (HARDSHIP PROVISIONS) OF THE ADVICE AND ASSISTANCE (SCOTLAND) REGULATIONS 1996

|                        | APPLICATIONS | GRANTED      | TOTAL PAYMENTS<br>£'000 |
|------------------------|--------------|--------------|-------------------------|
| Client claimed         | 1,771        | 1,308        | 709                     |
| Solicitor claimed      | 64           | 54           | 34                      |
| <b>TOTAL 2003-2004</b> | <b>1,835</b> | <b>1,362</b> | <b>743</b>              |
| TOTAL 2002-2003        | 2,296        | 1,825        | 862                     |

## 2.8 RECONSIDERATION OF AN APPLICATION FOR AN INCREASE IN LIMIT OF AUTHORISED EXPENDITURE

|                | APPLICATIONS FOR RECONSIDERATION |              | INCREASES GRANTED |              | INCREASES REFUSED |              |
|----------------|----------------------------------|--------------|-------------------|--------------|-------------------|--------------|
|                | 2003-2004                        | 2002-2003    | 2003-2004         | 2002-2003    | 2003-2004         | 2002-2003    |
| Civil          | 3,727                            | 4,201        | 2,752             | 2,968        | 772               | 1,038        |
| Criminal       | 1,027                            | 1,113        | 503               | 510          | 477               | 556          |
| Civil ABWOR    | 134                              | 173          | 108               | 148          | 16                | 18           |
| Criminal ABWOR | 294                              | 294          | 240               | 229          | 57                | 47           |
| Children       | 57                               | 50           | 41                | 28           | 15                | 15           |
| <b>TOTAL</b>   | <b>5,239</b>                     | <b>5,831</b> | <b>3,644</b>      | <b>3,883</b> | <b>1,337</b>      | <b>1,674</b> |

## 2.9 ACCOUNTS PAID AND AVERAGE CASE COSTS

| SUBJECT MATTER  | MINIMUM FEE CASES           |                     | DETAILED ACCOUNTS |                     |                    |                  | TOTAL NUMBER OF CASES<br>2003-2004 | TOTAL PAID<br>2003-2004<br>£'000 | AVERAGE CASE COST<br>2003-2004<br>£ | AVERAGE CASE COST<br>2002-2003<br>£ |
|---|-----------------------------|---------------------|-------------------|---------------------|--------------------|------------------|------------------------------------|----------------------------------|-------------------------------------|-------------------------------------|
|   | NUMBER OF CASES             | TOTAL PAID<br>£'000 | NUMBER OF CASES   | TOTAL PAID<br>£'000 | SOLICITOR<br>£'000 | OUTLAYS<br>£'000 |                                    |                                  |                                     |                                     |
|   | Civil advice and assistance | 20,461              | 568               | 98,284              | 18,139             | 16,363           |                                    |                                  |                                     |                                     |
| Civil ABWOR   | 128                         | 4                   | 3,727             | 2,542               | 1,955              | 587              | 3,855                              | 2,546                            | 660                                 | 536                                 |
| <b>Total civil advice and assistance and ABWOR</b>                                | <b>20,589</b>               | <b>571</b>          | <b>102,011</b>    | <b>20,681</b>       | <b>18,318</b>      | <b>2,363</b>     | <b>122,600</b>                     | <b>21,252</b>                    | <b>173</b>                          | <b>159</b>                          |
| Criminal advice and assistance  | 44,985                      | 1,280               | 85,329            | 7,732               | 7,281              | 451              | 130,314                            | 9,012                            | 69                                  | 69                                  |
| Criminal ABWOR  | 2,767                       | 78                  | 16,332            | 3,366               | 3,146              | 220              | 19,099                             | 3,444                            | 180                                 | 187                                 |
| <b>Total criminal advice and assistance and ABWOR</b>                             | <b>47,752</b>               | <b>1,358</b>        | <b>101,661</b>    | <b>11,098</b>       | <b>10,427</b>      | <b>671</b>       | <b>149,413</b>                     | <b>12,456</b>                    | <b>83</b>                           | <b>83</b>                           |
| <b>Advice and assistance for matters relating to Children (Scotland) Act 1995</b> | <b>1,505</b>                | <b>43</b>           | <b>4,878</b>      | <b>602</b>          | <b>577</b>         | <b>25</b>        | <b>6,383</b>                       | <b>645</b>                       | <b>101</b>                          | <b>100</b>                          |
| <b>Total advice and assistance</b>  | <b>66,951</b>               | <b>1,890</b>        | <b>188,491</b>    | <b>26,473</b>       | <b>24,220</b>      | <b>2,253</b>     | <b>255,442</b>                     | <b>28,363</b>                    | <b>111</b>                          | <b>108</b>                          |
| <b>Total ABWOR</b>  | <b>2,895</b>                | <b>82</b>           | <b>20,059</b>     | <b>5,908</b>        | <b>5,101</b>       | <b>807</b>       | <b>22,954</b>                      | <b>5,990</b>                     | <b>261</b>                          | <b>244</b>                          |
| <b>TOTAL 2003-2004</b>  | <b>69,846</b>               | <b>1,972</b>        | <b>208,550</b>    | <b>32,380</b>       | <b>29,321</b>      | <b>3,060</b>     | <b>278,396</b>                     | <b>34,353</b>                    | <b>123</b>                          |                                     |
| TOTAL 2002-2003   | 74,479                      | 2,106               | 209,257           | 31,451              | 28,605             | 2,846            | 283,736                            | 33,557                           |                                     | 118                                 |

### NOTE

- Where minimum fees are paid under ABWOR, this is because solicitors have intimated the case as ABWOR, but have either not proceeded with the case or dealt with it under advice and assistance.
- In this table, payments to advocates and solicitor advocates are included under "outlays", as regulation 17(1) of the Advice and Assistance Regulations 1996 only provides for payment to the solicitor of fees and outlays.

## 2.10 ACCOUNTS PAID AND AVERAGE CASE COSTS – CIVIL ADVICE AND ASSISTANCE AND ABWOR

| SUBJECT MATTER                                       | MINIMUM FEE CASES  |               | DETAILED ACCOUNTS  |               |               |              | TOTAL<br>NUMBER<br>OF CASES<br>2003-2004 | TOTAL<br>PAID<br>2003-2004<br>£'000 | AVERAGE<br>CASE COST<br>2003-2004<br>£ | AVERAGE<br>CASE COST<br>2002-2003<br>£ |
|--|--------------------|---------------|--------------------|---------------|---------------|--------------|--|-------------------------------------|--|--|
|  | NUMBER<br>OF CASES | TOTAL<br>PAID | NUMBER<br>OF CASES | TOTAL<br>PAID | SOLICITOR     | OUTLAYS      |  |                                     |  |  |
|  |                    | £'000         |                    | £'000         | £'000         | £'000        |  |                                     |  |  |
| <b>Civil advice and assistance (excluding ABWOR)</b> |                    |               |                    |               |               |              |  |                                     |  |  |
| Divorce  | 810                | 22            | 10,621             | 2,530         | 2,412         | 118          | 11,431                                   | 2,552                               | 223                                    | 219                                    |
| Separation   | 529                | 14            | 5,669              | 1,753         | 1,664         | 89           | 6,198                                    | 1,767                               | 285                                    | 275                                    |
| Other family/matrimonial                             | 482                | 13            | 3,074              | 665           | 621           | 44           | 3,556                                    | 679                                 | 191                                    | 190                                    |
| Contact  | 1,203              | 33            | 9,484              | 1,668         | 1,637         | 31           | 10,687                                   | 1,701                               | 159                                    | 155                                    |
| Residence  | 252                | 7             | 2,294              | 487           | 476           | 10           | 2,546                                    | 494                                 | 194                                    | 186                                    |
| Aliment/Child Support Agency                         | 319                | 9             | 1,200              | 184           | 171           | 12           | 1,519                                    | 192                                 | 127                                    | 119                                    |
| Hire purchase/debt                                   | 2,365              | 65            | 9,601              | 979           | 953           | 25           | 11,966                                   | 1,044                               | 87                                     | 86                                     |
| Housing  | 2,073              | 58            | 7,932              | 905           | 865           | 39           | 10,005                                   | 963                                 | 96                                     | 90                                     |
| Recovery of heritable property                       | 75                 | 2             | 653                | 98            | 96            | 2            | 728                                      | 100                                 | 137                                    | 133                                    |
| Reparation   | 932                | 25            | 8,418              | 2,043         | 1,461         | 582          | 9,350                                    | 2,068                               | 221                                    | 216                                    |
| Breach of contract                                   | 68                 | 2             | 388                | 63            | 57            | 6            | 456                                      | 64                                  | 141                                    | 120                                    |
| Employment   | 441                | 12            | 2,673              | 748           | 711           | 37           | 3,114                                    | 760                                 | 244                                    | 207                                    |
| State benefit  | 2,254              | 63            | 5,256              | 717           | 570           | 147          | 7,510                                    | 780                                 | 104                                    | 98                                     |
| Interdict/harassment/non-harassment                  | 1,784              | 50            | 7,157              | 1,017         | 1,000         | 17           | 8,941                                    | 1,067                               | 119                                    | 113                                    |
| Immigration  | 283                | 7             | 3,803              | 1,607         | 1,313         | 294          | 4,086                                    | 1,614                               | 395                                    | 376                                    |
| Human rights   | 31                 | 1             | 255                | 42            | 38            | 4            | 286                                      | 42                                  | 148                                    | 126                                    |
| Criminal Injuries Compensation Agency                | 403                | 11            | 3,171              | 439           | 403           | 36           | 3,574                                    | 449                                 | 126                                    | 128                                    |
| Wills/executry                                       | 565                | 15            | 2,732              | 240           | 231           | 9            | 3,297                                    | 255                                 | 77                                     | 80                                     |
| Mental health  | 87                 | 3             | 587                | 326           | 226           | 101          | 674                                      | 329                                 | 488                                    | 443                                    |
| Complaints about professional bodies                 | 807                | 23            | 1,969              | 177           | 166           | 11           | 2,776                                    | 200                                 | 72                                     | 71                                     |
| Judicial review                                      | 83                 | 2             | 557                | 156           | 118           | 38           | 640                                      | 158                                 | 247                                    | 236                                    |
| Conveyancing   | 107                | 3             | 150                | 29            | 25            | 4            | 257                                      | 32                                  | 126                                    | 129                                    |
| Power of attorney                                    | 67                 | 2             | 371                | 45            | 37            | 8            | 438                                      | 47                                  | 107                                    | 111                                    |
| Restoration of driving licence                       | 103                | 3             | 237                | 31            | 27            | 5            | 340                                      | 34                                  | 101                                    | 113                                    |
| Civil appeals  | 15                 | –             | 164                | 37            | 32            | 5            | 179                                      | 38                                  | 210                                    | 207                                    |
| Other  | 4,323              | 123           | 9,868              | 1,155         | 1,053         | 102          | 14,191                                   | 1,278                               | 90                                     | 82                                     |
| <b>Total civil advice and assistance</b>             | <b>20,461</b>      | <b>568</b>    | <b>98,284</b>      | <b>18,139</b> | <b>16,363</b> | <b>1,776</b> | <b>118,745</b>                           | <b>18,707</b>                       | <b>158</b>                             | <b>148</b>                             |
| <b>Civil ABWOR</b>                                   |                    |               |                    |               |               |              |  |                                     |  |  |
| Employment tribunals                                 | 2                  | –             | 137                | 119           | 106           | 13           | 139                                      | 119                                 | 857                                    | 720                                    |
| Immigration  | 28                 | 1             | 2,088              | 1,578         | 1,243         | 335          | 2,116                                    | 1,579                               | 746                                    | 542                                    |
| Mental health  | 17                 | –             | 1,027              | 736           | 520           | 216          | 1,044                                    | 737                                 | 705                                    | 648                                    |
| Bankruptcy/petition by debtor                        | 4                  | –             | 34                 | 2             | 2             | –            | 38                                       | 3                                   | 68                                     | 95                                     |
| Sequestration  | 20                 | 1             | 83                 | 7             | 5             | 2            | 103                                      | 7                                   | 71                                     | 111                                    |
| Restoration of driving licence                       | 38                 | 1             | 277                | 69            | 57            | 13           | 315                                      | 70                                  | 224                                    | 202                                    |
| Other  | 19                 | –             | 81                 | 30            | 22            | 8            | 100                                      | 30                                  | 303                                    | 420                                    |
| <b>Total civil ABWOR</b>                             | <b>128</b>         | <b>4</b>      | <b>3,727</b>       | <b>2,542</b>  | <b>1,955</b>  | <b>587</b>   | <b>3,855</b>                             | <b>2,546</b>                        | <b>660</b>                             | <b>536</b>                             |
| <b>TOTAL CIVIL ADVICE AND ASSISTANCE AND ABWOR</b>   | <b>20,589</b>      | <b>571</b>    | <b>102,011</b>     | <b>20,681</b> | <b>18,318</b> | <b>2,363</b> | <b>122,600</b>                           | <b>21,252</b>                       | <b>173</b>                             | <b>159</b>                             |

**NOTE**

- Where minimum fees are paid under ABWOR, this is because solicitors have intimated the case as ABWOR, but have either not proceeded with the case or dealt with it under advice and assistance.
- In this table, payments to advocates and solicitor advocates are included under “outlays”, as regulation 17(1) of the Advice and Assistance Regulations 1996 only provides for payment to the solicitor of fees and outlays.

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a “cash” basis
- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 2.11 ACCOUNTS PAID AND AVERAGE CASE COSTS – CRIMINAL ADVICE AND ASSISTANCE AND ABWOR

| SUBJECT MATTER  | MINIMUM FEE CASES |              | DETAILED ACCOUNTS |               |               |            | TOTAL NUMBER OF CASES<br>2003-2004 | TOTAL PAID<br>2003-2004<br>£'000 | AVERAGE CASE COST<br>2003-2004<br>£ | AVERAGE CASE COST<br>2002-2003<br>£ |
|---|-------------------|--------------|-------------------|---------------|---------------|------------|------------------------------------|----------------------------------|-------------------------------------|-------------------------------------|
|   | NUMBER OF CASES   | TOTAL PAID   | NUMBER OF CASES   | TOTAL PAID    | SOLICITOR     | OUTLAYS    |                                    |                                  |                                     |                                     |
|   |                   | £'000        |                   | £'000         | £'000         | £'000      |                                    |                                  |                                     |                                     |
| <b>Criminal advice and assistance (excluding ABWOR)</b> |                   |              |                   |               |               |            |                                    |                                  |                                     |                                     |
| Murder/attempted murder/culpable homicide               | 122               | 3            | 490               | 54            | 50            | 4          | 612                                | 57                               | 93                                  | 101                                 |
| Assault   | 3,887             | 109          | 12,249            | 979           | 949           | 30         | 16,136                             | 1,087                            | 67                                  | 67                                  |
| Theft/housebreaking/robbery                             | 6,033             | 170          | 15,289            | 1,260         | 1,217         | 43         | 21,322                             | 1,431                            | 67                                  | 68                                  |
| Road traffic  | 4,276             | 120          | 11,955            | 1,001         | 977           | 23         | 16,231                             | 1,121                            | 69                                  | 72                                  |
| Offensive weapons/vandalism/breach of the peace         | 5,287             | 150          | 15,893            | 1,272         | 1,239         | 33         | 21,180                             | 1,422                            | 67                                  | 67                                  |
| Drugs   | 1,942             | 55           | 5,484             | 459           | 441           | 18         | 7,426                              | 514                              | 69                                  | 67                                  |
| Embezzlement/fraud                                      | 454               | 13           | 1,240             | 109           | 106           | 4          | 1,694                              | 122                              | 72                                  | 75                                  |
| Sexual offences   | 206               | 5            | 688               | 67            | 64            | 3          | 894                                | 73                               | 81                                  | 92                                  |
| Appeals   | 1,635             | 47           | 2,648             | 394           | 329           | 64         | 4,283                              | 440                              | 103                                 | 86                                  |
| Criminal Procedure (Scotland) Act                       | 5,766             | 165          | 4,586             | 386           | 369           | 17         | 10,352                             | 551                              | 53                                  | 53                                  |
| Mean enquiries/fines                                    | 10,906            | 316          | 3,700             | 220           | 214           | 6          | 14,606                             | 537                              | 37                                  | 37                                  |
| Prison rules  | 385               | 11           | 2,086             | 282           | 222           | 61         | 2,471                              | 293                              | 119                                 | 129                                 |
| Breach proceedings                                      | 370               | 11           | 1,121             | 225           | 205           | 21         | 1,491                              | 236                              | 158                                 | 167                                 |
| Contempt of court                                       | 203               | 6            | 74                | 6             | 5             | 1          | 277                                | 12                               | 42                                  | 34                                  |
| Civic Government (Scotland) Act                         | 481               | 14           | 1,005             | 85            | 82            | 3          | 1,486                              | 99                               | 66                                  | 68                                  |
| Criminal Law Consolidation (Scotland) Act               | 270               | 8            | 1,127             | 88            | 85            | 3          | 1,397                              | 96                               | 68                                  | 68                                  |
| Other   | 2,762             | 78           | 5,694             | 845           | 726           | 120        | 8,456                              | 924                              | 109                                 | 100                                 |
| <b>Total criminal advice and assistance</b>             | <b>44,985</b>     | <b>1,280</b> | <b>85,329</b>     | <b>7,732</b>  | <b>7,281</b>  | <b>451</b> | <b>130,314</b>                     | <b>9,012</b>                     | <b>69</b>                           | <b>69</b>                           |
| <b>Criminal ABWOR</b>                                   |                   |              |                   |               |               |            |                                    |                                  |                                     |                                     |
| Assault   | 162               | 4            | 542               | 89            | 86            | 3          | 704                                | 93                               | 133                                 | 118                                 |
| Theft/housebreaking/robbery                             | 317               | 9            | 1,524             | 289           | 284           | 5          | 1,841                              | 298                              | 162                                 | 153                                 |
| Road traffic  | 713               | 20           | 4,578             | 601           | 591           | 10         | 5,291                              | 621                              | 117                                 | 123                                 |
| Offensive weapons/vandalism/breach of the peace         | 235               | 7            | 1,312             | 204           | 200           | 4          | 1,547                              | 211                              | 136                                 | 132                                 |
| Drugs   | 120               | 3            | 752               | 112           | 108           | 4          | 872                                | 115                              | 132                                 | 138                                 |
| Embezzlement/fraud                                      | 25                | 1            | 255               | 51            | 50            | 1          | 280                                | 52                               | 186                                 | 198                                 |
| Sexual offences   | 3                 | –            | 26                | 7             | 6             | 1          | 29                                 | 7                                | 234                                 | 172                                 |
| Criminal Procedure (Scotland) Act                       | 516               | 15           | 1,817             | 382           | 374           | 8          | 2,333                              | 397                              | 170                                 | 166                                 |
| Breach proceedings                                      | 427               | 12           | 3,962             | 1,093         | 1,023         | 70         | 4,389                              | 1,105                            | 252                                 | 257                                 |
| Civic Government (Scotland) Act                         | 33                | 1            | 137               | 18            | 18            | –          | 170                                | 19                               | 110                                 | 172                                 |
| Criminal Law Consolidation (Scotland) Act               | 14                | –            | 106               | 19            | 19            | –          | 120                                | 20                               | 164                                 | 119                                 |
| Other   | 202               | 6            | 1,321             | 500           | 385           | 115        | 1,523                              | 506                              | 332                                 | 499                                 |
| <b>Total criminal ABWOR</b>                             | <b>2,767</b>      | <b>78</b>    | <b>16,332</b>     | <b>3,366</b>  | <b>3,146</b>  | <b>220</b> | <b>19,099</b>                      | <b>3,444</b>                     | <b>180</b>                          | <b>187</b>                          |
| <b>TOTAL CRIMINAL ADVICE AND ASSISTANCE AND ABWOR</b>   | <b>47,752</b>     | <b>1,358</b> | <b>101,661</b>    | <b>11,098</b> | <b>10,427</b> | <b>671</b> | <b>149,413</b>                     | <b>12,456</b>                    | <b>83</b>                           | <b>83</b>                           |

### NOTE

- Where minimum fees are paid under ABWOR, this is because solicitors have intimated the case as ABWOR, but have either not proceeded with the case or dealt with it under advice and assistance.
- In this table, payments to advocates and solicitor advocates are included under "outlays", as regulation 17(1) of the Advice and Assistance Regulations 1996 only provides for payment to the solicitor of fees and outlays.

## CIVIL LEGAL AID

## APPENDIX 3

## 3.1 APPLICATIONS

| PROCEEDINGS                    | SHERIFF COURT |               | COURT OF SESSION |              | OTHER COURTS |           | TOTAL         |               |
|--------------------------------|---------------|---------------|------------------|--------------|--------------|-----------|---------------|---------------|
|                                | 2003-2004     | 2002-2003     | 2003-2004        | 2002-2003    | 2003-2004    | 2002-2003 | 2003-2004     | 2002-2003     |
| Family/matrimonial             | 12,142        | 13,193        | 116              | 92           | 3            | –         | 12,261        | 13,285        |
| Debt                           | 611           | 632           | 16               | 29           | –            | –         | 627           | 661           |
| Reparation                     | 2,026         | 2,105         | 397              | 551          | 1            | –         | 2,424         | 2,656         |
| Judicial review                | –             | –             | 650              | 331          | 1            | –         | 651           | 331           |
| Appeals                        | 270           | 204           | 81               | 82           | 19           | 16        | 370           | 302           |
| Recovery of heritable property | 943           | 600           | 1                | 1            | –            | 1         | 944           | 602           |
| Other                          | 785           | 1,106         | 98               | 197          | 15           | 11        | 898           | 1,314         |
| <b>TOTAL</b>                   | <b>16,777</b> | <b>17,840</b> | <b>1,359</b>     | <b>1,283</b> | <b>39</b>    | <b>28</b> | <b>18,175</b> | <b>19,151</b> |

## 3.2 GRANTS (INCLUDING GRANTS ON REVIEW)

| PROCEEDINGS                                  | SHERIFF COURT |               | COURT OF SESSION |            | OTHER COURTS |           | TOTAL         |               |
|--|---------------|---------------|------------------|------------|--------------|-----------|---------------|---------------|
|  | 2003-2004     | 2002-2003     | 2003-2004        | 2002-2003  | 2003-2004    | 2002-2003 | 2003-2004     | 2002-2003     |
| Family/matrimonial                           | 9,105         | 9,957         | 68               | 67         | 1            | –         | 9,174         | 10,024        |
| Debt   | 259           | 378           | 9                | 18         | –            | –         | 268           | 396           |
| Reparation                                   | 1,144         | 1,250         | 221              | 292        | –            | –         | 1,365         | 1,542         |
| Judicial review                              | –             | –             | 188              | 111        | –            | –         | 188           | 111           |
| Appeals                                      | 137           | 114           | 53               | 61         | 8            | 9         | 198           | 184           |
| Recovery of heritable property               | 521           | 406           | –                | –          | –            | 1         | 521           | 407           |
| Other  | 517           | 684           | 82               | 128        | 9            | 4         | 608           | 816           |
| <b>TOTAL</b>                                 | <b>11,683</b> | <b>12,789</b> | <b>621</b>       | <b>677</b> | <b>18</b>    | <b>14</b> | <b>12,322</b> | <b>13,480</b> |
| <b>Grants with contribution</b>              |               |               |                  |            |              |           | <b>3,108</b>  | <b>3,098</b>  |
| Grants with no contribution                  |               |               |                  |            |              |           | 9,214         | 10,382        |
| <b>TOTAL</b>                                 |               |               |                  |            |              |           | <b>12,322</b> | <b>13,480</b> |
| Average value of contribution, where payable |               |               |                  |            |              |           | £1,026        | £849          |

## 3.3 INTIMATIONS OF STEPS TAKEN UNDER REGULATION 18(1)(a) AND CERTIFICATES GRANTED UNDER REGULATION 18(1)(b) OF THE CIVIL LEGAL AID (SCOTLAND) REGULATIONS 2002 (LEGAL AID IN MATTERS OF SPECIAL URGENCY)

|  | 2003-2004     | 2002-2003     |
|--|---------------|---------------|
| Intimations under regulation 18(1)(a)    | 11,231        | 12,643        |
| Certifications under regulation 18(1)(b) | 1,861         | 2,468         |
| <b>TOTAL</b>                             | <b>13,092</b> | <b>15,111</b> |

## 3.4 ANALYSIS OF FULL APPLICATIONS WHERE LEGAL AID WAS REFUSED OR ABANDONED AT FIRST INSTANCE

| COURT            | REFUSED ON MERITS |              | REFUSED ON MEANS |              | ABANDONED BEFORE OFFER OF LEGAL AID |              | REFUSED AFTER APPLICANT DECLINED OFFER |            | TOTAL        |               |
|------------------|-------------------|--------------|------------------|--------------|-------------------------------------|--------------|--|------------|--------------|---------------|
|                  | 2003-2004         | 2002-2003    | 2003-2004        | 2002-2003    | 2003-2004                           | 2002-2003    | 2003-2004                              | 2002-2003  | 2003-2004    | 2002-2003     |
| Court of Session | 660               | 576          | 68               | 80           | 190                                 | 133          | 5                                      | 21         | 923          | 810           |
| Sheriff court    | 4,750             | 5,775        | 683              | 970          | 1,698                               | 1,486        | 408                                    | 943        | 7,539        | 9,174         |
| Other courts     | 12                | 15           | 6                | 1            | 6                                   | 3            | –                                      | 3          | 24           | 22            |
| <b>TOTAL</b>     | <b>5,422</b>      | <b>6,366</b> | <b>757</b>       | <b>1,051</b> | <b>1,894</b>                        | <b>1,622</b> | <b>413</b>                             | <b>967</b> | <b>8,486</b> | <b>10,006</b> |

## NOTE

- In this table, and in tables 3.6 and 3.7, “Refused on merits” includes applications refused on the basis of no probable cause, or unreasonableness, where the proceedings are statutorily excluded from civil legal aid.
- “Refused after applicant declined offer” only applies to applications where an offer was made up to 30 September 2003. Since 1 October 2003, decisions on applications have been recorded only as grants or refusals. This category is therefore now included in grants of civil legal aid in table 3.2.

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a “cash” basis
- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

### 3.5 DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE LEGAL AID

#### APPLICATIONS

|                                | 2003-2004    |              |              | 2002-2003    |              |              |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                                | RECEIVED     | ALLOWED      | REFUSED      | RECEIVED     | ALLOWED      | REFUSED      |
| Family/matrimonial             | 2,174        | 1,431        | 628          | 2,458        | 1,614        | 751          |
| Debt                           | 243          | 82           | 133          | 245          | 134          | 113          |
| Reparation                     | 1,050        | 480          | 578          | 1,110        | 532          | 482          |
| Judicial review                | 249          | 54           | 176          | 160          | 39           | 121          |
| Appeals                        | 110          | 37           | 78           | 302          | 147          | 127          |
| Recovery of heritable property | 155          | 94           | 54           | 101          | 61           | 26           |
| Other                          | 260          | 159          | 91           | 91           | 36           | 50           |
| <b>TOTAL</b>                   | <b>4,241</b> | <b>2,337</b> | <b>1,738</b> | <b>4,467</b> | <b>2,563</b> | <b>1,670</b> |

#### NOTE

• This table does not include 371 review applications that were refused on means, without consideration of the merits.

### 3.6 APPLICATIONS AND DECISIONS BY GENDER

|  | MALE APPLICANT |     |           |     | FEMALE APPLICANT |     |           |     |
|--|----------------|-----|-----------|-----|------------------|-----|-----------|-----|
|  | 2003-2004      |     | 2002-2003 |     | 2003-2004        |     | 2002-2003 |     |
| Applications                           | 7,367          | 41% | 7,685     | 40% | 10,808           | 59% | 11,466    | 60% |
| Total grants                           | 4,664          | 38% | 5,112     | 38% | 7,658            | 62% | 8,368     | 62% |
| Refused on merits                      | 2,675          | 49% | 3,059     | 48% | 2,747            | 51% | 3,307     | 52% |
| Refused on means                       | 281            | 37% | 409       | 39% | 476              | 63% | 642       | 61% |
| Abandoned before offer                 | 823            | 43% | 714       | 44% | 1,071            | 57% | 908       | 56% |
| Refused after applicant declined offer | 129            | 31% | 294       | 30% | 284              | 69% | 673       | 70% |

### 3.7 APPLICATIONS AND DECISIONS BY PURSUER/DEFENDER

|  | 2003-2004 |          |       | 2002-2003 |          |       |
|--|-----------|----------|-------|-----------|----------|-------|
|  | PURSUER   | DEFENDER | OTHER | PURSUER   | DEFENDER | OTHER |
| Applications                           | 11,859    | 4,790    | 1,526 | 13,308    | 4,595    | 1,248 |
| Total grants                           | 8,402     | 3,153    | 767   | 9,424     | 3,238    | 818   |
| Refused on merits                      | 3,416     | 1,410    | 596   | 4,405     | 1,494    | 467   |
| Refused on means                       | 523       | 188      | 46    | 736       | 277      | 38    |
| Abandoned before offer                 | 1,133     | 573      | 188   | 1,062     | 437      | 123   |
| Refused after applicant declined offer | 327       | 82       | 4     | 766       | 172      | 29    |

### 3.8 ANALYSIS OF CONTRIBUTIONS PAYABLE BY ASSISTED PERSONS

|  | £0                   | £1-£50           | £51-£100          | £101-£250         | £251-£500         | £501-£800         | £801-£1,200       | £1,201-£1,700     | OVER £1,700       |
|--|----------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Court of Session   | 499                  | 3                | 7                 | 8                 | 17                | 19                | 23                | 25                | 20                |
| Sheriff court  | 8,703                | 62               | 94                | 270               | 500               | 519               | 577               | 573               | 385               |
| Other courts   | 12                   | -                | -                 | -                 | 2                 | -                 | 1                 | 2                 | 1                 |
| <b>TOTAL 2003-2004</b>   | <b>9,214 (74.8%)</b> | <b>65 (0.5%)</b> | <b>101 (0.8%)</b> | <b>278 (2.3%)</b> | <b>519 (4.2%)</b> | <b>538 (4.4%)</b> | <b>601 (4.9%)</b> | <b>600 (4.9%)</b> | <b>406 (3.3%)</b> |
| TOTAL 2002-2003  | 10,382 (77.0%)       | 79 (0.6%)        | 97 (0.7%)         | 340 (2.5%)        | 570 (4.2%)        | 569 (4.2%)        | 611 (4.5%)        | 516 (3.8%)        | 316 (2.3%)        |
| Of those contributions, the breakdown between capital and income was as follows: |                      |                  |                   |                   |                   |                   |                   |                   |                   |
| Capital contributions  |                      | 2                | 2                 | 1                 | 2                 | 1                 | 7                 | 1                 | 22                |
| Income contributions   |                      | 65               | 101               | 278               | 519               | 541               | 602               | 606               | 386               |

#### NOTE

• In 28 cases, both a capital and income contribution was payable.

## 3.9 SANCTIONS

|                                    | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED | APPLICATIONS<br>ABANDONED |
|------------------------------------|--------------------------|-------------------------|-------------------------|---------------------------|
| Expert witness/unusual expenditure | 4,995                    | 3,963                   | 876                     | 327                       |
| Counsel                            | 1,402                    | 769                     | 627                     | 64                        |
| <b>TOTAL 2003-2004</b>             | <b>6,397</b>             | <b>4,732</b>            | <b>1,503</b>            | <b>391</b>                |
| TOTAL 2002-2003                    | 6,102                    | 4,786                   | 1,304                   | 318                       |

## 3.10 APPLICATIONS FOR EXTENSIONS OF GRANTS

|                                | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED |
|--------------------------------|--------------------------|-------------------------|-------------------------|
| Family/matrimonial             | 764                      | 623                     | 153                     |
| Debt                           | 31                       | 25                      | 4                       |
| Reparation                     | 142                      | 100                     | 34                      |
| Judicial review                | 8                        | 8                       | –                       |
| Appeals                        | 5                        | 5                       | –                       |
| Recovery of heritable property | 2                        | 1                       | 1                       |
| Other                          | 160                      | 121                     | 40                      |
| <b>TOTAL 2003-2004</b>         | <b>1,112</b>             | <b>883</b>              | <b>232</b>              |
| TOTAL 2002-2003                | 1,133                    | 890                     | 265                     |

## 3.11 REDETERMINATIONS OF MEANS AFTER GRANT

|                                | NUMBER OF<br>APPLICATIONS<br>RECEIVED | NO CHANGE    | EFFECT ON CONTRIBUTION LEVELS |                        |                                    |                                |
|--------------------------------|---------------------------------------|--------------|-------------------------------|------------------------|------------------------------------|--------------------------------|
|                                |                                       |              | NIL TO<br>CONTRIBUTION        | CONTRIBUTION<br>TO NIL | CHANGE IN<br>CONTRIBUTION<br>LEVEL | INELIGIBLE<br>FOR<br>LEGAL AID |
| Family/matrimonial             | 2,979                                 | 1,206        | 284                           | 150                    | 663                                | 65                             |
| Debt                           | 102                                   | 50           | 12                            | 5                      | 12                                 | 3                              |
| Reparation                     | 405                                   | 201          | 33                            | 30                     | 86                                 | 10                             |
| Judicial review                | 15                                    | 10           | 3                             | –                      | –                                  | –                              |
| Appeals                        | 39                                    | 21           | –                             | 7                      | 4                                  | –                              |
| Recovery of heritable property | 72                                    | 27           | 8                             | 3                      | 9                                  | –                              |
| Other                          | 191                                   | 90           | 16                            | 6                      | 39                                 | 3                              |
| <b>TOTAL 2003-2004</b>         | <b>3,803</b>                          | <b>1,605</b> | <b>356</b>                    | <b>201</b>             | <b>813</b>                         | <b>81</b>                      |
| TOTAL 2002-2003                | 2,701                                 | 1,267        | 397                           | 190                    | 577                                | 64                             |

## 3.12 APPLICATIONS FOR CHANGE OF SOLICITOR

|                        | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED |
|------------------------|--------------------------|-------------------------|-------------------------|
| <b>TOTAL 2003-2004</b> | <b>1,275</b>             | <b>1,162</b>            | <b>133</b>              |
| TOTAL 2002-2003        | 1,420                    | 1,276                   | 156                     |

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- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

### 3.13 ACCOUNTS PAID AND AVERAGE CASE COSTS

| PROCEEDINGS                       | TOTAL PAID    | SOLICITOR     | ADVOCATE     | SOLICITOR<br>ADVOCATE | OUTLAYS      | NUMBER<br>OF CASES | AVERAGE<br>COST<br>PER CASE<br>2003-2004 | AVERAGE<br>COST<br>PER CASE<br>2002-2003 |
|-----------------------------------|---------------|---------------|--------------|-----------------------|--------------|--------------------|--|--|
|                                   | £'000         | £'000         | £'000        | £'000                 | £'000        |                    | £  | £  |
| <b>Sheriff court</b>              |               |               |              |                       |              |                    |  |  |
| Family/matrimonial                | 15,970        | 10,793        | 709          | –                     | 4,469        | 8,741              | 1,827                                    | 1,757                                    |
| Debt                              | 469           | 347           | 55           | –                     | 67           | 312                | 1,504                                    | 1,257                                    |
| Reparation                        | 4,386         | 2,887         | 485          | –                     | 1,014        | 1,073              | 4,087                                    | 3,552                                    |
| Appeals                           | 416           | 211           | 146          | –                     | 60           | 137                | 3,039                                    | 2,381                                    |
| Recovery of heritable property    | 171           | 148           | 8            | –                     | 15           | 316                | 543                                      | 446                                      |
| Other                             | 1,864         | 1,067         | 450          | –                     | 347          | 1,425              | 1,308                                    | 1,445                                    |
| <b>Total sheriff court</b>        | <b>23,276</b> | <b>15,452</b> | <b>1,852</b> | <b>–</b>              | <b>5,972</b> | <b>12,004</b>      | <b>1,939</b>                             | <b>1,854</b>                             |
| <b>Court of Session</b>           |               |               |              |                       |              |                    |  |  |
| Family/matrimonial                | 592           | 217           | 188          | –                     | 187          | 89                 | 6,649                                    | 4,461                                    |
| Debt                              | 67            | 36            | 20           | –                     | 10           | 12                 | 5,549                                    | 6,039                                    |
| Reparation                        | 4,759         | 1,802         | 1,514        | 2                     | 1,441        | 313                | 15,206                                   | 13,625                                   |
| Judicial review                   | 238           | 69            | 123          | –                     | 47           | 96                 | 2,483                                    | 3,279                                    |
| Appeals                           | 258           | 80            | 126          | –                     | 53           | 43                 | 6,010                                    | 3,797                                    |
| Other                             | 718           | 299           | 263          | –                     | 156          | 152                | 4,725                                    | 5,774                                    |
| <b>Total Court of Session</b>     | <b>6,633</b>  | <b>2,502</b>  | <b>2,235</b> | <b>2</b>              | <b>1,894</b> | <b>705</b>         | <b>9,408</b>                             | <b>8,499</b>                             |
| <b>Total other courts</b>         | <b>85</b>     | <b>8</b>      | <b>70</b>    | <b>–</b>              | <b>7</b>     | <b>12</b>          | <b>7,065</b>                             | <b>1,795</b>                             |
| <b>All courts</b>                 |               |               |              |                       |              |                    |  |  |
| Family/matrimonial                | 16,562        | 11,010        | 897          | –                     | 4,655        | 8,830              | 1,876                                    | 1,796                                    |
| Debt                              | 536           | 382           | 76           | –                     | 78           | 324                | 1,654                                    | 1,446                                    |
| Reparation                        | 9,145         | 4,689         | 1,999        | 2                     | 2,456        | 1,386              | 6,598                                    | 5,968                                    |
| Judicial review                   | 238           | 69            | 123          | –                     | 47           | 96                 | 2,483                                    | 3,279                                    |
| Appeals                           | 675           | 291           | 272          | –                     | 113          | 180                | 3,749                                    | 2,865                                    |
| Recovery of heritable property    | 171           | 148           | 8            | –                     | 15           | 316                | 543                                      | 446                                      |
| Other                             | 2,667         | 1,374         | 783          | –                     | 509          | 1,589              | 1,678                                    | 2,118                                    |
| <b>TOTAL ALL COURTS 2003-2004</b> | <b>29,994</b> | <b>17,962</b> | <b>4,157</b> | <b>2</b>              | <b>7,873</b> | <b>12,721</b>      | <b>2,358</b>                             |  |
| TOTAL ALL COURTS 2002-2003        | 27,071        | 16,306        | 3,238        | 1                     | 7,526        | 11,994             |  | 2,257                                    |

#### NOTE

- Reparation cases include those paid in terms of the extra statutory concession and, from 1 December 2002, of regulation 3 (as amended) of the Civil Legal Aid (Scotland) (Fees) Regulations 1989, where the legal representatives have elected to opt for the party and party expenses recovered from the opponent.

### 3.14 AMOUNTS RECOVERED BY THE LEGAL AID FUND

|   | 2003-2004<br>£'000 | 2002-2003<br>£'000 |
|---|--------------------|--------------------|
| Contributions from assisted persons                               | 1,450              | 1,264              |
| Expenses from opponents   | 8,738              | 7,104              |
| Amounts awarded to assisted persons transferred to Legal Aid Fund | 1,162              | 1,300              |
| <b>TOTAL RECOVERIES</b>   | <b>11,350</b>      | <b>9,668</b>       |

#### NOTE

- These are amounts actually received by the Board, not amounts due to it.
- A breakdown of total amounts recovered is shown in the Analysis of Payments in table 7.1.

### 3.15 ACCOUNTS PAID UNDER SPECIAL URGENCY (WHEREBY IN CERTAIN CIRCUMSTANCES WORK CARRIED OUT WHERE LEGAL AID IS NOT SUBSEQUENTLY GRANTED, IS PAID FOR OUT OF THE FUND)

|                        | TOTAL PAID | SOLICITOR  | ADVOCATE  | SOLICITOR<br>ADVOCATE | OUTLAYS    | NUMBER<br>OF CASES | AVERAGE<br>COST PER<br>CASE |
|------------------------|------------|------------|-----------|-----------------------|------------|--------------------|-----------------------------|
|                        | £'000      | £'000      | £'000     | £'000                 | £'000      |                    | £                           |
| <b>TOTAL 2003-2004</b> | <b>627</b> | <b>413</b> | <b>53</b> | <b>–</b>              | <b>161</b> | <b>1,486</b>       | <b>422</b>                  |
| TOTAL 2002-2003        | 394        | 242        | 33        | –                     | 119        | 849                | 464                         |

#### NOTE

- The amounts shown in this table are also included in the figures in table 3.13.

## CRIMINAL LEGAL AID

## APPENDIX 4

## 4.1 APPLICATIONS TO THE BOARD FOR SUMMARY CRIMINAL LEGAL AID

| OFFENCE   | DISTRICT COURT |               | SHERIFF COURT |               | TOTAL         |               |
|---|----------------|---------------|---------------|---------------|---------------|---------------|
|   | 2003-2004      | 2002-2003     | 2003-2004     | 2002-2003     | 2003-2004     | 2002-2003     |
| Assault   | 2,407          | 2,517         | 14,799        | 13,339        | 17,206        | 15,856        |
| Theft/housebreaking/robbery                     | 2,671          | 3,057         | 11,974        | 12,829        | 14,645        | 15,886        |
| Road traffic offences                           | 1,045          | 911           | 12,020        | 11,814        | 13,065        | 12,725        |
| Offensive weapons/vandalism/breach of the peace | 5,746          | 5,443         | 15,410        | 14,107        | 21,156        | 19,550        |
| Drugs   | 1,027          | 782           | 6,012         | 5,380         | 7,039         | 6,162         |
| Embezzlement/fraud                              | 146            | 156           | 1,301         | 1,369         | 1,447         | 1,525         |
| Sexual offences                                 | 6              | 1             | 274           | 209           | 280           | 210           |
| Other   | 1,439          | 1,249         | 6,722         | 6,764         | 8,161         | 8,013         |
| <b>TOTAL</b>                                    | <b>14,487</b>  | <b>14,116</b> | <b>68,512</b> | <b>65,811</b> | <b>82,999</b> | <b>79,927</b> |

## NOTE

- Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.2 GRANTS BY THE BOARD OF SUMMARY CRIMINAL LEGAL AID

| OFFENCE   | GRANTED AT FIRST INSTANCE |               |               |               | GRANTED AFTER REVIEW |            |               |              | TOTAL         |               |
|---|---------------------------|---------------|---------------|---------------|----------------------|------------|---------------|--------------|---------------|---------------|
|   | DISTRICT COURT            |               | SHERIFF COURT |               | DISTRICT COURT       |            | SHERIFF COURT |              | 2003-2004     | 2002-2003     |
|   | 2003-2004                 | 2002-2003     | 2003-2004     | 2002-2003     | 2003-2004            | 2002-2003  | 2003-2004     | 2002-2003    |               |               |
| Assault   | 2,241                     | 2,305         | 13,725        | 12,475        | 89                   | 79         | 567           | 527          | 16,622        | 15,386        |
| Theft/housebreaking/robbery                     | 2,322                     | 2,767         | 11,483        | 12,372        | 111                  | 81         | 232           | 260          | 14,148        | 15,480        |
| Road traffic offences                           | 402                       | 327           | 8,879         | 8,900         | 79                   | 4          | 814           | 1,032        | 10,174        | 10,263        |
| Offensive weapons/vandalism/breach of the peace | 4,089                     | 4,000         | 14,233        | 13,158        | 507                  | 414        | 604           | 617          | 19,433        | 18,189        |
| Drugs   | 877                       | 672           | 5,638         | 5,147         | 67                   | 42         | 179           | 136          | 6,761         | 5,997         |
| Embezzlement/fraud                              | 93                        | 116           | 1,183         | 1,273         | 9                    | 10         | 60            | 37           | 1,345         | 1,436         |
| Sexual offences                                 | 4                         | –             | 247           | 192           | 1                    | –          | 13            | 5            | 265           | 197           |
| Other   | 720                       | 690           | 5,509         | 5,682         | 102                  | 94         | 335           | 353          | 6,666         | 6,819         |
| <b>TOTAL</b>                                    | <b>10,748</b>             | <b>10,877</b> | <b>60,897</b> | <b>59,199</b> | <b>965</b>           | <b>724</b> | <b>2,804</b>  | <b>2,967</b> | <b>75,414</b> | <b>73,767</b> |

## NOTE

- Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.3 REFUSALS OF SUMMARY CRIMINAL LEGAL AID AT FIRST INSTANCE BY REASON FOR REFUSAL

| REASON                          | DISTRICT COURT |              | SHERIFF COURT |              | TOTAL         |               |
|---------------------------------|----------------|--------------|---------------|--------------|---------------|---------------|
|                                 | 2003-2004      | 2002-2003    | 2003-2004     | 2002-2003    | 2003-2004     | 2002-2003     |
| Not in the interests of justice | 3,088          | 2,742        | 3,495         | 3,415        | 6,583         | 6,157         |
| Means                           | 129            | 128          | 960           | 729          | 1,089         | 857           |
| Other rights and facilities     | –              | –            | 2             | –            | 2             | –             |
| Non-timeous                     | 12             | 9            | 31            | 6            | 43            | 15            |
| Abandoned                       | 13             | 13           | 81            | 78           | 94            | 91            |
| Lack of information             | 461            | 435          | 2,868         | 2,992        | 3,329         | 3,427         |
| <b>TOTAL</b>                    | <b>3,703</b>   | <b>3,327</b> | <b>7,437</b>  | <b>7,220</b> | <b>11,140</b> | <b>10,547</b> |

## NOTE

- Sheriff court includes cases heard by stipendiary magistrates in the district court.

## 4.4 DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE SUMMARY CRIMINAL LEGAL AID

|              | 2003-2004    | 2002-2003    |
|--------------|--------------|--------------|
| Granted      | 3,769        | 3,691        |
| Refused      | 3,342        | 2,735        |
| <b>TOTAL</b> | <b>7,111</b> | <b>6,426</b> |

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a "cash" basis
- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

#### 4.5 GRANTS OF LEGAL AID BY THE COURTS IN SOLEMN PROCEEDINGS AND IN SUMMARY PROCEEDINGS UNDER LEGAL AID (SCOTLAND) ACT 1986 SECTION 23(1)(b)

| OFFENCE   | DISTRICT COURT |           | SHERIFF COURT |               | HIGH COURT |           | TOTAL         |               |
|---|----------------|-----------|---------------|---------------|------------|-----------|---------------|---------------|
|   | 2003-2004      | 2002-2003 | 2003-2004     | 2002-2003     | 2003-2004  | 2002-2003 | 2003-2004     | 2002-2003     |
| Murder/attempted murder/culpable homicide       | –              | –         | 873           | 814           | 11         | 15        | 884           | 829           |
| Assault   | 3              | 2         | 3,647         | 3,429         | 6          | 7         | 3,656         | 3,438         |
| Theft/housebreaking/robbery                     | 14             | 16        | 2,284         | 2,425         | 4          | 2         | 2,302         | 2,443         |
| Road traffic offences                           | 8              | 3         | 891           | 885           | 4          | 4         | 903           | 892           |
| Offensive weapons/vandalism/breach of the peace | 8              | 3         | 613           | 598           | 2          | –         | 623           | 601           |
| Drugs   | 2              | –         | 1,838         | 1,984         | 13         | 5         | 1,853         | 1,989         |
| Embezzlement/fraud                              | 1              | –         | 267           | 203           | –          | 1         | 268           | 204           |
| Sexual offences                                 | –              | –         | 642           | 625           | 15         | 6         | 657           | 631           |
| Other   | 9              | 11        | 1,381         | 1,107         | 5          | 3         | 1,395         | 1,121         |
| <b>TOTAL</b>                                    | <b>45</b>      | <b>35</b> | <b>12,436</b> | <b>12,070</b> | <b>60</b>  | <b>43</b> | <b>12,541</b> | <b>12,148</b> |
| Solemn  |                |           |               |               |            |           | 11,399        | 10,978        |
| 23(1)(b)  |                |           |               |               |            |           | 1,142         | 1,170         |
| <b>TOTAL</b>                                    |                |           |               |               |            |           | <b>12,541</b> | <b>12,148</b> |

#### NOTE

- Under section 23(1)(b), the court may grant summary criminal legal aid when it is considering a sentence for a convicted person who has not previously been sentenced to imprisonment.

#### 4.6 INTIMATIONS OF AUTOMATIC LEGAL AID FOR OTHER COURTS AND UNDER SECTION 22(1)(d)

##### TYPE OF INTIMATION

|  | 2003-2004  | 2002-2003  |
|--|------------|------------|
| Glasgow Drug Court   | 65         | 140        |
| Hamilton Youth Court   | 123        | –          |
| Automatic legal aid under Legal Aid (Scotland) Act 1986:   |            |            |
| – section 22(1)(da) The court determines the trial cannot go ahead because the applicant is insane | 3          | –          |
| – section 22(1)(db) In relation to an examination of facts and the disposal of the case            | 1          | –          |
| – section 22(1)(dc) Appeal against a finding of insanity   | –          | –          |
| – section 22(1)(dd) Court appoints solicitor to represent a person accused of sexual offence       | 1          | 1          |
| <b>TOTAL</b>   | <b>193</b> | <b>141</b> |

#### NOTE

- Automatic legal aid under the Legal Aid (Scotland) Act 1986 sections 22 (1) (da-dd) is where the court appointed a solicitor to act for an unrepresented person accused of a sexual offence.

#### 4.7 APPLICATIONS AND DECISIONS BY GENDER

|                        | MALE APPLICANT |     |           |     | FEMALE APPLICANT |     |           |     |
|------------------------|----------------|-----|-----------|-----|------------------|-----|-----------|-----|
|                        | 2003-2004      |     | 2002-2003 |     | 2003-2004        |     | 2002-2003 |     |
| Applications (summary) | 70,336         | 85% | 68,030    | 85% | 12,663           | 15% | 11,897    | 15% |
| Grants (summary)       | 63,800         | 85% | 62,716    | 85% | 11,614           | 15% | 11,051    | 15% |
| Refusals (summary)     | 9,673          | 87% | 9,157     | 87% | 1,467            | 13% | 1,390     | 13% |
| Grants by the courts   | 10,966         | 87% | 10,832    | 89% | 1,575            | 13% | 1,316     | 11% |

#### 4.8 CRIMINAL APPEALS – APPLICATIONS

|   | APPLICATIONS RECEIVED | APPLICATIONS GRANTED | APPLICATIONS REFUSED |
|---|-----------------------|----------------------|----------------------|
| <b>Leave to appeal</b>  |                       |                      |                      |
| – against conviction  | 242                   | 226                  | 1                    |
| – against conviction and sentence   | 262                   | 245                  | 6                    |
| – against sentence only   | 2,151                 | 2,079                | 8                    |
| <b>Total leave to appeal</b>  | <b>2,655</b>          | <b>2,550</b>         | <b>15</b>            |
| <b>Other appeals</b>  |                       |                      |                      |
| Petition to Nobile Officium, etc.   | 71                    | 36                   | 11                   |
| Crown appeals   | 24                    | 23                   | –                    |
| Appeal against other disposal   | 29                    | 17                   | 1                    |
| Reference by the Scottish Criminal Cases Review Commission to the High Court            | 2                     | 2                    | –                    |
| Appeals to the Judicial Committee of the Privy Council                                  | –                     | –                    | –                    |
| Applications for special leave to appeal to the Judicial Committee of the Privy Council | 1                     | 1                    | –                    |
| <b>Total other appeals</b>  | <b>127</b>            | <b>79</b>            | <b>12</b>            |
| <b>TOTAL 2003-2004</b>  | <b>2,782</b>          | <b>2,629</b>         | <b>27</b>            |
| TOTAL 2002-2003   | 2,973                 | 2,776                | 24                   |

#### NOTE

- This table includes grants made under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency).

## 4.9 SANCTIONS

|  | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>PART GRANTED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED |
|--|--------------------------|------------------------------|-------------------------|-------------------------|
| <b>Summary criminal</b>                  |                          |                              |                         |                         |
| – expert witness                         | 2,292                    | 310                          | 1,699                   | 48                      |
| – unusual expenditure                    | 177                      | 6                            | 61                      | 10                      |
| – counsel                                | 161                      | 1                            | 74                      | 73                      |
| <b>Total summary criminal</b>            | <b>2,630</b>             | <b>317</b>                   | <b>1,834</b>            | <b>131</b>              |
| <b>Solemn and section 23(1)(b)</b>       |                          |                              |                         |                         |
| – expert witness                         | 3,329                    | 534                          | 2,374                   | 64                      |
| – unusual expenditure                    | 959                      | 43                           | 601                     | 131                     |
| – counsel                                | 2,092                    | 149                          | 813                     | 715                     |
| <b>Total solemn and section 23(1)(b)</b> | <b>6,380</b>             | <b>726</b>                   | <b>3,788</b>            | <b>910</b>              |
| <b>Criminal appeals</b>                  |                          |                              |                         |                         |
| – expert witness                         | 132                      | 23                           | 68                      | 5                       |
| – unusual work                           | 150                      | 6                            | 97                      | 11                      |
| – counsel                                | 233                      | 17                           | 120                     | 30                      |
| <b>Total criminal appeals</b>            | <b>515</b>               | <b>46</b>                    | <b>285</b>              | <b>46</b>               |
| <b>TOTAL 2003-2004</b>                   | <b>9,525</b>             | <b>1,089</b>                 | <b>5,907</b>            | <b>1,087</b>            |
| TOTAL 2002-2003                          | 9,739                    | 1,069                        | 5,997                   | 1,227                   |

## NOTE

- In this table, and in tables 4.10 and 4.11, “summary criminal” means summary criminal applications granted by the Board.
- The figures shown in this table last year did not include applications for sanction in criminal appeals. These applications have been added to the figures shown for 2002-2003 in this table.

## 4.10 APPLICATIONS FOR EXCEPTIONAL STATUS IN FIXED PAYMENT CASES

|                        | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED |
|------------------------|--------------------------|-------------------------|-------------------------|
| <b>TOTAL 2003-2004</b> | <b>149</b>               | <b>43</b>               | <b>100</b>              |
| TOTAL 2002-2003        | 158                      | 28                      | 130                     |

## 4.11 REQUESTS FOR CHANGE OF SOLICITOR

|                         | APPLICATIONS<br>RECEIVED | APPLICATIONS<br>GRANTED | APPLICATIONS<br>REFUSED |
|-------------------------|--------------------------|-------------------------|-------------------------|
| Summary criminal        | 2,568                    | 1,946                   | 286                     |
| Court granted legal aid | 1,906                    | 1,454                   | 133                     |
| Criminal appeals        | 183                      | 142                     | 14                      |
| <b>TOTAL 2003-2004</b>  | <b>4,657</b>             | <b>3,542</b>            | <b>433</b>              |
| TOTAL 2002-2003         | 5,276                    | 4,062                   | 479                     |

4.12 APPLICATIONS UNDER REGULATION 15 OF THE CRIMINAL LEGAL AID (SCOTLAND) REGULATIONS 1996  
(MATTERS OF SPECIAL URGENCY)

|                  | APPLICATIONS GRANTED |              |
|------------------|----------------------|--------------|
|                  | 2003-2004            | 2002-2003    |
| Summary criminal | 57                   | 112          |
| Criminal appeals | 2,550                | 2,649        |
| <b>TOTAL</b>     | <b>2,607</b>         | <b>2,761</b> |

## 4.13 DUTY SOLICITOR – ACCOUNTS

|                        | TOTAL<br>PAID<br>£'000 | NUMBER OF<br>APPEARANCES | COST PER<br>APPEARANCE<br>£ |
|------------------------|------------------------|--------------------------|-----------------------------|
| <b>TOTAL 2003-2004</b> | <b>945</b>             | <b>30,233</b>            | <b>31</b>                   |
| TOTAL 2002-2003        | 878                    | 25,399                   | 35                          |

## NOTE

- The PDSO in Edinburgh made 930 appearances as duty solicitor for accused persons. These are excluded from the figures in table 4.13.

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a “cash” basis
- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

#### 4.14 ACCOUNTS PAID AND AVERAGE CASE COSTS BY PROCEEDINGS

| PROCEEDINGS                                       | TOTAL PAID    | SOLICITOR     | ADVOCATE      | SOLICITOR ADVOCATE | OUTLAYS      | NUMBER OF CASES | AVERAGE COST PER CASE | AVERAGE COST PER CASE |
|---|---------------|---------------|---------------|--------------------|--------------|-----------------|-----------------------|-----------------------|
|   | £'000         | £'000         | £'000         | £'000              | £'000        |                 | 2003-2004             | 2002-2003             |
|   |               |               |               |                    |              |                 | £                     | £                     |
| <b>Total district court</b>                       | <b>4,438</b>  | <b>4,327</b>  | <b>3</b>      | <b>2</b>           | <b>106</b>   | <b>11,169</b>   | <b>397</b>            | <b>399</b>            |
| Sheriff court – summary (fixed payments)          | 42,955        | 41,495        | 125           | 53                 | 1,282        | 62,762          | 687                   | 688                   |
| Sheriff court – summary (detailed charges)        | 1,465         | 1,274         | 24            | 2                  | 166          | 1,296           | 1,131                 | 1,161                 |
| Total sheriff court – summary                     | 44,421        | 42,769        | 149           | 55                 | 1,448        | 64,058          | 693                   | 695                   |
| Sheriff court – solemn (detailed charges)         | 19,705        | 14,721        | 2,722         | 503                | 1,759        | 8,913           | 2,211                 | 2,276                 |
| <b>Total sheriff court</b>                        | <b>64,126</b> | <b>57,490</b> | <b>2,871</b>  | <b>558</b>         | <b>3,207</b> | <b>72,971</b>   | <b>879</b>            | <b>895</b>            |
| High Court (non appeals)                          | 17,752        | 7,494         | 7,222         | 1,686              | 1,351        | 1,265           | 14,033                | 14,204                |
| Appeals   | 2,413         | 1,394         | 619           | 155                | 245          | 2,496           | 967                   | 893                   |
| <b>Total High Court</b>                           | <b>20,165</b> | <b>8,888</b>  | <b>7,841</b>  | <b>1,840</b>       | <b>1,596</b> | <b>3,761</b>    | <b>5,362</b>          | <b>3,930</b>          |
| <b>TOTAL SUMMARY 2003-2004</b>                    | <b>48,859</b> | <b>47,096</b> | <b>152</b>    | <b>57</b>          | <b>1,554</b> | <b>75,227</b>   | <b>649</b>            |                       |
| TOTAL SUMMARY 2002-2003                           | 46,056        | 44,498        | 121           | 55                 | 1,382        | 70,996          |                       | 649                   |
| <b>TOTAL SOLEMN (INCLUDING APPEALS) 2003-2004</b> | <b>39,870</b> | <b>23,610</b> | <b>10,562</b> | <b>2,343</b>       | <b>3,355</b> | <b>12,674</b>   | <b>3,146</b>          |                       |
| TOTAL SOLEMN (INCLUDING APPEALS) 2002-2003        | 33,461        | 21,273        | 7,692         | 1,537              | 2,959        | 12,163          |                       | 2,751                 |
| <b>TOTAL ALL PROCEEDINGS 2003-2004</b>            | <b>88,729</b> | <b>70,706</b> | <b>10,714</b> | <b>2,400</b>       | <b>4,909</b> | <b>87,901</b>   | <b>1,009</b>          |                       |
| TOTAL ALL PROCEEDINGS 2002-2003                   | 79,517        | 65,771        | 7,813         | 1,592              | 4,341        | 83,159          |                       | 956                   |

#### NOTE

- This table shows fees for solicitor advocates in the district and sheriff courts. These charges are for bail appeals which are heard in the High Court but arise in those courts.
- These figures exclude payments for contempt of court and duty.

#### 4.15 NUMBERS OF CASES AND AVERAGE CASE COSTS BY TYPE OF CASE AND COURT

| OFFENCE   | DISTRICT COURT  |                       | SHERIFF COURT   |                       | HIGH COURT      |                       | ALL COURTS      |                       |                       |
|---|-----------------|-----------------------|-----------------|-----------------------|-----------------|-----------------------|-----------------|-----------------------|-----------------------|
|   | NUMBER OF CASES | AVERAGE COST PER CASE | NUMBER OF CASES | AVERAGE COST PER CASE | NUMBER OF CASES | AVERAGE COST PER CASE | NUMBER OF CASES | AVERAGE COST PER CASE | AVERAGE COST PER CASE |
|   |                 | £                     |                 | £                     |                 | £                     |                 | £                     | £                     |
|   |                 |                       |                 |                       |                 |                       |                 |                       |                       |
| Murder/attempted murder/culpable homicide           | N/A             | N/A                   | 488             | 4,153                 | 324             | 18,869                | 812             | 10,025                | 8,977                 |
| Assault   | 2,285           | 403                   | 16,817          | 931                   | 125             | 8,900                 | 19,227          | 920                   | 926                   |
| Theft/housebreaking/robbery                         | 2,432           | 400                   | 14,182          | 864                   | 149             | 9,162                 | 16,763          | 870                   | 832                   |
| Road traffic offences                               | 293             | 501                   | 10,568          | 705                   | 15              | 6,954                 | 10,876          | 708                   | 710                   |
| Offensive weapons/vandalism/<br>breach of the peace | 4,447           | 391                   | 14,800          | 710                   | 9               | 6,831                 | 19,256          | 639                   | 632                   |
| Drugs   | 855             | 376                   | 7,124           | 1,025                 | 385             | 12,448                | 8,364           | 1,484                 | 1,353                 |
| Embezzlement/fraud                                  | 100             | 449                   | 1,476           | 1,068                 | 10              | 26,227                | 1,586           | 1,188                 | 1,323                 |
| Sexual offences                                     | 1               | 364                   | 580             | 2,751                 | 172             | 15,500                | 753             | 5,660                 | 4,376                 |
| Other   | 756             | 387                   | 6,936           | 830                   | 76              | 16,770                | 7,768           | 943                   | 881                   |
| Appeals   |                 |                       |                 |                       | 2,496           | 967                   | 2,496           | 967                   | 893                   |
| <b>TOTAL 2003-2004</b>                              | <b>11,169</b>   | <b>397</b>            | <b>72,971</b>   | <b>879</b>            | <b>3,761</b>    | <b>5,362</b>          | <b>87,901</b>   | <b>1,009</b>          |                       |
| TOTAL 2002-2003                                     | 11,123          | 399                   | 68,542          | 895                   | 3,494           | 3,930                 | 83,159          |                       | 956                   |

## LEGAL AID FOR CHILDREN

## APPENDIX 5

## 5.1 GRANTS OF LEGAL AID BY THE COURTS UNDER THE CHILDREN (SCOTLAND) ACT 1995

|              | 2003-2004    | 2002-2003 |
|--------------|--------------|-----------|
| <b>TOTAL</b> | <b>3,649</b> | 3,102     |

## 5.2 SANCTIONS

|                        | APPLICATIONS RECEIVED | APPLICATIONS PART GRANTED | APPLICATIONS GRANTED | APPLICATIONS REFUSED |
|------------------------|-----------------------|---------------------------|----------------------|----------------------|
| Children               |                       |                           |                      |                      |
| – expert witness       | 146                   | 21                        | 87                   | 7                    |
| – unusual expenditure  | 38                    | 6                         | 18                   | 7                    |
| – counsel              | 119                   | 1                         | 31                   | 80                   |
| <b>TOTAL 2003-2004</b> | <b>303</b>            | <b>28</b>                 | <b>136</b>           | <b>94</b>            |
| TOTAL 2002-2003        | 505                   | 22                        | 301                  | 109                  |

## 5.3 APPLICATIONS TO THE BOARD IN RESPECT OF APPEALS TO THE COURT OF SESSION AND THE SHERIFF PRINCIPAL

|                        | APPLICATIONS RECEIVED | APPLICATIONS GRANTED |
|------------------------|-----------------------|----------------------|
| <b>TOTAL 2003-2004</b> | <b>17</b>             | <b>5</b>             |
| TOTAL 2002-2003        | 27                    | 16                   |

## 5.4 SANCTIONS

|                        | APPLICATIONS RECEIVED | APPLICATIONS PART GRANTED | APPLICATIONS GRANTED | APPLICATIONS REFUSED |
|------------------------|-----------------------|---------------------------|----------------------|----------------------|
| Children's appeals     |                       |                           |                      |                      |
| – expert witness       | 1                     | –                         | 1                    | –                    |
| – unusual expenditure  | 2                     | –                         | 1                    | –                    |
| – counsel              | 6                     | –                         | 3                    | 2                    |
| <b>TOTAL 2003-2004</b> | <b>9</b>              | <b>–</b>                  | <b>5</b>             | <b>2</b>             |
| TOTAL 2002-2003        | 20                    | –                         | 11                   | 6                    |

## 5.5 ANALYSIS OF ACCOUNTS PAID

|                        | TOTAL PAID<br>£'000 | SOLICITOR<br>£'000 | ADVOCATE<br>£'000 | SOLICITOR<br>ADVOCATE<br>£'000 | OUTLAYS<br>£'000 | NUMBER<br>OF CASES | AVERAGE COST<br>PER CASE<br>£ |
|------------------------|---------------------|--------------------|-------------------|--------------------------------|------------------|--------------------|-------------------------------|
| <b>TOTAL 2003-2004</b> | <b>2,733</b>        | <b>2,006</b>       | <b>548</b>        | <b>–</b>                       | <b>178</b>       | <b>2,557</b>       | <b>1,069</b>                  |
| TOTAL 2002-2003        | 3,357               | 2,230              | 883               | –                              | 244              | 2,307              | 1,455                         |

## CONTEMPT OF COURT

## APPENDIX 6

## 6.1 GRANTS OF LEGAL AID BY THE COURTS UNDER SECTION 30 OF THE LEGAL AID (SCOTLAND) ACT 1986 (CONTEMPT)

|                        | DISTRICT COURT | SHERIFF COURT | HIGH COURT | TOTAL      |
|------------------------|----------------|---------------|------------|------------|
| <b>TOTAL 2003-2004</b> | <b>9</b>       | <b>182</b>    | <b>15</b>  | <b>206</b> |
| TOTAL 2002-2003        | 4              | 205           | 30         | 239        |

## 6.2 ANALYSIS OF ACCOUNTS PAID

|                        | TOTAL PAID<br>£'000 | SOLICITOR<br>£'000 | ADVOCATE<br>£'000 | SOLICITOR<br>ADVOCATE<br>£'000 | OUTLAYS<br>£'000 | NUMBER<br>OF CASES | AVERAGE COST<br>PER CASE<br>£ |
|------------------------|---------------------|--------------------|-------------------|--------------------------------|------------------|--------------------|-------------------------------|
| <b>TOTAL 2003-2004</b> | <b>87</b>           | <b>53</b>          | <b>26</b>         | <b>5</b>                       | <b>3</b>         | <b>184</b>         | <b>474</b>                    |
| TOTAL 2002-2003        | 59                  | 43                 | 10                | 5                              | 1                | 195                | 302                           |

Throughout these Appendices

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a "cash" basis
- in tables showing accounts paid, unless otherwise stated, "outlays" include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## 7.1 EXPENDITURE ON CIVIL AND CRIMINAL LEGAL ASSISTANCE

|   | EXPENDITURE            |              |                |                        | INCOME                                       |                               |  | TOTAL 2003-2004 |                   | TOTAL<br>NET COST<br>2002-2003<br>£'000 |
|---|------------------------|--------------|----------------|------------------------|--|-------------------------------|--|-----------------|-------------------|---|
|   | ADVICE &<br>ASSISTANCE | ABWOR        | LEGAL AID      | TOTAL<br>GROSS<br>COST | CONTRIBUTIONS<br>FROM<br>ASSISTED<br>PERSONS | EXPENSES<br>FROM<br>OPPONENTS | AMOUNTS<br>AWARDED<br>TO ASSISTED<br>PERSONS | TOTAL<br>INCOME | TOTAL<br>NET COST |   |
|   | £'000                  | £'000        | £'000          | £'000                  | £'000  | £'000                         | £'000  | £'000           | £'000             |   |
| <b>Civil</b>  |                        |              |                |                        |  |                               |  |                 |                   |   |
| Family/matrimonial                                  | 7,385                  | –            | 16,562         | 23,946                 | 1,245  | 742                           | 880  | 2,867           | 21,079            | 19,920                                  |
| Debt  | 1,044                  | 10           | 536            | 1,589                  | 62   | 152                           | 35   | 249             | 1,340             | 1,468                                   |
| Reparation  | 2,068                  | –            | 9,145          | 11,213                 | 52   | 7,209                         | 204  | 7,465           | 3,748             | 4,969                                   |
| Judicial review                                     | 158                    | –            | 238            | 397                    | 2  | 86                            | –  | 88              | 309               | 336                                     |
| Appeals   | 38                     | –            | 675            | 712                    | 12   | 207                           | 14   | 233             | 479               | 405                                     |
| Recovery of heritable property                      | 100                    | –            | 171            | 271                    | –  | –                             | –  | –               | 271               | 230                                     |
| Other   | 7,916                  | 2,536        | 2,667          | 13,118                 | 77   | 342                           | 29   | 448             | 12,670            | 10,797                                  |
| <b>Total civil</b>                                  | <b>18,707</b>          | <b>2,546</b> | <b>29,994</b>  | <b>51,247</b>          | <b>1,450</b>                                 | <b>8,738</b>                  | <b>1,162</b>                                 | <b>11,350</b>   | <b>39,897</b>     | <b>38,124</b>                           |
| <b>Criminal</b>                                     |                        |              |                |                        |  |                               |  |                 |                   |   |
| Murder/attempted murder/<br>culpable homicide       | 57                     | –            | 8,140          | 8,197                  | –  | –                             | –  | –               | 8,197             | 6,781                                   |
| Assault   | 1,087                  | 93           | 17,694         | 18,874                 | –  | –                             | –  | –               | 18,874            | 17,145                                  |
| Theft/housebreaking/robbery                         | 1,431                  | 298          | 14,591         | 16,320                 | –  | –                             | –  | –               | 16,320            | 16,159                                  |
| Road traffic offences                               | 1,121                  | 621          | 7,705          | 9,447                  | –  | –                             | –  | –               | 9,447             | 10,020                                  |
| Offensive weapons/vandalism/<br>breach of the peace | 1,422                  | 211          | 12,304         | 13,936                 | –  | –                             | –  | –               | 13,936            | 12,203                                  |
| Drugs   | 514                    | 115          | 12,415         | 13,044                 | –  | –                             | –  | –               | 13,044            | 10,236                                  |
| Embezzlement/fraud                                  | 122                    | 52           | 1,884          | 2,057                  | –  | –                             | –  | –               | 2,057             | 2,417                                   |
| Sexual offences                                     | 73                     | 7            | 4,262          | 4,341                  | –  | –                             | –  | –               | 4,341             | 2,936                                   |
| Other   | 2,735                  | 2,046        | 7,322          | 12,104                 | –  | –                             | –  | –               | 12,104            | 10,993                                  |
| Appeals   | 440                    | –            | 2,413          | 2,853                  | –  | –                             | –  | –               | 2,853             | 2,843                                   |
| Contempt  | 12                     | –            | 87             | 99                     | –  | –                             | –  | –               | 99                | 85                                      |
| Duty  | –                      | –            | 945            | 945                    | –  | –                             | –  | –               | 945               | 878                                     |
| <b>Total criminal</b>                               | <b>9,012</b>           | <b>3,444</b> | <b>89,761</b>  | <b>102,217</b>         | <b>–</b>                                     | <b>–</b>                      | <b>–</b>                                     | <b>–</b>        | <b>102,217</b>    | <b>92,695</b>                           |
| <b>Children</b>                                     | <b>645</b>             |              | <b>2,733</b>   | <b>3,377</b>           |  |                               |  | <b>–</b>        | <b>3,377</b>      | <b>3,952</b>                            |
| <b>TOTAL 2003-2004</b>                              | <b>28,364</b>          | <b>5,990</b> | <b>122,487</b> | <b>156,841</b>         | <b>1,450</b>                                 | <b>8,738</b>                  | <b>1,162</b>                                 | <b>11,350</b>   | <b>145,491</b>    |   |
| TOTAL 2002-2003                                     | 28,331                 | 5,226        | 110,882        | 144,439                | 1,264  | 7,104                         | 1,300  | 9,668           |                   | 134,771                                 |

## NOTE

- Expenditure and income are not necessarily linked and income can be expected to vary from year to year. Some income, such as that from property recovered and preserved or contributions paid over 20 months (the majority), may be received by the Board well after the original case has concluded, in some cases years later.
- Total expenditure excludes miscellaneous payments and PDSO expenditure, which are shown in Appendix 10.

## 7.2 ANALYSIS OF PAYMENTS FOR ALL CATEGORIES

| TYPE                   | NUMBER<br>OF CASES | FEES<br>(INCLUDING VAT) |               |                       | TOTAL FEES       |                  | OUTLAYS          |                  | TOTAL<br>2003-2004 |                  | TOTAL<br>2002-2003<br>INCLUDING<br>VAT<br>£'000 |
|------------------------|--------------------|-------------------------|---------------|-----------------------|------------------|------------------|------------------|------------------|--------------------|------------------|---|
|                        |                    | SOLICITOR               | ADVOCATE      | SOLICITOR<br>ADVOCATE | INCLUDING<br>VAT | EXCLUDING<br>VAT | INCLUDING<br>VAT | EXCLUDING<br>VAT | INCLUDING<br>VAT   | EXCLUDING<br>VAT |   |
|                        |                    | £'000                   | £'000         | £'000                 | £'000            | £'000            | £'000            | £'000            | £'000              | £'000            |   |
| Advice and assistance  | 278,396            | 31,293                  | –             | –                     | 31,293           | 26,613           | 3,060            | 3,059            | 34,353             | 29,673           | 33,557  |
| Civil                  | 12,721             | 17,962                  | 4,157         | 2                     | 22,121           | 18,927           | 7,873            | 7,873            | 29,994             | 26,800           | 27,071  |
| Criminal               | 87,901             | 70,706                  | 10,714        | 2,400                 | 83,820           | 71,474           | 4,909            | 4,592            | 88,729             | 76,067           | 79,517  |
| Duty                   | ***                | 920                     | 1             | –                     | 921              | 788              | 24               | 20               | 945                | 809              | 878   |
| Children               | 2,557              | 2,006                   | 548           | –                     | 2,554            | 2,179            | 178              | 163              | 2,733              | 2,342            | 3,357   |
| Contempt of court      | 184                | 53                      | 26            | 5                     | 84               | 72               | 3                | 3                | 87                 | 74               | 59  |
| <b>TOTAL 2003-2004</b> | <b>381,759</b>     | <b>122,940</b>          | <b>15,446</b> | <b>2,408</b>          | <b>140,794</b>   | <b>120,053</b>   | <b>16,047</b>    | <b>15,711</b>    | <b>156,841</b>     | <b>135,765</b>   |   |
| TOTAL 2002-2003        | 381,391            | 115,916                 | 11,944        | 1,598                 | 129,458          | 110,349          | 14,981           | 14,667           |                    |                  | 144,439   |

## NOTE

- Duty solicitors made 30,233 appearances on behalf of accused persons. The PDSO in Edinburgh also made 930 appearances as duty solicitor.
- In this table, advice and assistance payments to counsel and solicitor advocates are included under “outlays”, as regulation 17(1) of the Advice and Assistance Regulations 1996 only provides for payment to the solicitor of fees and outlays.

## Notes

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a “cash” basis
- in tables showing accounts paid, unless otherwise stated, “outlays” include all payments other than fees paid to solicitors and advocates – for example, expert witnesses

## COMPLAINTS ABOUT THE SCOTTISH LEGAL AID BOARD

## APPENDIX 8

We encourage members of the public and legal profession to raise issues of concern with us. We use the information we get from looking into and resolving these to identify problem areas and improve our service. The level of complaints about our service remains low, when considered against the high number of applications we consider each year.

We received 179 formal complaints during the year, 7% fewer than during the previous year. There were 33 complaints carried over from the previous year. These figures include both initial complaints made to any member of staff and reviews, where someone is unhappy with how their initial complaint has been dealt with, and asks the Chief Executive or Chairman to explore the matter further.

We cleared 70% of these complaints within our target of 28 calendar days. (Of those received in 2003-2004, we achieved the target in over 80% of cases.) These 28 days do not include time we spend waiting for further information from third parties.

Of the complaints that we cleared, we considered that 47% were justified, a decrease from 50% last year.

If, after the Chairman or Chief Executive has considered a complaint, someone is still unhappy with our response, we give them details of how to complain to the Scottish Public Services Ombudsman. The Ombudsman received 14 enquiries or complaints about the Board during the financial year. The Ombudsman lets us know of any complaints which progress past the initial enquiry stage to be investigated. The Ombudsman told us of three complaints that she investigated about the Board in 2003-2004, one of which was carried over from the previous year. None were found to be justified.

### 8.1 COMPLAINTS AND REVIEWS RECEIVED AND CLEARED

|   | 2003-2004  | 2002-2003  |
|---|------------|------------|
| Initial complaints received                         | 146        | 126        |
| Reviews received                                    | 33         | 66         |
| <b>Total new complaints received</b>                | <b>179</b> | <b>192</b> |
| Total complaints carried forward from previous year | 33         | 24         |
| <b>Total complaints under consideration</b>         | <b>212</b> | <b>216</b> |
| <b>Total complaints cleared</b>                     | <b>198</b> | <b>183</b> |

### 8.2 COMPLAINTS CLEARED WITHIN TARGET

|                              | 2003-2004 | 2002-2003 |
|------------------------------|-----------|-----------|
| Total cleared within 28 days | 139       | 108       |
| % cleared within 28 days     | 70%       | 59%       |

### 8.3 CLEARED COMPLAINTS CONSIDERED JUSTIFIED

|                            | 2003-2004 | 2002-2003 |
|----------------------------|-----------|-----------|
| Total complaints justified | 94        | 91        |
| % justified                | 47%       | 50%       |

At the end of 2003/2004, there were 14 cases that we were still looking into, or were waiting for further information from third parties.

## PAYMENTS MADE

- Information on payments made to firms of solicitors, solicitor advocates and advocates in 2003-2004 for legal aid work is no longer published within this printed Annual Report. Full information is now available on our website [www.slab.org.uk](http://www.slab.org.uk)

**About the Public Defence Solicitors' Office (PDSO)**

The Public Defence Solicitors' Office (PDSO) opened on 1 October 1998 at 37 York Place, Edinburgh. It was the first public defender service in the UK. Its aims were to provide legal advice, assistance and representation in court for those who cannot afford to pay for it themselves, and handled criminal cases in all the courts in Edinburgh.

The Edinburgh PDSO ran as a five-year pilot to compare the provision of criminal legal aid by private solicitors with salaried solicitors employed by the Board. Under the legislation that set up the PDSO, Scottish Ministers had to publish a report into the operation of the PDSO within three years. A substantial and detailed research report was published in 2001. The pilot was considered to have been worthwhile and had created much useful information on how the criminal legal aid system was working.

Ministers announced their intention to continue the PDSO Edinburgh office and to create up to two more offices in different areas when the Criminal Justice (Scotland) Bill was introduced in the Scottish Parliament in March 2002. In October 2003 Scottish Ministers announced that two further PDSO offices would open in Glasgow and Inverness by 30 June 2004.

You can read more about PDSO and the new offices on page 22.

**About this section**

Within our statistical tables and accounts we report on the volumes of work undertaken by PDSO, and its costs. This appendix brings together key information on PDSO's work.

9.1 EXPENDITURE

|   | <b>2003-2004</b> | 2002-2003 |
|---|------------------|-----------|
|   | <b>£'000</b>     | £'000     |
| Criminal defence costs – outlays                          | 15               | 33        |
| Salaries and wages  | 230              | 196       |
| Social security costs                                     | 22               | 16        |
| Accommodation   | 62               | 55        |
| Audit fees  | 2                | 2         |
| Depreciation  | 5                | 6         |
| Revaluation/permanent diminution in value of fixed assets | (2)              | 3         |
| Other operating costs                                     | 42               | 33        |
| <b>Total</b>  | <b>376</b>       | 344       |

9.2 PDSO COSTS AND VOLUMES

|   | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 | <b>2003/2004</b> |
|---|-----------|-----------|-----------|-----------|-----------|------------------|
| Total cost of PDSO £'000s                                       | 405       | 430       | 390       | 364       | 319       | <b>376</b>       |
| Total number of cases   | 417       | 1,034     | 1,202     | 1,194     | 1,123     | <b>1,186</b>     |
| Number of solemn cases  | 0         | 1         | 26        | 34        | 25        | <b>28</b>        |
| Number of accused persons represented by PDSO as duty solicitor | –         | –         | –         | –         | 1,092     | <b>930</b>       |

**NOTE**

- In 2002-2003 although the funding provided for PDSO was £319,000, actual expenditure was £344,000.
- As well as the caseload shown in this table, PDSO has put through cases at the custody court for other solicitors as part of the service when acting as duty lawyers.

## ANALYSIS OF SPEND

FOR THE YEAR ENDED 31 MARCH 2004

## APPENDIX 10

This section does not form part of the statement of accounts. This information explains the relationship between the accounts, which are prepared on an accruals basis, and the statistical tables, which are produced on the basis of actual expenditure.

## SCOTTISH LEGAL AID FUND

Payments (including outlays) made to solicitors, counsel and PDSO in respect of:

|                                   | <b>2003-2004</b> | 2002-2003      |
|-----------------------------------|------------------|----------------|
|                                   | <b>£'000</b>     | £'000          |
| Civil                             | 29,994           | 27,071         |
| Criminal                          | 89,674           | 80,395         |
| Advice and assistance             | 34,353           | 33,557         |
| Children's                        | 2,733            | 3,357          |
| Contempt                          | 87               | 59             |
| Miscellaneous                     | 87               | 56             |
| Public Defence Solicitors' Office | 376              | 319            |
|                                   | <b>157,304</b>   | <b>144,814</b> |

**This was financed by:**

|  |                |                |
|--|----------------|----------------|
| Contributions from assisted persons    | 1,449          | 1,264          |
| Recovery of expenses                   | 8,737          | 7,104          |
| Losses recovered from damages received | 1,162          | 1,300          |
| Miscellaneous                          | 27             | 0              |
| Government grant                       | 146,772        | 135,534        |
|  | <b>158,147</b> | <b>145,202</b> |

Movement in non-cash and creditor items

|  |                |                |
|--|----------------|----------------|
|  | (843)          | (388)          |
|  | <b>157,304</b> | <b>144,814</b> |

## NOTE

- The difference between table 7.2 and the above table is that in the above PDSO and miscellaneous expenditure are included.

The relationship between the cash expenditure figures above and the figures shown in the accounts is:

|   | <b>2003-2004</b> | 2002-2003      |
|---|------------------|----------------|
|   | <b>£'000</b>     | £'000          |
| Fund expenditure                            | 157,304          | 144,814        |
| Net movement in non-cash and creditor items | 12,046           | (15,598)       |
| <b>Operating costs (including PDSO)</b>     | <b>169,350</b>   | <b>129,216</b> |
| Fund cash receipts                          | 11,375           | 9,668          |
| Non-cash adjustments to debtors             | 1,865            | 1,750          |
| <b>Operating income</b>                     | <b>13,240</b>    | <b>11,418</b>  |

## PUBLIC DEFENCE SOLICITORS' OFFICE

|   | <b>2003-2004</b> | 2002-2003  |
|---|------------------|------------|
|   | <b>£'000</b>     | £'000      |
| Criminal defence costs – outlays              | 15               | 33         |
| Salaries and wages                            | 230              | 196        |
| Social security costs                         | 22               | 16         |
| Accommodation                                 | 62               | 55         |
| Audit fees                                    | 2                | 2          |
| Depreciation                                  | 5                | 6          |
| Permanent diminution in value of fixed assets | (2)              | 3          |
| Other operating costs                         | 42               | 33         |
|   | <b>376</b>       | <b>344</b> |

## GRANT-IN-AID

|                              | <b>2003-2004</b> | Restated<br>2002-2003 |
|------------------------------|------------------|-----------------------|
|                              | <b>£'000</b>     | £'000                 |
| <b>Payments</b>              | <b>10,910</b>    | <b>10,713</b>         |
| <b>This was financed by:</b> |                  |                       |
| Government grant             | 10,248           | 10,117                |
| Bank                         | 134              | 108                   |
| Pension receipts             | 528              | 488                   |
|                              | <b>10,910</b>    | <b>10,713</b>         |

## NOTES

- Pension receipts are shown gross in the current year, this treatment being consistent with that adopted in the financial statements. The prior year figures have been restated in line with this approach.
- Although the Board's accounts are prepared on an accruals basis, these table have been produced on the basis of actual expenditure and are consistent with the statistical tables in the Appendices.
- Both the funding provided for, and the expenditure of the Public Defence Solicitors' Office amounted to £376,000. For the prior year funding amounted to £319,000 with expenditure of £344,000.



STATEMENT OF ACCOUNTS

## STATEMENT OF ACCOUNTS

FOR THE PERIOD  
1 APRIL 2003 TO  
31 MARCH 2004

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**BOARD MEMBERS**

|                                   |                |
|-----------------------------------|----------------|
| Jean Couper (Chairman: from 1998) | April 1994     |
| Ellen Morton                      | December 2002  |
| Graeme McKinstry                  | April 2002     |
| Peter L Gray QC                   | September 2002 |
| William Gallagher                 | April 2000     |
| David J C Nicol                   | April 2002     |
| Yvonne Osman                      | April 1996     |
| Professor Ian Percy CBE           | April 2000     |
| Margaret Scanlan                  | September 1997 |
| Malcolm Thomson QC                | April 1998     |
| Sheriff Kenneth Ross              | April 2004     |
| Satnam Singh                      | April 2004     |
| Sheriff Alexander Jessop          | To March 2004  |
| Nick Kuenssberg OBE               | To March 2004  |

**Auditors**

Audit Scotland

**Bankers**

Royal Bank of Scotland

## FOREWORD

### PRINCIPAL ACTIVITIES

The principal activities of the Scottish Legal Aid Board ("the Board") are to assess and where appropriate grant applications for legal aid; to scrutinise and pay legal aid accounts submitted by solicitors and advocates; to collect expenses and contributions; and to advise Scottish Ministers on legal aid matters.

### REGISTER OF BOARD MEMBERS' INTERESTS

The Board keeps a register of Board members' interests, which is on its website at [www.slab.org.uk](http://www.slab.org.uk). If you would like a paper copy, please contact the Communications department on 0131 240 1985.

### BACKGROUND

The Board presents its accounts for the financial year ended 31 March 2004. The accounts have been prepared in a form directed by Scottish Ministers in accordance with section 5 (2) of the Legal Aid (Scotland) Act 1986, as amended by the Public Finance and Accountability (Scotland) Act 2000, and the Executive Non-Departmental Public Bodies Annual Reports and Accounts Guidance 2003-2004.

The Board is a Non-Departmental Public Body set up in 1987 under the Legal Aid (Scotland) Act 1986, and is accountable to Scottish Ministers. A key objective for the Board is to operate within its administration budget and to manage the Legal Aid Fund. Separate accounts have been prepared for the Legal Aid Fund ("the Fund") and for the administrative income and expenditure of the Board ("the Grant-In-Aid").

### SCOTTISH LEGAL AID FUND

The Income and Expenditure account shows the income and net cost of operations, excluding notional charges, but including pension costs. The surplus transferred to the General Fund is £1.739m (2003 - £2.555m). This includes the estimated value of work done on legal aid certificates outstanding as at 31 March 2004. The basis of preparation for the annual accounts (the "accruals basis") results in accounting adjustments, including certain notional charges, depreciation, accruals and prepayments. While the accounts that follow show a surplus on the Income and Expenditure Account, this should not be taken as an indication of surplus cash balances. Where income has been accrued, as it is received, it will be offset against the grant funding for that year.

### SCOTTISH LEGAL AID BOARD – ADMINISTRATION EXPENDITURE (GRANT-IN-AID)

The Income and Expenditure account, prepared on an accruals basis, shows the income and net cost of operations, excluding notional charges, but including pension costs. The (deficit)/surplus transferred to the General Fund is (£2.451m) (2003 - (£1.188m)).

### ACCOUNTING FOR PENSIONS

In line with the "Executive Non-Departmental Public Bodies Annual Report and Accounts Guidance", issued annually by HM Treasury, these annual accounts are required, for the first time, to reflect "Financial Reporting Standard 17: Retirement Benefits." This requires entities to recognise in their accounts, the costs, the assets and the liabilities of pension schemes.

As shown in note 24, the actuarial estimate of the Board's accrued pension liabilities is £17.4m. This reflects the inclusion of liabilities falling due in future years. The Board's pension scheme, being 'unfunded', has no tangible assets. Rather, in accordance with arrangements set out in the Legal Aid (Scotland) Act 1986, pensions and other liabilities are met from Grant-In-Aid as they fall due; resulting in the scheme's reliance on future funding from the Board's sponsoring department, the Scottish Executive Justice Department. Accounting rules and convention currently prohibit the Board anticipating such funding in these accounts, resulting in the Scottish Legal Aid Board Grant-In-Aid balance sheet on page 74, showing 'net liabilities' and 'negative taxpayer's equity'.

The technical accounting change has no impact on the underlying basis for meeting the Board's current and ongoing pension liabilities. These will be met out of the Board's funding from the Scottish Executive Justice Department, in accordance with arrangements set out in the Legal Aid (Scotland) Act 1986. The Scottish Executive Justice Department has given the Board a written assurance that there are no plans to change the existing arrangements whereby they fund the Boards' administrative costs, including the provision for the net pension costs, are met through Grant-In-Aid. Further, they state that there are no plans to wind up the Board, and that if this was ever to become a possibility, then the liabilities falling under the pension scheme would be a matter which the Executive would require to recognise through the legislation that was considered by Parliament. Accordingly, it has been considered appropriate to adopt a going concern basis for the preparation of these financial statements.

### EMPLOYEE COMMUNICATION

The Board issues a monthly newsletter and occasional circulars for staff about matters of concern to them, including performance. Managers and staff discuss these during team briefing sessions. The Board conducts an employee opinion survey every two years to obtain staff views on issues such as communications, training and development, management practices, and quality of service. A Joint Consultative Committee of management and union representatives meets regularly.

As an Investor in People we continue to give our staff the opportunities and support that they need to develop their skills in meeting the organisation's objectives.

### CREDITOR PAYMENT POLICY

The Board's payment policy for suppliers in respect of Grant-In-Aid expenditure is to agree payment terms when placing orders for goods and services and, whenever necessary, ensure that suppliers are aware of the Board's terms of payment. The Board aims to comply with these terms subject to satisfactory performance by the supplier. The Board adheres to "The Better Payment Practice Code". The target turnaround time for invoices is 30 days. In 2004, the Board met this target in 98.5% of cases (2003 - 97%).

### AUDIT

Audit Scotland carried out the audit of the Board's accounts for the financial year ended 31 March 2004. The agreed fee for this service was £38,000 which relates solely to the provision of statutory audit services.

### EQUAL OPPORTUNITIES

The Board is committed to the development and promotion of equality of opportunity for all. It is committed to providing equal opportunities in employment. It does not treat any job applicant or employee less favourably because of gender, race, colour, religion, nationality, age, disability, sexual orientation or marital status. This applies in the recruitment, reward, training and promotion of both new and existing employees. It also applies to grievance, disciplinary, or other procedures, employee benefits and all terms and conditions of employment.

**Lindsay Montgomery**

Chief Executive and Accountable Officer

7 September 2004

## STATEMENT OF BOARD'S AND CHIEF EXECUTIVE'S RESPONSIBILITIES

The Legal Aid (Scotland) Act 1986 ("the Act"), as amended by the Public Finance and Accountability (Scotland) Act 2000, states that the Board must prepare a statement of accounts for each financial year in the form and on the basis determined by Scottish Ministers. The accounts are prepared on an accruals basis and must show a true and fair view of the Board's state of affairs at the year-end and of its income and expenditure and cash flows for the financial year.

In preparing the accounts the Board must:

- observe the accounts direction issued by Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies consistently;
- make judgements and estimates reasonably;
- state whether applicable accounting standards have been followed, and show and explain any material departures in the financial statements;
- prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Board will continue to operate.

The Accountable Officer for the Scottish Executive Justice Department has designated the Chief Executive of the Scottish Legal Aid Board as the Accountable Officer for the Board. His relevant responsibilities as Accountable Officer are set out in the Non-Departmental Public Bodies' Accountable Officer Memorandum. They include his responsibility for the propriety and regularity of the public finances for which he is answerable and for keeping proper records.

The Board is responsible for the maintenance and integrity of its website. The information published on the website has been prepared under United Kingdom Company Law and may not be in accordance with the legal requirements of other countries from which the information can be accessed.



**Lindsay Montgomery**  
Chief Executive and Accountable Officer  
7 September 2004

# STATEMENT ON THE SYSTEM OF INTERNAL CONTROL

## 1. Scope of responsibility

As Accountable Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Scottish Legal Aid Board's ("the Board") policies, aims and objectives, whilst safeguarding the public funds and departmental assets for which I am responsible, in accordance with the responsibilities assigned to me.

The Board is a non-departmental public body sponsored by the Scottish Executive Justice Department. The Board has a Chairman appointed by Scottish Ministers and consists of not less than 11 and not more than 15 members who are appointed by Scottish Ministers. Board members have reserved responsibility for determining the Board's strategic aims, approving its corporate plan, monitoring expenditure and operations, providing advice to Scottish Ministers and reviewing Board performance.

## 2. The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to achieving departmental policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Board for the year ended 31 March 2004 and up to the date of approval of the annual report and accounts, and accords with Scottish Executive guidance.

## 3. Capacity to handle risk

The Board and the Executive Team lead the Board's risk management process. Ownership of every identified risk lies with a named director. The Executive Team has named a senior manager as Risk Management Co-ordinator to deal with training, administrative and reporting issues within the Board's risk framework.

The Risk Management Co-ordinator has undertaken training accredited by the Institute of Risk Management and further training is scheduled to ensure the Board continues to be aware of and able to apply best practice.

The Board's internal auditors have assured the Board that its risk management procedures comply with best practice, in the form of the Risk Management Standard of the Institute of Risk Management.

The Board provides training for all staff on risk management theory and practice. It encourages all staff to apply risk management techniques to setting and reviewing their personal and departmental objectives, and to contribute to preparing and reviewing risk registers. The Board has documented its risk management process in its "Risk Policy and Framework" document, which is available to all staff. This document, and the staff training, explains the principles of risk appetite. The Board also has a delegated authority matrix. This documents the limits of post holders' authority in specified areas, while setting out the procedures, such as business cases, for new ventures that involve costs and risk but may be beneficial to the Board's stakeholders.

## 4. The risk and control framework

The key elements of the Board's risk management strategy are:

- clear and concise documentation and training for all staff on the Board's definition of risk, its objectives in having a risk framework, and staff roles and responsibilities;
- a documented and communicated process of identifying and evaluating risks, assessing risk appetite, identifying and implementing suitable responses to risks, providing ongoing assurance about the effectiveness of the framework, and processes to embed and review risk awareness;
- multi-level review and reporting processes throughout the risk cycle, involving staff, managers, the Executive Team, internal audit, the Audit Committee and the Board; and
- identification and regular review of both the continuing appropriateness of the risks and responses identified and of the on-going status of the identified or planned responses to risks.

The key ways in which risk management is embedded in the Board are:

- the link between corporate planning and risk management processes;
- including risk in routine, regular operational reporting processes;
- the ownership of risks by directors and managers;
- involving Audit Committee and Board in agreeing and reviewing strategic and operational risks;
- including risk management in training plans;
- using risk registers for each of the Board's projects, as part of the PRINCE2 project management methodology; and
- the documented timetable of monthly, quarterly and annual reviews of strategic and departmental risk profiles.

## 5. Review of effectiveness of the internal control system

As Accountable Officer, I also have responsibility for reviewing the effectiveness of the system of internal control. My review of its effectiveness is informed by the work of the internal auditors and the executive managers within the Board who are responsible for developing and maintaining the internal control framework, and comments made by the external auditors in their management letter and other reports. The Board and the Audit Committee have advised me on the implications of the result of my review of the effectiveness of the system of internal control. A plan to address weaknesses and ensure continuous improvement of the system is in place.

### 5.1 System of Internal Control

The wider system of internal control is based on an ongoing process designed to identify the principal risks to achieving Board policies, aims and objectives; to evaluate the nature and extent of those risks; and to manage them efficiently, effectively and economically.

### 5.2 The Board

The Board meets regularly and monitors operational and financial performance, considers the plans and strategic direction of the Board and considers reports from Board Committees set up to deal with areas such as Audit, Legal Services and Remuneration and Appointments. The Chief Executive and Directors also attend Board meetings. The Board annually reviews the effectiveness of its risk management framework and the content and appropriateness of the Board's departmental and strategic risk registers.

### 5.3 The Executive Team

The Chief Executive leads an Executive Team made up of the directors responsible for all operational and administrative functions of the Board. The Executive Team meets at least twice a month and receives comprehensive management information on all the Board's operations, including information on risk management. The Executive Team receives and reviews monthly updates to risk registers and, in liaison with the Risk Management Co-ordinator and Internal Audit Department, undertakes quarterly reviews of all Board risk registers.

### 5.4 The Remuneration and Appointments Committee

The Committee considers and makes recommendations to the Board on remuneration and related matters. These include the staff pay remit submitted to the Scottish Executive, remuneration and terms and conditions for the Chief Executive and Executive Directors, and pensions policies and related matters.

### 5.5 The Audit Committee

The Audit Committee comprises members of the Board and the Chief Executive; and reports direct to the full Board. As part of its remit, it is responsible for advising the Accountable Officer on the effectiveness of the Board's internal control system. The Audit Committee receives and reviews quarterly reports from the Risk Management Co-ordinator about the status of the Board's risk registers and on any risk-related activity such as training.

The Audit Committee has responsibility for helping the Accountable Officer and the Board members to perform their individual and collective responsibilities for ensuring that:

- the Board's financial and accounting systems are providing accurate and up-to-date information on the current financial position;
- the Board's published financial statements represent a true and fair reflection of this position;
- the Board complies with any statutory requirements for the use of public funds;
- the Board operates within agreed limits to its authority and for the use of public funds;
- Board members comply with the code of conduct for NDPBs published by the Treasury.

The Audit Committee receives regular reports from the Internal Audit Department, to standards defined in the Government Internal Audit Manual. These include the Director of Audit's independent opinion on the adequacy and effectiveness of the Board's system of internal control and recommendations for improvement. It is also responsible for overseeing financial reporting, external audit, internal control, and Audit and Compliance Department activities.

### 5.6 Internal audit

The Board has an internal audit service supervised by the Director of Audit and Compliance. Internal audit work concentrates on areas of key activity determined from an analysis of the areas of greatest risk. These are scheduled in the annual audit activity plan approved by the Audit Committee and the Accountable Officer. The Director of Audit and Compliance is responsible to me as the Chief Executive and makes quarterly reports to the Audit Committee. He has direct access to Board members and to the Convener of the Audit Committee.

The Director of Audit and Compliance has issued an Assurance Statement to me, which provides his opinion on the adequacy and effectiveness of the internal control system and the extent to which it can be relied on. The external auditors also report to me, the Audit Committee, and to the Board, any internal control issues that they identify during their normal audit activities.



**Lindsay Montgomery**

Chief Executive and Accountable Officer  
7 September 2004

# INDEPENDENT AUDITOR'S REPORT

## SCOTTISH LEGAL AID FUND

### To the members of the Scottish Legal Aid Board, the Scottish Parliament and the Auditor General for Scotland

I have audited the financial statements on pages 66 to 73 under the Legal Aid (Scotland) Act 1986. The financial statements have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on page 68.

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice approved by the Auditor General for Scotland and for no other purpose, as set out in paragraph 43 of the Statement of Responsibilities of Auditors and of Audited Bodies prepared by Audit Scotland, dated July 2001.

### Respective responsibilities of the Scottish Legal Aid Board, the Chief Executive and Auditor

As described on page 61 the Scottish Legal Aid Board and the Chief Executive are responsible for the preparation of the financial statements and for ensuring the regularity of expenditure and receipts. The Scottish Legal Aid Board and the Chief Executive are also responsible for the preparation of the Foreword and other contents of the Annual Report. My responsibilities, as independent auditor, are established by the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice approved by the Auditor General for Scotland, and guided by the auditing profession's ethical guidance.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Legal Aid (Scotland) Act 1986 and directions made thereunder and whether, in all material respects, the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. I also report if, in my opinion, the Foreword is not consistent with the financial statements, if the Scottish Legal Aid Board has not kept proper accounting records, or if I have not received all the information and explanations I require for my audit.

I review whether the statement on pages 62 and 63 complies with Scottish Executive guidance on statements on the system of internal control. I report if, in my opinion, it does not comply with the guidance, or if the statement is misleading or inconsistent with other information I am aware of from my audit. I am not required to consider whether the statement covers all risks and controls, or form an opinion on the effectiveness of the Scottish Legal Aid Board's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report, and consider whether it is consistent with the financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

### Basis of audit opinions

I conducted my audit in accordance with the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice, which requires compliance with relevant United Kingdom Auditing Standards issued by the Auditing Practices Board.

An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of expenditure and receipts shown in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Scottish Legal Aid Board and Chief Executive in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Board's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error, and that, in all material respects, the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

## Opinions

### Financial statements

In my opinion the financial statements give a true and fair view of the state of affairs of the Scottish Legal Aid Fund at 31 March 2004 and of the surplus, total recognised gains and losses and cash flows for the year then ended and have been properly prepared in accordance with the Legal Aid (Scotland) Act 1986 and directions made thereunder.

### Regularity

In my opinion, in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

### Fiona Kordiak CPFA, Chief Auditor

Audit Scotland - Audit Services (East Region)  
Osborne House, 1/5 Osborne Terrace  
Edinburgh EH12 5HG

8 September 2004

## GRANT-IN-AID

I have audited the financial statements on pages 73 to 80 under the Legal Aid (Scotland) Act 1986. The financial statements have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on page 75.

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice approved by the Auditor General for Scotland and for no other purpose, as set out in paragraph 43 of the Statement of Responsibilities of Auditors and of Audited Bodies prepared by Audit Scotland, dated July 2001.

### Respective responsibilities of the Scottish Legal Aid Board, the Chief Executive and Auditor

As described on page 61 the Scottish Legal Aid Board and the Chief Executive are responsible for the preparation of the financial statements and for ensuring the regularity of expenditure and receipts. The Scottish Legal Aid Board and the Chief Executive are also responsible for the preparation of the Foreword and other contents of the Annual Report. My responsibilities, as independent auditor, are established by the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice approved by the Auditor General for Scotland, and guided by the auditing profession's ethical guidance.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Legal Aid (Scotland) Act 1986 and directions made thereunder and whether, in all material respects, the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. I also report if, in my opinion, the Foreword is not consistent with the financial statements, if the Scottish Legal Aid Board has not kept proper accounting records, or if I have not received all the information and explanations I require for my audit.

I review whether the statement on pages 62 and 63 complies with Scottish Executive guidance on statements on the system of internal control. I report if, in my opinion, it does not comply with the guidance, or if the statement is misleading or inconsistent with other information I am aware of from my audit. I am not required to consider whether the statement covers all risks and controls, or form an opinion on the effectiveness of the Scottish Legal Aid Board's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report, and consider whether it is consistent with the financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

### Basis of audit opinions

I conducted my audit in accordance with the Public Finance and Accountability (Scotland) Act 2000 and the Code of Audit Practice, which requires compliance with relevant United Kingdom Auditing Standards issued by the Auditing Practices Board.

An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of expenditure and receipts shown in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Scottish Legal Aid Board and Chief Executive in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Board's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error, and that, in all material respects, the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

### Going concern

In forming my opinion, I have considered the adequacy of the disclosures made in the Foreword in relation to future funding to meet the Scottish Legal Aid Board's net pension liabilities. In view of the significance of this issue in the context of an excess of total liabilities over assets at 31 March 2004 of £15.410 million, I consider that it should be brought to your attention. My opinion is not qualified in this respect.

### Opinions

#### Financial statements

In my opinion the financial statements give a true and fair view of the state of affairs of the Scottish Legal Aid Board (Grant-In-Aid) at 31 March 2004 and of the deficit, total recognised gains and losses and cash flows for the year then ended and have been properly prepared in accordance with the Legal Aid (Scotland) Act 1986 and directions made thereunder.

#### Regularity

In my opinion, in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

#### Fiona Kordiak CPFA, Chief Auditor

Audit Scotland - Audit Services (East Region)  
Osborne House, 1/5 Osborne Terrace  
Edinburgh EH12 5HG

8 September 2004

# SCOTTISH LEGAL AID FUND

## INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2004

|   | Notes     | 2004<br>£000   | 2003<br>£000   |
|---|-----------|----------------|----------------|
| <b>Income</b>   |           |                |                |
| Grant income  | 13        | 146,772        | 135,534        |
| Movement in accrued grant income  | 13        | 11,072         | (15,705)       |
| Operating income  | 2         | 13,240         | 11,418         |
|   |           | <b>171,084</b> | <b>131,247</b> |
| <b>Expenditure</b>  |           |                |                |
| Operating costs   | 3         | 169,350        | 129,216        |
| Bad debt (net of movement in provision)   | 5         | 10             | (507)          |
|   |           | <b>169,360</b> | <b>128,709</b> |
| <b>Surplus before interest</b>  |           | 1,724          | 2,538          |
| Interest receivable   | 6         | 15             | 17             |
| Interest on capital (notional)  | 7         | (1)            | (2)            |
| <b>Surplus after interest</b>   |           | <b>1,738</b>   | <b>2,553</b>   |
| Add back notional charges   |           | 1              | 2              |
| <b>Surplus on operations excluding notional charges transferred to general fund</b> | <b>13</b> | <b>1,739</b>   | <b>2,555</b>   |

## STATEMENT OF TOTAL RECOGNISED GAINS AND LOSSES FOR THE YEAR ENDED 31 MARCH 2004

|  |    | 2004<br>£000 | 2003<br>£000 |
|--|----|--------------|--------------|
| Surplus on operations  | 13 | 1,739        | 2,555        |
| Unrealised surplus on revaluation of tangible fixed assets less supplementary depreciation |    | –            | 1            |
| <b>Total recognised gains and losses relating to the year</b>                              |    | <b>1,739</b> | <b>2,556</b> |

## BALANCE SHEET AS AT 31 MARCH 2004

|   | Notes | 2004<br>£000  | 2003<br>£000  |
|---|-------|---------------|---------------|
| <b>Fixed assets</b>                                     |       |               |               |
| Tangible assets   | 8     | 5             | 7             |
| Intangible assets                                       | 9     | –             | 2             |
|   |       | <b>5</b>      | <b>9</b>      |
| <b>Current assets</b>                                   |       |               |               |
| Debtors   | 10    | 79,624        | 66,662        |
| Cash at bank and in hand                                | 11    | 7,192         | 7,352         |
|   |       | 86,816        | 74,014        |
| Creditors: amounts falling due within one year          | 12    | (59,092)      | (53,524)      |
| <b>Net current assets</b>                               |       | <b>27,724</b> | <b>20,490</b> |
| Total assets less current liabilities                   |       | 27,729        | 20,499        |
| Creditors: amounts falling due after more than one year | 12    | (19,134)      | (13,643)      |
| <b>NET ASSETS</b>                                       |       | <b>8,595</b>  | <b>6,856</b>  |
| Represented by:   |       |               |               |
| General fund  | 13    | 8,594         | 6,855         |
| Revaluation reserve                                     | 14    | 1             | 1             |
| <b>TAXPAYERS EQUITY</b>                                 |       | <b>8,595</b>  | <b>6,856</b>  |

The notes on pages 68 to 73 form part of these accounts and should be read in conjunction with the statements above.



**Lindsay Montgomery**  
Chief Executive and Accountable Officer  
7 September 2004

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2004

|  | Notes | 2004<br>£000 | 2003<br>£000 |
|--|-------|--------------|--------------|
| Net cash outflow from operating activities                         | 15    | (160)        | (745)        |
| <b>Increase/(decrease) in cash in the year</b>                     |       | <b>(160)</b> | <b>(745)</b> |
| <b>Reconciliation of movement in cash to movement in net funds</b> |       |              |              |
| Opening cash at bank and in hand                                   |       | 7,352        | 8,097        |
| Closing cash at bank and in hand                                   |       | 7,192        | 7,352        |
| <b>Movement in net funds</b>                                       |       | <b>(160)</b> | <b>(745)</b> |

# NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2004

## 1 ACCOUNTING POLICIES

### 1.1 Basis of accounting

The accounts have been prepared in accordance with the historical cost convention as modified to include fixed assets at their value to the organisation by reference to their current cost. Without limiting the information given, the accounts meet the accounting and disclosure requirements of the Companies Act 1985 and the Accounting Standards Board, so far as those requirements are appropriate and in accordance with the Accounts Direction given by Scottish Ministers.

### 1.2 Continuing activities

The results reported in this statement of accounts derive from continuing activities of the Scottish Legal Aid Fund. The Public Defence Solicitors' Office (PDSO) opened on 1 October 1998, the costs of which are charged to the Scottish Legal Aid Fund. The PDSO pilot was originally to run for five years. The Criminal Justice Scotland Act 2003 allows for continuing the Edinburgh pilot beyond October 2003 and creating some additional offices. Some initial set up costs for new PDSO offices in Inverness and Glasgow are included in these accounts.

### 1.3 Fixed assets

Fixed assets are capitalised at their cost of acquisition and installation and are revalued each year using Business Monitor Producer Price Indices to take account of specific price changes. The threshold for capitalisation of assets is £5,000; however, individual assets whose cost falls below the threshold and pose a risk to fraud or theft but are of a similar nature are grouped and capitalised.

### 1.4 Depreciation

Depreciation is provided on all tangible fixed assets, on a straight-line basis, at rates calculated to write-off the revalued cost, less estimated residual value, of each asset over its expected useful life as follows:

- office equipment - 5 years
- computer hardware and software - 5 years
- office furniture - 10 years
- personal computer hardware and software - 3 years

### 1.5 Notional costs

In accordance with Government Accounting, a notional charge for interest on capital is included in the Income and Expenditure Account. An accounting entry reversing this notional charge is also included in the Income and Expenditure Account.

### 1.6 Accruals and accrued funding

The liability to pay accounts resulting from work in progress as at 31 March 2004 on outstanding legal aid certificates is recognised within the Fund. An accrued liability is established based on the number of outstanding legal aid certificates and estimates of cost and time since the certificate was issued. This liability will be funded in full from a number of possible sources including contributions from assisted persons, expense recoveries, and losses recovered from damages. The government meets the balance. Accordingly a debtor balance, representing accrued funding, is established to match the total of the accrued liability and amounts due by the Fund to solicitors and advocates.

### 1.7 Pensions

Pensions and other benefits are payable out of the grant-in-aid and are met as they fall due. They are made in accordance with the Legal Aid (Scotland) Pension Scheme 1988, which is a salary scheme based on a normal retirement age of 60 for staff who joined after 1 April 1987. Staff scheme members pay a contribution of 6% of salary. Pension increases are made as if the pensions were 'official pensions' as defined and specified in the Pensions (Increase) Act 1971. The Pension Scheme is not a funded scheme and the Board does not make any direct contributions to a fund. The Scheme is in accordance with guidance contained in "NDPB – A Guide for Departments".

## 2 INCOME

|                                   | <b>2004</b>   | 2003          |
|-----------------------------------|---------------|---------------|
|                                   | <b>£000</b>   | £000          |
| <b>Net Income</b>                 |               |               |
| Contributions by assisted persons | 2,199         | 2,241         |
| Expenses recovered                | 8,960         | 7,523         |
| Other income                      | 740           | 354           |
| Losses recovered from damages     | 1,341         | 1,300         |
| <b>Total</b>                      | <b>13,240</b> | <b>11,418</b> |

Adjustments to contribution income arise mainly because:

- the financial circumstances of the assisted person have changed
- the total cost of the case is less than the contribution
- the cost of a case has been fully recovered from a third party.

These adjustments may mean the assisted person has paid more than was due. In these cases, the excess is refunded. The net amounts refunded during 2004 were £371,000 (2003 - £325,000).

Adjustments to expenses recovered arise mainly because the legal aid account has been taxed (re-assessed) by the auditor of court. Expenses refunded during 2004 were £29,000 (2003 - £11,000). These are incorporated in the operating income table above.

Under certain circumstances, the Board will securitise assets such as property until the debts are repaid. Any outstanding sum will attract interest at 8% a year, unless the rate is adjusted by an Act of Sederunt, until the balance is settled. The total value of securitised assets for 2004 including accrued interest is £368,000 (2003 - £352,000)

## 3 OPERATING COSTS

|   | 2004<br>£000   | 2003<br>£000   |
|---|----------------|----------------|
| <b>Advice and assistance (A&amp;A)</b>                    |                |                |
| Solicitors' charges                                       | 33,153         | 22,444         |
| Counsel's fees  | 16             | 275            |
| Solicitor Advocates' fees                                 | –              | 14             |
| Outlays   | 3,042          | 2,557          |
|   | <b>36,211</b>  | <b>25,290</b>  |
| <b>Civil legal aid</b>                                    |                |                |
| Solicitors' charges                                       | 24,584         | 12,372         |
| Counsel's fees  | 4,157          | 3,228          |
| Solicitor Advocates' fees                                 | 2              | 1              |
| Outlays   | 7,863          | 7,553          |
|   | 36,606         | 23,154         |
| Expenses paid to successful unassisted persons            | 61             | 44             |
|   | <b>36,667</b>  | <b>23,198</b>  |
| <b>Criminal legal aid</b>                                 |                |                |
| Solicitors' charges                                       | 77,179         | 59,929         |
| Counsel's fees  | 10,715         | 7,803          |
| Solicitor Advocates' fees                                 | 2,400          | 1,592          |
| Outlays   | 4,933          | 4,363          |
|   | <b>95,227</b>  | <b>73,687</b>  |
| <b>Legal aid for children</b>                             |                |                |
| Solicitors' charges                                       | (32)           | 5,478          |
| Counsel's fees  | 548            | 883            |
| Solicitor Advocates' fees                                 | –              | –              |
| Outlays   | 179            | 244            |
|   | <b>695</b>     | <b>6,605</b>   |
| <b>Contempt of court</b>                                  |                |                |
| Solicitors' charges                                       | 53             | 43             |
| Counsel's fees  | 26             | 10             |
| Solicitor Advocates' fees                                 | 5              | 5              |
| Outlays   | 3              | 1              |
|   | <b>87</b>      | <b>59</b>      |
| <b>Public Defence Solicitors' Office</b>                  |                |                |
| Criminal defence costs – outlays                          | 15             | 33             |
| Salaries and wages  | 230            | 196            |
| Social security costs                                     | 22             | 16             |
| Accommodation   | 62             | 55             |
| Audit fees  | 2              | 2              |
| Depreciation  | 5              | 6              |
| Revaluation/permanent diminution in value of fixed assets | (2)            | 3              |
| Other operating costs                                     | 42             | 33             |
|   | <b>376</b>     | <b>344</b>     |
| <b>Other</b>  |                |                |
| Repayable bank interest (note 6)                          | 15             | 17             |
| Miscellaneous costs                                       | 72             | 16             |
|   | 87             | 33             |
| <b>Total operating costs – legal aid</b>                  | <b>169,350</b> | <b>129,216</b> |

Operating costs include estimates for work done as a matter of special urgency. Some of this work will not lead to a grant of full legal aid and may be paid under determination by the Scottish Ministers under section 4(2)(c) of the Legal Aid (Scotland) Act 1986. The expenditure under this scheme was £626,335 (2003 - £385,524).

Operating costs also include payments to account made to solicitors and advocates under regulation 11 of the Civil Legal Aid (Scotland) (Fees) Regulations 1989. The expenditure under this scheme was £1,446,915 (2003 - £1,429,254).

#### 4 PDSO STAFF

|                           | 2004<br>£000 | 2003<br>£000 |
|---------------------------|--------------|--------------|
| <b>Staff costs</b>        |              |              |
| Staff salaries and wages  | 238          | 206          |
| Social security costs     | 22           | 16           |
| Agency/temporary/contract | –            | –            |
|                           | <b>260</b>   | <b>222</b>   |

#### Staff numbers

|                                      | 2004<br>WTE | 2003<br>WTE |
|--------------------------------------|-------------|-------------|
| Operations and legal services        | 5           | 4           |
| Administration and support functions | 3           | 3           |
| Agency/temporary/contract            | –           | –           |
|                                      | <b>8</b>    | <b>7</b>    |

The PDSO office opened on 1 October 1998. One member of the PDSO staff received remuneration within the band £50,000 - £59,999 (2003 - 1). PDSO pensions and other benefits are payable out of the Scottish Legal Aid Fund account.

#### 5 BAD DEBT (NET OF CHANGES IN PROVISIONS)

|   | 2004<br>£000 | 2003<br>£000 |
|---|--------------|--------------|
| Irrecoverable contributions from assisted persons | 85           | (234)        |
| Irrecoverable expenses                            | (75)         | (277)        |
| Irrecoverable other income                        | –            | 4            |
|   | <b>10</b>    | <b>(507)</b> |

The sums written-off during the year were £210,000 (2003 - £470,000).

#### 6 INTEREST RECEIVABLE

The contract with the Royal Bank of Scotland prescribes quarterly payments of bank interest receivable. This interest is held as a creditor pending payment to the Scottish Executive.

#### 7 NOTIONAL COSTS

A notional charge for interest on capital is included in the Income and Expenditure Account. This is calculated at 3.5% (2003 - 6%) of the average value of total assets less total liabilities. The notional charge included in the Fund Income and Expenditure Account relates to the assets of the PDSO.

#### 8 TANGIBLE FIXED ASSETS

|  | Office furniture<br>and fittings<br>£000 | Office<br>equipment<br>£000 | PC/computer<br>hardware<br>£000 | Total<br>£000 |
|--|--|-----------------------------|---------------------------------|---------------|
| <b>Cost or valuation</b>               |  |                             |                                 |               |
| Balance at 1 April 2003                | 5  | 6                           | 13                              | 24            |
| Additions                              | –  | –                           | –                               | –             |
| Disposals                              | –  | –                           | (12)                            | (12)          |
| Revaluation                            | –  | –                           | –                               | –             |
| Permanent diminution                   | –  | –                           | 9                               | 9             |
| <b>As at 31 March 2004</b>             | <b>5</b>                                 | <b>6</b>                    | <b>10</b>                       | <b>21</b>     |
| <b>Depreciation</b>                    |  |                             |                                 |               |
| Balance at 1 April 2003                | 2  | 3                           | 13                              | 18            |
| Provided during year                   | 1  | –                           | 2                               | 3             |
| Disposals                              | –  | –                           | (12)                            | (12)          |
| Backlog                                | –  | –                           | 7                               | 7             |
| Permanent diminution                   | –  | –                           | –                               | –             |
| <b>As at 31 March 2004</b>             | <b>3</b>                                 | <b>3</b>                    | <b>10</b>                       | <b>16</b>     |
| <b>Net book value at 31 March 2004</b> | <b>2</b>                                 | <b>3</b>                    | <b>–</b>                        | <b>5</b>      |
| Net book value at 31 March 2003        | 3  | 3                           | 1                               | 7             |

## 9 INTANGIBLE FIXED ASSETS

|  | Software<br>£000 |
|--|------------------|
| <b>Cost or valuation</b>               |                  |
| Balance at 1 April 2003                | 20               |
| Additions                              | –                |
| Disposals                              | –                |
| Revaluation                            | –                |
| Permanent diminution                   | (2)              |
| <b>As at 31 March 2004</b>             | <b>18</b>        |
| <b>Depreciation</b>                    |                  |
| Balance at 1 April 2003                | 17               |
| Provided during year                   | 2                |
| Disposals                              | –                |
| Backlog                                | (1)              |
| Permanent diminution                   | –                |
| <b>As at 31 March 2004</b>             | <b>18</b>        |
| <b>Net book value at 31 March 2004</b> | <b>–</b>         |
| Net book value at 31 March 2003        | 2                |

These costs relate to the operation of the PDSO (see notes 1.2 and 3).

## 10 DEBTORS

|   | 2004<br>£000  | 2003<br>£000  |
|---|---------------|---------------|
| Accrued funding                         | 71,305        | 60,232        |
| Contributions due from assisted persons | 3,827         | 3,155         |
| Expenses to be recovered                | 3,468         | 2,788         |
| AP Debtor                               | 483           | 341           |
| Other                                   | 368           | 62            |
| Prepayments                             | 173           | 84            |
|   | <b>79,624</b> | <b>66,662</b> |

**Amounts falling due after more than one year included above are:**

|   |               |               |
|---|---------------|---------------|
| Accrued funding                         | 19,134        | 13,643        |
| Contributions due from assisted persons | 1,814         | 1,609         |
| Expenses to be recovered                | 2,996         | 2,398         |
|   | <b>23,944</b> | <b>17,650</b> |

Under the Legal Aid (Scotland) Act 1986, all sums properly due from the Legal Aid Fund will be met by the Government except where funds are recovered from third parties. Accrued funding is an estimate of the sums due arising from the value of outstanding legal aid cases at 31 March 2004. This accrued funding has been fully attributed to the Government.

## 11 CASH

|                             | 2004<br>£000 | 2003<br>£000 |
|-----------------------------|--------------|--------------|
| Cash at bank and in hand    | 433          | 495          |
| Principal sums*             | 6,613        | 6,744        |
| Funds held under arrestment | 146          | 113          |
|                             | <b>7,192</b> | <b>7,352</b> |

\*Principal sums consist of damages and other money recovered on behalf of assisted persons. They are held in an interest bearing account until all the financial transactions for a case are concluded. Once the net liability to the Legal Aid Fund can be settled the remaining balance will be transferred to the assisted person. The movement in the account during the year was as follows:

|                                    | 2004<br>£000 | 2003<br>£000 |
|------------------------------------|--------------|--------------|
| Balance as at 1 April 2003         | 6,744        | 7,421        |
| Received during the year           | 14,692       | 14,180       |
| Interest received during year      | 195          | 231          |
|                                    | 14,887       | 14,411       |
| Less:                              |              |              |
| Sums repaid to assisted persons    | 13,692       | 13,602       |
| Interest paid to assisted persons  | 164          | 186          |
| Losses recovered from damages      | 1,162        | 1,300        |
|                                    | 15,018       | 15,088       |
| <b>Balance as at 31 March 2004</b> | <b>6,613</b> | <b>6,744</b> |

## 12 CREDITORS

|   | 2004<br>£000  | 2003<br>£000  |
|---|---------------|---------------|
| Accruals  | 69,140        | 56,994        |
| Amounts due to solicitors and advocates                                 | 2,256         | 3,225         |
| Bank interest held  | 69            | 54            |
|   | 71,465        | 60,273        |
| Refunds due to assisted persons   | –             | 30            |
| Principal sums (note 11)  | 6,613         | 6,744         |
| Arrestments   | 146           | 113           |
| PDSO  | 2             | 7             |
|   | <b>78,226</b> | <b>67,167</b> |
| <b>Amounts falling due after more than one year (included in above)</b> |               |               |
| Accruals*   | 19,134        | 13,643        |

\*These represent the estimated value of certificates at 31 March 2004 that are due to be settled after more than one year.

## 13 GENERAL FUND

|   | 2004<br>£000 | 2003<br>£000 |
|---|--------------|--------------|
| Balance at 1 April 2003                             | 6,855        | 4,300        |
| Government grant                                    | 146,772      | 135,534      |
| Government grant – movement in accrued funding      | 11,072       | (15,705)     |
| Net cost of operations (excluding notional charges) | (156,105)    | (117,274)    |
| Surplus on operations                               | 1,739        | 2,555        |
| <b>Balance as at 31 March 2004</b>                  | <b>8,594</b> | <b>6,855</b> |

## 14 REVALUATION RESERVE

|                                    | 2004<br>£000 | 2003<br>£000 |
|------------------------------------|--------------|--------------|
| Balance at 1 April 2003            | 1            | –            |
| Revaluation of cost                | –            | 1            |
| Backlog depreciation               | –            | –            |
| <b>Balance as at 31 March 2004</b> | <b>1</b>     | <b>1</b>     |

## 15 RECONCILIATION OF NET COSTS OF OPERATIONS TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

|   | 2004<br>£000 | 2003<br>£000 |
|---|--------------|--------------|
| Net cost of operations                            | (156,105)    | (117,274)    |
| Government grant – movement in accrued funding    | 11,072       | (15,705)     |
| Indent from Scottish Executive                    | 146,772      | 135,534      |
| Surplus/(deficit) on operations                   | 1,739        | 2,555        |
| Depreciation charges                              | 5            | 6            |
| Permanent diminution in value of fixed assets     | (1)          | 3            |
| (Increase)/decrease in debtors                    | (12,962)     | 13,480       |
| Increase/(decrease) in creditors                  | 11,059       | (16,789)     |
| <b>Net cash outflow from operating activities</b> | <b>(160)</b> | <b>(745)</b> |

## 16 EX-GRATIA PAYMENTS

There are cases where in good faith a solicitor or counsel provides advice for which the Board cannot pay under the letter of the Act or Regulations. There are also cases where it is the Board's fault that a party is prejudiced. In such cases the Board may make an ex-gratia payment without prejudice, of compensation up to an agreed limit. In this year the value of payments made was £26,000 (2003 - £12,000).

## 17 RELATED PARTY TRANSACTIONS

During the year, the Board entered transactions of a value greater than £1,000 with the following related parties:

|                    | <b>2004</b> | 2003 |
|--------------------|-------------|------|
|                    | <b>£000</b> | £000 |
| Malcolm Thomson QC | 1           | –    |
| Graeme Jessop      | –           | 2    |
| Margaret Scanlan   | 12          | 12   |
| Michael Scanlan    | 1           | 4    |
| Graeme McKinstry   | 13          | 32   |
| Peter Gray QC      | 30          | 115  |
| David Nicol        | 102         | 33   |

These related parties are Board members and their spouses or relatives who transacted with the Board at any time during the year. They are active legal aid practitioners and all the transactions arise from providing legal aid to assisted persons in the normal course of their profession. The amounts detailed include outlays and VAT.

## 18 POST BALANCE SHEET DATE EVENTS

No events occurred between 1 April 2004 and the time these accounts were signed that would materially affect the information provided.

## 19 CAPITAL COMMITMENTS

No capital commitments existed at the balance sheet date.

# SCOTTISH LEGAL AID BOARD GRANT-IN-AID

## INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2004

|   | Notes     | <b>2004</b>    | 2003             |
|---|-----------|----------------|------------------|
|   |           | <b>£000</b>    | Restated<br>£000 |
| <b>Income</b>   |           |                |                  |
| Grant-in-aid  | 21        | 9,515          | 9,283            |
| Pension receipts  | 24        | 528            | 488              |
| Amortisation of government grant  | 33        | 410            | 300              |
|   |           | <b>10,453</b>  | <b>10,071</b>    |
| <b>Expenditure</b>  |           |                |                  |
| Staff costs   | 22        | 8,485          | 7,334            |
| Operating costs   | 23        | 2,888          | 2,646            |
| Depreciation  | 27 & 28   | 475            | 389              |
| Permanent diminution in value of fixed assets   | 27 & 28   | 125            | 51               |
|   |           | <b>11,973</b>  | <b>10,420</b>    |
| <b>(Deficit)/surplus before interest</b>  |           | <b>(1,520)</b> | <b>(349)</b>     |
| Interest receivable   | 25        | –              | 6                |
| Pension Scheme finance costs  | 24        | (910)          | (859)            |
| Notional interest on capital  | 26        | (69)           | (97)             |
| <b>(Deficit) after interest</b>   |           | <b>(2,499)</b> | <b>(1,299)</b>   |
| Add back notional interest on capital   | 26        | 69             | 97               |
| <b>(Deficit)/surplus on operations excluding notional charges and including pension costs transferred to general fund</b> | <b>34</b> | <b>(2,430)</b> | <b>(1,202)</b>   |

## STATEMENT OF TOTAL RECOGNISED GAINS AND LOSSES FOR THE YEAR ENDED 31 MARCH 2004

|  | 2004<br>£000   | 2003<br>£000   |
|--|----------------|----------------|
| (Deficit)/surplus on operations  | (2,430)        | (1,202)        |
| Pension Scheme – Actuarial loss  | (21)           | –              |
| Unrealised surplus on revaluation of tangible fixed assets less supplementary depreciation | –              | 14             |
| <b>Total recognised (losses) and gains relating to the year</b>                            | <b>(2,451)</b> | <b>(1,188)</b> |

## BALANCE SHEET AS AT 31 MARCH 2004

|   | Notes | 2004<br>£000    | 2003<br>Restated<br>£000 |
|---|-------|-----------------|--------------------------|
| <b>Fixed assets</b>                             |       |                 |                          |
| Tangible assets                                 | 27    | 1,419           | 1,497                    |
| Intangible assets                               | 28    | 255             | 134                      |
|   |       | <b>1,674</b>    | <b>1,631</b>             |
| <b>Current assets</b>                           |       |                 |                          |
| Stock   | 29    | –               | 28                       |
| Debtors   | 30    | 272             | 270                      |
| Cash at bank and in hand                        |       | 81              | 216                      |
|   |       | <b>353</b>      | <b>514</b>               |
| Creditors: amounts falling due within one year  | 31    | (99)            | (96)                     |
| <b>Net current assets</b>                       |       | <b>254</b>      | <b>418</b>               |
| Total assets less current liabilities           |       | 1,928           | 2,049                    |
| Deferred Income                                 | 32    | (79)            | (130)                    |
| Net assets excluding Pension Scheme liabilities |       | 1,849           | 1,919                    |
| Pension Scheme liability                        | 24    | (17,259)        | (15,200)                 |
| <b>NET LIABILITIES</b>                          |       | <b>(15,410)</b> | <b>(13,281)</b>          |
| Represented by:                                 |       |                 |                          |
| Government grant                                | 33    | 1,621           | 1,299                    |
| General fund                                    | 34    | (17,046)        | (14,595)                 |
| Revaluation reserve                             | 35    | 15              | 15                       |
| <b>TAXPAYERS' EQUITY</b>                        |       | <b>(15,410)</b> | <b>(13,281)</b>          |

The notes on pages 75 to 80 form part of these accounts and should be read with the statements above.



**Lindsay Montgomery**

Chief Executive and Accountable Officer  
7 September 2004

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2004

|  | Notes   | 2004<br>£000 | 2003<br>£000 |
|--|---------|--------------|--------------|
| Net cash (outflow)/inflow from operating activities                | 36      | (224)        | 30           |
| Capital expenditure:   |         |              |              |
| Payments to acquire fixed assets                                   | 27 & 28 | (643)        | (972)        |
| Financed by government grant – current year additions              | 21      | 643          | 834          |
| Financed by government grant – prior year additions                | 21      | 89           | –            |
| <b>(Decrease) in cash in the year</b>                              |         | <b>(135)</b> | <b>(108)</b> |
| <b>Reconciliation of movement in cash to movement in net funds</b> |         |              |              |
| Opening cash at bank and in hand                                   |         | 216          | 324          |
| Closing cash at bank and in hand                                   |         | 81           | 216          |
| <b>Movement in net funds</b>                                       |         | <b>(135)</b> | <b>(108)</b> |

## NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2004

### 20 ACCOUNTING POLICIES

#### 20.1 Basis of accounting

The accounts have been prepared in accordance with the historical cost convention as modified to include fixed assets at their value to the organisation by reference to their current cost. Without limiting the information given, the accounts meet the accounting and disclosure requirements of the Companies Act 1985 and the Accounting Standards Board, so far as those requirements are appropriate and in accordance with the Accounts Direction given by Scottish Ministers.

#### 20.2 Continuing activities

The results reported in this statement of accounts derive from continuing activities of the Scottish Legal Aid Board.

#### 20.3 Fixed assets

Fixed assets are capitalised at their cost of acquisition and installation and are revalued each year using Business Monitor Producer Price Indices to take account of specific price changes. The threshold for capitalisation of assets is £5,000; however, individual assets whose cost falls below the threshold and pose a risk to fraud or theft but are of a similar nature are grouped and capitalised.

#### 20.4 Depreciation

Depreciation is provided on all tangible fixed assets, on a straight-line basis, at rates calculated to write-off the revalued cost, less estimated residual value, of each asset over its expected useful life as follows:

- office equipment - 5 years
- computer hardware and software - 5 years
- office furniture - 10 years
- personal computer hardware and software - 3 years

#### 20.5 Stocks

Stocks are valued at the lower of historic cost and net realisable value.

#### 20.6 Notional costs

In accordance with Government Accounting, a notional charge for interest on capital is included in the Income and Expenditure Account. An accounting entry reversing this notional charge is also included in the Income and Expenditure Account.

#### 20.7 Operating leases

Rentals applicable to operating leases are charged to the Income and Expenditure Account on a straight-line basis over the period of the lease.

#### 20.8 Pension costs

Pensions and other benefits are payable out of the grant-in-aid and are met as they fall due. They are made in accordance with the Legal Aid (Scotland) Pension Scheme 1988, which is a salary scheme based on a normal retirement age of 60 for staff who joined after 1 April 1987. Staff scheme members pay a contribution of 6% of salary. Pension increases are made as if the pensions were 'official pensions' as defined and specified in the Pensions (Increase) Act 1971. The Pension Scheme is not a funded scheme and the Board does not make any direct contributions to a fund. The Scheme is in accordance with guidance contained in "NDPB – A Guide for Departments".

Notional employer costs, which represent the costs if the scheme were a funded scheme, are shown in the Income and Expenditure statement. These are prepared by a professionally qualified actuary.

These accounts have been prepared in line with FRS17 as far as it is applicable to the Board's pension scheme. It has been necessary to restate previous year figures for consistency.

#### 20.9 Deferred income

Deferred income relates to financial incentives from the landlord of 40-44 Drumsheugh Gardens in return for extending the life of the lease. The incentives are released through the Income and Expenditure account over the period of the lease.

#### 20.10 Capital expenditure

The Government grant-in-aid represents income received from the Scottish Executive and includes an amount to cover capital project expenditure. This sum is amortised as the economic benefits are recognised and consumed over the assets' useful economic lives according to SSAP 4.

### 21 INCOME

The Board is financed by a grant-in-aid from the government. This covers both revenue and capital items. The revenue grant has been credited to the Income and Expenditure Account and the capital grant has been credited directly to the government grant reserve (note 33).

The Board also retains a proportion of receipt of employees' pension contributions and transfers into the pension scheme. For 2003-2004 it was agreed that this sum would be £528,000 (2002-03 £488,000).

The amounts were:

|                            | <b>2004</b>   | 2003<br>Restated |
|----------------------------|---------------|------------------|
|                            | <b>£000</b>   | £000             |
| Grant-in-aid (Revenue)     | 9,515         | 9,283            |
| Government grant (Capital) | 732           | 834              |
| Pension receipts           | 528           | 488              |
| <b>Funding</b>             | <b>10,775</b> | <b>10,605</b>    |

## 22 STAFF

|                              | 2004         | 2003             |
|------------------------------|--------------|------------------|
|                              | £000         | Restated<br>£000 |
| <b>Staff costs</b>           |              |                  |
| Board members' emoluments    | 114          | 99               |
| Staff salaries and wages     | 5,907        | 5,727            |
| Social security costs        | 452          | 388              |
| Pension costs                | 786          | 642              |
| Pension Scheme service costs | 1,128        | 416              |
| Agency/temporary/contract    | 98           | 62               |
|                              | <b>8,485</b> | <b>7,334</b>     |

Pension receipts and costs have been accounted for separately within these accounts. This treatment has been agreed with the Scottish Executive although it is not consistent with "NDP13 – A Guide for Departments" which recommends a net treatment.

The annual emoluments of the serving Board members for the year to 31 March 2004, excluding the Chairman, fell into the following bands:

|                          | 2004    | 2003   |
|--------------------------|---------|--------|
|                          | £000    | £000   |
| Sheriff Alexander Jessop | 0 - 5   | 0 - 5  |
| Ellen Morton             | 5 - 10  | 5 - 10 |
| Graeme McKinstry         | 5 - 10  | 5 - 10 |
| Peter L Gray QC          | 5 - 10  | 5 - 10 |
| William Gallagher        | 5 - 10  | 5 - 10 |
| Nick Kuenssberg OBE      | 5 - 10  | 5 - 10 |
| David Nicol              | 5 - 10  | 5 - 10 |
| Yvonne Osman             | 5 - 10  | 5 - 10 |
| Professor Ian Percy CBE  | 5 - 10  | 5 - 10 |
| Margaret Scanlan         | 10 - 15 | 5 - 10 |
| Malcolm Thomson QC       | 5 - 10  | 5 - 10 |

The Board members are appointed for a fixed term and receive emoluments and expenses only. Board members are not members of the Board's pension scheme.

The Chairman's emolument for the year was £29,698 (2003 - £25,769). The Chairman's net pension increase, net of inflation, amounted to £742, and the accrued pension amounted to £742, at 31 March 2004. At this date no transfers-in of funds from other pension providers had occurred.

The Chief Executive's total remuneration for 2004 was £87,000 (2003 - £80,000) The Chief Executive has a permanent contract effective from 1 July 1999 and is entitled to be an ordinary member of the Board's pension scheme.

**Higher paid staff (including Directors and excluding the Chief Executive) received remuneration in the following bands:**

|                   | 2004   | 2003   |
|-------------------|--------|--------|
|                   | Number | Number |
| £35,000 - £39,999 | 9      | 6      |
| £40,000 - £44,999 | 2      | 2      |
| £45,000 - £49,999 | 2      | 2      |
| £50,000 and above | 3      | 3      |

### Staff numbers

|                                      | 2004       | 2003       |
|--------------------------------------|------------|------------|
|                                      | WTE        | WTE        |
| Operations and legal services        | 190        | 192        |
| Administration and support functions | 111        | 115        |
| Agency/temporary/contract            | 2          | -          |
|                                      | <b>303</b> | <b>307</b> |

### Total remuneration of the Chief Executive and Directors:

|  | Age | Total pensionable remuneration in year<br>£000 | Pension increase (net of inflation)<br>£000 | Accrued pension at 31 March 2004 including transfers-in<br>£000 |
|--|-----|--|---|---|
| L Montgomery, Chief Executive                          | 51  | 82   | 1.2   | 34.4  |
| T Murray, Director of Legal Services                   | 52  | 65   | 2.1   | 14.6  |
| A Menzies, Director of Corporate Services and Accounts | 40  | 62   | 14.3  | 14.3  |
| I Middleton, Director of Audit and Compliance          | 54  | 50   | 1.6   | 14.6  |

## 23 OPERATING COSTS

|                            | <b>2004</b>  | 2003         |
|----------------------------|--------------|--------------|
|                            | <b>£000</b>  | £000         |
| Accommodation              | 997          | 943          |
| Audit fee                  | 36           | 33           |
| Other administrative costs | 1,855        | 1,670        |
|                            | <b>2,888</b> | <b>2,646</b> |

## 24 PENSION ARRANGEMENTS

FRS17 Retirements benefits disclosures are shown below.

- a) The Board operates a defined benefit (final salary) pension scheme whereby pensions and other benefits are payable out of the grant-in-aid and are met when they fall due. PDSO staff are also eligible to be members of the scheme with the same entitlements to benefits, except payments are payable from the Legal Aid Fund.
- b) The Legal Aid (Scotland) Pension Scheme 1988 sets out the conditions for entitlement and determines the rate at which benefits are payable. The scheme is set up under paragraph 8(3) of Schedule 1 to the Legal Aid (Scotland) Act 1986 which gives the Board power to make rules to provide pensions, allowances or gratuities for its employees. The scheme is administered on behalf of the Board by the Scottish Public Pensions Agency, an Executive Agency of Scottish Ministers.
- c) There is no pensions fund as such. Scheme benefits, including cost-of-living increases (pensions increases) are met on a pay as you go basis out of the grant-in-aid.
- d) A full revised actuarial valuation was carried out at 31 March 2004 by the Government Actuary's Department (GAD). The liability for future pension payments was estimated to be £17.3m (2003 - £15.2m). The major assumptions used by GAD were:

|   | <b>31 March</b> | 31 March |
|---|-----------------|----------|
|   | <b>2004</b>     | 2003     |
| Rate of increase in salaries            | 6.9%            | 6.9%     |
| Rate of increase in pensions in payment | 5.3%            | 5.3%     |
| Discount rate                           | 9%              | 9%       |

- e) Staff scheme members pay a contribution of 6% of salary amounting to £268,000 (2003 - £254,000). As there is no scheme fund, these amounts are used to offset grant-in-aid expenditure. Any excess receipts are surrendered to the Scottish Executive and any excess expenditure on pensions, over and above that estimated for the year, is met by the Scottish Executive. GAD estimated a notional employer's contribution of 10.5% (2003 - 9.6%) based on the prudent approach that all scheme members retire at age 60.

### Analysis of the amount charged to operating profit

|                               | <b>2004</b>      | 2003       |
|-------------------------------|------------------|------------|
|                               | <b>£ million</b> | £million   |
| Current service cost          | 0.5              | 0.4        |
| Past service cost             | 0.7              | -          |
| <b>Total operating charge</b> | <b>1.2</b>       | <b>0.4</b> |

### Analysis of the amount credited to other finance income

|   | <b>2004</b>      | 2003       |
|---|------------------|------------|
|   | <b>£ million</b> | £million   |
| Expected return on pension scheme assets      | -                | -          |
| Finance charges on pension scheme liabilities | 0.9              | 0.9        |
| <b>Net loss</b>                               | <b>0.9</b>       | <b>0.9</b> |

### Movement in liability during the year

|   | <b>2004</b>      | 2003     |
|---|------------------|----------|
|   | <b>£ million</b> | £million |
| Scheme liability at the beginning of the year | 15.2             | 13.9     |

### Movement in year

|   |             |             |
|---|-------------|-------------|
| Current service cost contributions            | 0.5         | 0.4         |
| Past service costs                            | 0.7         | -           |
| Other finance income                          | 0.9         | 0.9         |
| Actuarial loss                                | 0.0         | -           |
| <b>Liability in scheme at end of the year</b> | <b>17.3</b> | <b>15.2</b> |

## 25 INTEREST RECEIVABLE

The contract with the Royal Bank of Scotland prescribes quarterly payments of bank interest receivable. The Scottish Executive has proposed that this money should be retained and used to offset the need for drawdown of funds. The creditor balance of £2,000 as at 31 March 2004 (see note 31) is held pending agreement with the Scottish Executive.

## 26 NOTIONAL COSTS

A notional charge for interest on capital is included in the Income and Expenditure Account. This is calculated at 3.5% (2003 - 6%) of the average value of total assets less total liabilities.

## 27 TANGIBLE FIXED ASSETS

|  | Office furniture<br>and fittings<br>£000 | Office<br>equipment<br>£000 | PC/computer<br>hardware<br>£000 | Total<br>£000 |
|--|--|-----------------------------|---------------------------------|---------------|
| <b>Cost or valuation</b>               |  |                             |                                 |               |
| Balance at 1 April 2003                | 135                                      | 162                         | 2,078                           | 2,375         |
| Additions                              | –  | –                           | 484                             | 484           |
| Disposals                              | –  | –                           | (56)                            | (56)          |
| Revaluation                            | –  | –                           | –                               | –             |
| Permanent diminution                   | –  | (1)                         | (165)                           | (166)         |
| <b>As at 31 March 2004</b>             | <b>135</b>                               | <b>161</b>                  | <b>2,341</b>                    | <b>2,637</b>  |
| <b>Depreciation</b>                    |  |                             |                                 |               |
| Balance at 1 April 2003                | 109                                      | 51                          | 718                             | 878           |
| Provided during year                   | 10                                       | 29                          | 410                             | 449           |
| Disposals                              | –  | –                           | (56)                            | (56)          |
| Backlog                                | –  | –                           | (53)                            | (53)          |
| Permanent diminution                   | –  | –                           | –                               | –             |
| <b>As at 31 March 2004</b>             | <b>119</b>                               | <b>80</b>                   | <b>1,019</b>                    | <b>1,218</b>  |
| <b>Net book value at 31 March 2004</b> | <b>16</b>                                | <b>81</b>                   | <b>1,322</b>                    | <b>1,419</b>  |
| Net book value at 31 March 2003        | 26                                       | 111                         | 1,360                           | 1,497         |

## 28 INTANGIBLE FIXED ASSETS

|  | Software<br>£000 |
|--|------------------|
| <b>Cost or valuation</b>               |                  |
| Balance at 1 April 2003                | 180              |
| Additions                              | 159              |
| Disposals                              | –                |
| Revaluation                            | –                |
| Permanent diminution                   | (15)             |
| <b>As at 31 March 2004</b>             | <b>324</b>       |
| <b>Depreciation</b>                    |                  |
| Balance at 1 April 2003                | 46               |
| Provided during year                   | 26               |
| Disposals                              | –                |
| Backlog                                | (3)              |
| Permanent diminution                   | –                |
| <b>As at 31 March 2004</b>             | <b>69</b>        |
| <b>Net book value at 31 March 2004</b> | <b>255</b>       |
| Net book value at 31 March 2003        | 134              |

## 29 STOCKS

|                                     | 2004<br>£000 | 2003<br>£000 |
|-------------------------------------|--------------|--------------|
| <b>Publications and consumables</b> | <b>–</b>     | <b>28</b>    |

Following a detailed review of items held a carrying value of nil was assigned.

## 30 DEBTORS

|                       | 2004<br>£000 | 2003<br>£000 |
|-----------------------|--------------|--------------|
| Inter-company debtors | –            | 2            |
| Prepayments           | 272          | 268          |
|                       | <b>272</b>   | <b>270</b>   |

## 31 CREDITORS

|   | 2004<br>£000 | 2003<br>£000 |
|---|--------------|--------------|
| Accruals                                    | 78           | 75           |
| Trade creditors                             | 19           | 20           |
| Interest received due to Scottish Executive | 2            | 1            |
|   | <b>99</b>    | <b>96</b>    |

## 32 DEFERRED INCOME

Deferred Income relates to financial incentives obtained from the landlord of 40-44 Drumsheugh Gardens in return for extending the life of the lease. The lease was extended by 10 years, from 5 October 1995 to 4 October 2005 and will be realised as a benefit to the Board over this period.

## 33 GOVERNMENT GRANT RESERVE

|                                    | 2004<br>£000 | 2003<br>£000 |
|------------------------------------|--------------|--------------|
| Balance at 1 April 2003            | 1,299        | 765          |
| Government grant                   | 732          | 834          |
| Government grant amortisation      | (410)        | (300)        |
| <b>Balance as at 31 March 2004</b> | <b>1,621</b> | <b>1,299</b> |

## 34 GENERAL FUND

|  | 2004<br>£000    | 2003<br>£000    |
|--|-----------------|-----------------|
| Balance at 1 April 2003                                      | (14,595)        | (13,393)        |
| (Deficit)/surplus on operations (excluding notional charges) | (392)           | 73              |
| Charge for Pension Scheme costs                              | (2,059)         | (1,275)         |
| <b>Balance as at 31 March 2004</b>                           | <b>(17,046)</b> | <b>(14,595)</b> |

## 35 REVALUATION RESERVE

|  | 2004<br>£000 | 2003<br>£000 |
|--|--------------|--------------|
| Balance at 1 April 2003                            | 15           | 1            |
| Revaluation of cost                                | -            | 25           |
| Backlog depreciation on upward revaluation of cost | -            | (11)         |
| <b>Balance as at 31 March 2004</b>                 | <b>15</b>    | <b>15</b>    |

## 36 RECONCILIATION OF NET COSTS OF OPERATIONS TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

|   | 2004<br>£000 | 2003<br>£000 |
|---|--------------|--------------|
| (Deficit)/surplus on operations                   | (2,451)      | (1,202)      |
| Deferred income                                   | (51)         | (52)         |
| Depreciation charges                              | 475          | 389          |
| Permanent diminution in value of fixed assets     | 125          | 51           |
| Amortisation of government grant                  | (410)        | (300)        |
| (Increase) in debtors                             | (2)          | (41)         |
| Decrease in stock                                 | 28           | 3            |
| Increase/(decrease) in creditors                  | 2,062        | 1,182        |
| <b>Net cash outflow from operating activities</b> | <b>(224)</b> | <b>30</b>    |

## 37 CAPITAL COMMITMENTS

During 2004-2005, the Board will continue its commitment to implementing the "Electronic Delivery of Legal Aid." Contractual commitments to that expenditure made by the Board as at 31st March 2004 were £54,000.

### 38 OPERATING LEASES

Annual commitments under operating leases are as follows:

|                            | <b>2004</b>      |              | 2003        |             |
|----------------------------|------------------|--------------|-------------|-------------|
|                            | <b>Land and</b>  | <b>Other</b> | Land and    | Other       |
|                            | <b>buildings</b> | <b>£000</b>  | buildings   | £000        |
|                            | <b>£000</b>      | <b>£000</b>  | <b>£000</b> | <b>£000</b> |
| Leases expiring:           |                  |              |             |             |
| in one year or less        | –                | 12           | –           | –           |
| between one and five years | –                | 8            | –           | 18          |
| in five years or more      | 660              | –            | 562         | –           |
|                            | <b>660</b>       | <b>20</b>    | <b>562</b>  | <b>18</b>   |

Committed expenditure for operating leases during 2004-2005 will be similar to the charges in 2003-2004.

### 39 CONTINGENT LIABILITY

A civil action has been raised against the Board about an employment matter.

### 40 POST BALANCE SHEET EVENTS

No events occurred between 1 April 2004 and the time these accounts were signed that would materially affect the information provided.

## KEY STATISTICS 1995-2004

## APPENDIX 11

## 11.1 NUMBER OF APPLICATIONS TO THE BOARD

|                                   | 1994/1995      | 1995/1996      | 1996/1997      | 1997/1998      | 1998/1999      | 1999/2000      | 2000/2001      | 2001/2002      | 2002/2003      | 2003/2004      |
|-----------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Summary criminal                  | 71,401         | 74,516         | 69,806         | 68,434         | 64,156         | 64,818         | 69,137         | 76,527         | 79,927         | 82,999         |
| Civil                             | 30,597         | 30,335         | 28,733         | 26,043         | 23,890         | 23,106         | 21,018         | 19,994         | 19,151         | 18,175         |
| Advice and assistance intimations | 302,695        | 311,167        | 305,504        | 321,452        | 311,187        | 319,080        | 329,412        | 331,890        | 317,042        | 303,019        |
| <b>TOTAL</b>                      | <b>404,693</b> | <b>416,018</b> | <b>404,043</b> | <b>415,929</b> | <b>399,233</b> | <b>407,004</b> | <b>419,567</b> | <b>428,411</b> | <b>416,120</b> | <b>404,193</b> |

## 11.2 NUMBER OF GRANTS OF LEGAL ASSISTANCE

|                              | 1994/1995      | 1995/1996      | 1996/1997      | 1997/1998      | 1998/1999      | 1999/2000      | 2000/2001      | 2001/2002      | 2002/2003      | 2003/2004      |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Criminal (Board granted)     | 67,020         | 67,382         | 61,836         | 59,644         | 58,534         | 59,188         | 62,801         | 70,832         | 73,767         | 75,414         |
| Criminal (court granted)     | 11,890         | 11,560         | 11,491         | 11,622         | 12,588         | 10,705         | 10,331         | 10,983         | 12,148         | 12,541         |
| Civil                        | 22,088         | 20,064         | 19,797         | 17,405         | 15,661         | 14,551         | 13,577         | 11,167         | 13,480         | 12,322         |
| Advice and assistance        | 302,695        | 311,167        | 305,504        | 321,452        | 311,187        | 319,080        | 329,412        | 331,890        | 317,042        | 303,019        |
| Children (including appeals) | 3,011          | 2,680          | 2,336          | 2,586          | 2,511          | 2,833          | 2,841          | 2,853          | 3,118          | 3,654          |
| Contempt of court            | 102            | 144            | 216            | 165            | 162            | 167            | 165            | 148            | 239            | 206            |
| <b>TOTAL</b>                 | <b>406,806</b> | <b>412,997</b> | <b>401,180</b> | <b>412,874</b> | <b>400,643</b> | <b>406,524</b> | <b>419,127</b> | <b>427,873</b> | <b>419,794</b> | <b>407,156</b> |

## 11.3 NUMBER OF CASES PAID

|                       | 1994/1995      | 1995/1996      | 1996/1997      | 1997/1998      | 1998/1999      | 1999/2000      | 2000/2001      | 2001/2002      | 2002/2003      | 2003/2004      |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Criminal              | 78,537         | 76,831         | 78,927         | 75,620         | 69,898         | 67,092         | 74,801         | 78,050         | 83,159         | 87,914         |
| Civil                 | 25,713         | 22,605         | 22,146         | 20,365         | 18,194         | 15,772         | 14,339         | 12,903         | 11,994         | 12,721         |
| Advice and assistance | 267,416        | 271,480        | 272,000        | 271,663        | 276,165        | 277,340        | 288,029        | 276,122        | 283,736        | 278,396        |
| Children              | 2,390          | 2,336          | 2,026          | 1,870          | 1,957          | 1,897          | 2,375          | 2,080          | 2,307          | 2,557          |
| Contempt of court     | 95             | 91             | 105            | 132            | 98             | 161            | 153            | 131            | 195            | 184            |
| <b>TOTAL</b>          | <b>374,151</b> | <b>373,343</b> | <b>375,204</b> | <b>369,650</b> | <b>366,312</b> | <b>362,262</b> | <b>379,697</b> | <b>369,286</b> | <b>381,391</b> | <b>381,772</b> |

## 11.4 AVERAGE CASE COST (£)

|                       | 1994/1995 | 1995/1996 | 1996/1997 | 1997/1998 | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 | 2003/2004 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Criminal              | 958       | 957       | 1,000     | 1,073     | 1,066     | 1,022     | 906       | 938       | 956       | 1,009     |
| Civil                 | 1,176     | 1,425     | 1,583     | 1,685     | 1,764     | 1,918     | 2,005     | 2,197     | 2,257     | 2,358     |
| Advice and assistance | 90        | 92        | 97        | 99        | 103       | 102       | 105       | 110       | 118       | 123       |
| Children              | 665       | 717       | 871       | 876       | 878       | 909       | 1,053     | 1,359     | 1,455     | 1,069     |
| Contempt of court     | 257       | 221       | 252       | 237       | 286       | 193       | 268       | 302       | 302       | 474       |

## 11.5 TOTAL GROSS SPEND (£'000)

|                                  | 1994/1995      | 1995/1996      | 1996/1997      | 1997/1998      | 1998/1999      | 1999/2000      | 2000/2001      | 2001/2002      | 2002/2003      | 2003/2004      |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Criminal                         | 76,167         | 74,385         | 79,837         | 82,054         | 75,420         | 69,438         | 68,584         | 74,026         | 80,395         | 89,674         |
| Civil                            | 30,233         | 32,210         | 35,064         | 34,311         | 32,093         | 30,246         | 28,755         | 28,347         | 27,071         | 29,994         |
| Advice and assistance            | 24,038         | 25,070         | 26,458         | 27,005         | 28,460         | 28,287         | 30,199         | 30,279         | 33,557         | 34,353         |
| Children                         | 1,590          | 1,675          | 1,764          | 1,639          | 1,719          | 1,725          | 2,501          | 2,827          | 3,357          | 2,733          |
| Contempt of court                | 24             | 20             | 26             | 31             | 28             | 31             | 41             | 40             | 59             | 87             |
| Miscellaneous payments (see p57) | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            | N/A            | 12             | 56             | 87             |
| PDSO                             | N/A            | N/A            | N/A            | 25             | 405            | 430            | 390            | 364            | 319            | 376            |
| <b>TOTAL</b>                     | <b>132,052</b> | <b>133,360</b> | <b>143,149</b> | <b>145,065</b> | <b>138,125</b> | <b>130,157</b> | <b>130,470</b> | <b>135,895</b> | <b>144,814</b> | <b>157,304</b> |

## 11.6 TOTAL PAYMENTS FOR ADMINISTRATION AND FUND (£'000)

|                | 1994/1995 | 1995/1996 | 1996/1997 | 1997/1998 | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 | 2003/2004 |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Administration | 7,657     | 7,487     | 7,166     | 7,718     | 7,564     | 8,533     | 9,116     | 9,513     | 10,713    | 10,910    |
| Fund (gross)   | 132,052   | 133,360   | 143,149   | 145,065   | 138,125   | 130,157   | 130,470   | 135,895   | 144,814   | 157,304   |

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