



Scottish Legal Aid Board – Annual Report 2000/2001 launch

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Address to press conference by Jean Couper, Chairman

Good morning and thank you for joining me to launch our annual report. The report has now been presented to the Scottish Parliament.

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. More people were granted advice and assistance and legal aid than ever before. We met our key targets in reaching decisions and the total cost of legal aid was almost unchanged from the previous year.

Legal aid allows people who could not otherwise afford it to engage the service of a solicitor or in some instances an advocate, to help with their legal problems. It is therefore important to recognise that legal aid is of benefit to a great many people in Scotland.

In the last year, more people than ever before have been able to access justice through legal aid. The overall number of grants of civil and criminal legal assistance in the past year were over 425,000. This was an increase of four percent on the previous year and is the highest level ever.

However, the gross cost of legal aid has remained almost unchanged, at £130.5 million, an increase of around £320,000 compared to the previous year.

There are several legal aid figures and trends I wish to highlight from our report:

- Overall

most grants of advice and assistance and legal aid continue to be for criminal issues – last year fifty six percent - over 240,000 grants - were for criminal issues compared to almost 182,000 grants for civil issues.

- Advice and assistance

More people were able to get advice for their legal problems as grants of advice and assistance rose to almost 330,000, their highest ever level. An eight percent rise in criminal advice and assistance accounts for most of the increase. 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 at 29% and criminal advice and assistance at 18%. It is interesting to note that over the past decade we have seen a rise of 62% in applications for increases in authorised expenditure.

- Criminal

For the third successive year the cost of criminal legal aid has fallen. This year the cost fell by one percent to £68.6 million. However, the number of grants of criminal legal aid rose by four percent to over 79,000. 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.

- Civil

No contribution is payable in eighty percent of grants of civil legal aid. For those cases where a contribution is payable, in July 2000 the Board introduced longer repayment periods of ten, fifteen or twenty months depending on the size of contribution, rather than the previous ten month period. This makes it easier for people to pay and therefore take their case forward. Fewer people now refuse an offer of legal aid where a contribution is payable. The proportion of all applicants who initially refused an offer of civil legal aid fell by 15%. We believe that this is, at least in part, due to this change in policy.

There has again been a decline in applications for civil legal aid, although the proportion of applications granted rose by two percent to 65%, there were over 13,500 grants. Gross expenditure also fell to £28.8 million. The amounts paid back to the Board by assisted persons and opponents was £9.3 million, which means that the net cost to the taxpayer for civil legal aid was £19.5 million.

The Board, as do others, wants to understand the reasons for this fall, in particular, whether it relates to the financial eligibility criteria and the amount of contributions an assisted person may have to pay. Therefore we are conducting research to estimate any changes in eligibility over the years and to identify any particular groups that do not take up legal aid despite being eligible.

I now wish to turn to some of the many operational successes achieved by the Board last year. Our aim is to give the legal profession a high quality of service to enable them to provide an effective legal aid service to the public.

We introduced challenging new performance indicators and targets and I am delighted to report that we met all the headline targets. What we do impacts on individuals and that's why assessing applications quickly and accurately, even with an increasing workload, is so important.

We consulted widely with our customers – the public, solicitors, advocates and others involved in the justice system – and we have gained a deeper understanding of their needs. In response, we have committed to implementing a range of operational changes geared to making our services more

efficient and effective. For example we have published some of the Board's internal guidelines for assessing accounts and advice and assistance guidelines and we now provide more detailed reasons for refusal of criminal legal aid.

We conducted a major audit of the Board's policies and procedures to ensure, as far as possible, compliance with the Human Rights Act 1998. To date there have been no challenges against the Board under the Act.

We successfully implemented a new financial management system that improves the speed of processing accounts and is key to allowing us to bring e-commerce to the core of our operations. We won three-quarters of a million pounds from the Modernising Government Fund and over the next two to three years e-commerce between the Board and the legal profession will enable us to do our job better and bring a range of benefits to our customers, such as reducing paperwork, quicker turnaround of decisions and providing faster and more effective communication.

We are restructuring our applications department and have employed more solicitors so that legally qualified staff are dealing with an increasing proportion of decisions on matters relating to the merits of applications.

We have also strengthened our policy and research capability to assist us in developing our policies and procedures and to improve the range and quality of advice given to Ministers and Parliament. I mentioned already our current research work into the financial eligibility criteria and the amount of contributions an assisted person may have to pay. We are also reviewing the operation of the special urgency provisions, which enable a solicitor to act for a client before a full legal aid application is submitted or determined by the Board. There is concern that the current provisions may act as a barrier to some people accessing the services of a solicitor in urgent cases. The Board will consult on proposed changes as an outcome of this research by the end of the summer.

There have been significant developments about the future of legal aid and access to justice in the past year. In October when marking the fiftieth anniversary of civil legal aid in Scotland, Jim Wallace, Deputy First Minister, announced proposals to develop a community legal service for Scotland. This and other policy initiatives, such as the legal aid inquiry by the Scottish Parliament's Justice 1 Committee, have been welcomed by the Board.

I await with real interest the reports of the legal aid inquiry and community legal services working group. The Board looks forward to an active involvement in implementing the agreed recommendations to enhance access to, and delivery of, legal aid provision.

During the year the Board invited organisations to submit proposals for pilot schemes, using solicitors employed by the Board, to provide legal aid services or support local organisations in their advice giving role. This will enable the evaluation of innovative methods of providing legal services. We hope to announce the first pilots selected for funding next month.

We very much value our relationships and partnership working we are developing with organisations including the Law Society of Scotland, Faculty of Advocates, the local faculties and bar associations throughout Scotland, the courts, advice sector and of course the Scottish Executive and Scottish Parliament. A number of our initiatives in the past year have been all the more successful because we worked in partnership with others in the justice system. We believe this approach helps to make the system more efficient and effective, and most importantly, assists in providing improved access to justice for those who need it.

In the coming year we are committed to work in consultation and co-operation with others to simplify the bureaucracy involved in legal aid work and to further improve our processing of applications.

The Board is here to develop and deliver appropriate access to quality legal assistance for those eligible, in a cost-effective manner. We continue to make progress but there is more to be done to improve access to justice for those who need it. I believe our annual report for the past year shows the Board progressed on target, to deliver results for access to justice.

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