



## Press Release

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### **Legal aid grants reach highest ever level as cost stays almost the same**

More people than ever before have been able to access justice through legal aid as the overall number of grants of civil and criminal legal assistance have reached their highest ever levels in the past year, to over **425,000**. But the gross cost of legal aid has remained almost unchanged, at **£130.5 million**, the Scottish Legal Aid Board announced today, on publication of its annual report for 2000/2001.

Key changes reported by the Board, include:

- the total number of grants of civil and criminal legal assistance rose by over three percent from 412,724 to 425,281 in 2000/2001, whilst legal aid fund expenditure increased by less than £320,000
- more people were able to get advice on legal problems as grants of advice and assistance rose to almost 330,000, their highest ever level
- criminal legal aid costs fell for the third successive year despite a four percent increase of applications granted to over 79,000
- more people took up an offer of civil legal aid where a contribution is payable, following the Board's introduction of longer repayment periods – the proportion of all applicants who initially refused an offer of civil legal aid with a contribution fell by 15%
- various initiatives introduced by the Board, in response to consultation with customers, have improved the speed and accuracy of assessing applications
- new performance indicators and targets were introduced and all headline indicators met.

Jean Couper, Chairman of the Scottish Legal Aid Board said:

"This has been a successful year both for people having access to justice and in how we administered the legal aid system for the people of Scotland. The Board granted more applications than ever before, whilst we met our targets for the speed and accuracy in reaching decisions, at a total cost that was almost unchanged from the previous year."

The report highlights more initiatives that will bring further improvements and changes to legal aid in the future. Jean Couper explained, "What we do impacts on individuals and that's why assessing applications quickly and accurately, even with an increasing workload, is so

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important. We made considerable progress in the past year but there is more to be done to improve access to justice for those who need it.”

She added: “We will work in consultation and co-operation with solicitors, advocates and others to simplify the bureaucracy involved in legal aid work and to further improve our processing of applications. The funding of our e-commerce project will enable us to do our job better and bring a range of benefits to our customers, including faster turnaround of decisions, less paperwork and more effective communication.”

The report also highlights significant developments about the future of legal aid and access to justice. On the fiftieth anniversary of civil legal aid in Scotland, Jim Wallace, Deputy First Minister announced proposals to develop a community legal service for Scotland. During the year the Board invited proposals for Part V projects, which will enable the Board to employ solicitors to provide legal aid services or support local organisations in their advice giving role. These and other policy initiatives, such as the legal aid inquiry by the Scottish Parliament’s Justice 1 Committee, were welcomed by the Board. Jean Couper said:

“We very much welcome these developments and look forward to the recommendations of the legal aid inquiry and community legal services working group. The Board will play its full part in implementing the agreed recommendations to enhance access to justice through a range of legal aid services. We expect to announce shortly the first pilot schemes, using solicitors employed by the Board, to explore innovative ways of providing access to justice.”

## **Ends**

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## **Attached Appendices:**

- Key points from the Report
- Notes to editors

## Appendix - Key points from the Report

The annual report details key trends in legal aid during 2000-2001:

- Most grants of legal aid and advice and assistance continued to be for criminal issues – last year over 240,000 grants (56%) were for criminal issues compared to almost 182,000 grants for civil issues.
- Although the number of grants of criminal legal aid rose by four percent to over 79,000, the total cost of criminal legal aid, at £68.6 million, fell by one percent. This is the third successive year that the cost of criminal legal aid has fallen.
- The average case cost for criminal legal aid has fallen to £906, the lowest for eight years, mainly due to the introduction of fixed payments for the majority of cases. The average case cost for a fixed payment case was £603.
- The number of advice and assistance applications rose by three percent to almost 330,000. An eight percent rise in criminal advice and assistance accounts for most of the increase. Advice and assistance expenditure also rose by seven percent to £30.2 million last year.
- Applications for increases in authorised advice and assistance expenditure rose by nine percent, with the greatest rises in requests for increases in Assistance By Way Of Representation (29%) and criminal advice and assistance (18%).
- There has again been a decline in civil legal aid grants and gross expenditure to over 13,500 grants and £28.8 million. The Board is currently researching possible factors for this.

Operational successes achieved by the Board in 2000/2001, as detailed in the report, include:

- improving delivery to the Board's customers is reflected by all the new headline performance targets introduced during the year were met
- the successful introduction of a new financial management system that both improves the speed of processing accounts and that will become key to enabling e-commerce
- publication of some of the Board's internal guidelines for assessing accounts and provision of more detailed reasons for refusal of criminal legal aid
- surveys and consultation meetings with the public, solicitors, advocates and others involved in the justice system have given the Board a deeper understanding of customer needs and resulted in a range of operational changes to improve services
- the Board's mailroom, which deals with over 1<sup>3</sup>/<sub>4</sub> million items of mail a year, won the Royal Mail gold award
- Assistance By Way Of Representation was introduced during the year for employment tribunals and immigration tribunals and hearings
- a major audit of the Board's policies and procedures was conducted to ensure, as far as possible, compliance with the Human Rights Act 1998. To date there have been no successful challenges against the Board under the Act.

The report also details that:

- the net cost to the taxpayer for providing legal aid assistance was £121.2 million (£120.2m in 1999/2000) - this takes account of contributions, expenses and amounts recovered from assisted persons following the successful outcome of their cases
- the net cost to the taxpayer of civil legal aid, allowing for amounts paid back to the Board by assisted persons and opponents fell by four percent to £19.5 million
- the cost of administration of the Board increased by seven percent to £9.1 million, due to capital expenditure and "spend to save" initiatives
- types of payment made in 2000/2001 were (proportion of total expenditure in brackets): solicitors £106.3 million (81%); outlays £13.1m (10%); advocates £9.9m (8%); solicitor advocates £0.7m and PDSO £0.4m
- expenditure on the Public Defenders Solicitors' Office (PDSO) fell by nine percent to £390,000
- During the year, following the introduction of assistance by way of representation for employment tribunals and immigration tribunals and hearings, 830 applications were granted; 56 for employment tribunals and 774 for immigration

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## Numbers of applications and grants (including appeals)

Legal aid type	1999/2000	2000/2001
<b>Advice and assistance</b>		
• civil intimations	166,425	165,591
• criminal intimations	128,805	138,636
• Assistance By Way Of Representation (ABWOR) intimations	23,850	25,185
• <i>total intimations</i>	<i>319,080</i>	<i>329,412</i>
• applications for increase	118,593	129,233
• increases granted	107,114	115,637
<b>Civil legal aid</b>		
• applications	23,106	21,018
• grants	14,551	13,577
• without contribution	11,642	10,780
<b>Criminal legal aid</b>		
Summary – granted by the Board		
• applications	64,818	69,137
• grants	59,188	62,801
Granted by the courts	10,705	10,331
• solemn	9,233	9,471
• section 23 (1) (b)	1,472	860
Appeals and regulation 15 special urgency grants	6,200	6,154
<i>Total grants criminal legal aid</i>	<b>76,093</b>	<b>79,286</b>
<b>Children</b>		
• grants including appeals	2,833	2,841
<b>Contempt of court</b>		
• grants	167	165
<b>Total grants</b>	<b>412,724</b>	<b>425,281</b>

## Average case costs

Legal aid type	1999/2000 £	2000/2001 £
Advice and assistance	102	105
Civil	1,918	2,005
Criminal (including appeals)	1,022	906
• solemn (excluding appeals)	3,452	2,625
• summary (excluding appeals)	769	652
• fixed payments (summary)	599	603

## Total expenditure

Legal aid type	Expenditure		Percentage of expenditure	
	1999/ 2000 £ 000s	2000/2001 £ 000s	1999/ 2000	2000/ 2001
Advice and assistance	28,287	30,199	21.7%	23.1%
Civil (gross)	30,246	28,755	23.2%	22.0%
• <i>Civil (net)</i>	<i>20,279</i>	<i>19,475</i>		
Criminal	69,438	68,584	53.3%	52.6%
Children	1,725	2,501	1.3%	1.9%
Contempt of Court	31	41	0.0%	0.0%
PDSO	430	390	0.3%	0.3%
<b>Total</b>	<b>130,157</b>	<b>130,470</b>	<b>100%</b>	<b>100%</b>

## Notes for editors

1. Journalists can obtain the media pack, which includes the report and statistics from the Board's press office or on the web at [www.slab.org.uk](http://www.slab.org.uk)
2. The Scottish Legal Aid Board's Annual Report 2000/2001 is available on the website [www.slab.org.uk](http://www.slab.org.uk) or from Secretariat, 44 Drumsheugh Gardens, Edinburgh EH3 7SW, telephone (0131) 226 7061 (price £12.50).
3. The Board has two linked websites: [www.slab.org.uk](http://www.slab.org.uk) and for the profession, [www.slabpro.org.uk](http://www.slabpro.org.uk)
4. Legal aid allows people who would not otherwise be able to afford it to have the help of a solicitor, and in some circumstances an advocate, for their legal problems. To receive legal aid, applicants must consult a solicitor who will help them complete an application. The Board itself does not provide a legal aid service - it pays solicitors and advocates to do this.
5. The Scottish Legal Aid Board is responsible for managing legal aid in Scotland. It is a non-departmental public body set up under the Legal Aid (Scotland) Act 1986. Twelve Board members including the Chairman, appointed by Scottish Ministers, currently oversee the work.

The Board's mission is to develop and deliver appropriate access to quality legal assistance for those eligible, in a cost effective manner. The Board's main tasks are to consider and then grant or refuse applications for legal aid; to scrutinise accounts and pay solicitors and advocates for the legal aid work they do and to advise Scottish Ministers on legal aid matters.

6. In 2000/2001 425,281 advice and assistance and legal aid applications were granted and the total gross expenditure on legal aid was £130.5 million.