

PROGRESSING ON TARGET

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**MISSION STATEMENT » TO DEVELOP AND DELIVER 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 ENSURE 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 ADVISORS AND OTHER STAKEHOLDERS IN A CLEAR, CONCISE, TIMELY, INFORMATIVE AND PRO-ACTIVE MANNER

» TO PROVIDE SOUND ADVICE TO MINISTERS AND PARLIAMENT ON THE CURRENT OPERATION AND DEVELOPMENT OF THE PROVISION OF LEGAL AID

LEGAL AID ALLOWS PEOPLE WHO COULD NOT OTHERWISE AFFORD IT TO HAVE THE HELP OF A SOLICITOR AND, IN SOME CIRCUMSTANCES AN ADVOCATE, FOR THEIR LEGAL PROBLEMS. THE SCOTTISH LEGAL AID BOARD IS RESPONSIBLE FOR MANAGING LEGAL AID IN SCOTLAND. WE ARE A NON-DEPARTMENTAL PUBLIC BODY SET UP UNDER THE LEGAL AID (SCOTLAND) ACT 1986. SITUATED IN EDINBURGH, WE EMPLOY AROUND 300 FULL-TIME STAFF. TWELVE BOARD MEMBERS, APPOINTED BY SCOTTISH MINISTERS, OVERSEE THE WORK.



# CHAIRMAN'S STATEMENT



This last year, marking the 50th anniversary of the commencement of civil legal aid provision in Scotland, has seen significant progress in the administration of legal aid and substantial debate about the demand for and provision of legal aid in the future.

The Board made considerable progress in 2000/2001 in many areas. We introduced challenging new performance indicators and targets on 1 October and I am delighted to report that we have met all the headline targets.

Throughout the year we consulted widely with members of the public, solicitors, advocates, and interested bodies.

We gained a deeper understanding of the needs of our customers and committed to implement a range of operational changes geared to make our services more efficient and effective. Many improvements have been implemented or are in progress, for example:

- improved handling of legal aid applications and processing of payments to solicitors and advocates
- introduction of extended repayment period for larger contributions
- publication of internal guidelines on payment of solicitors' accounts and advice and assistance guidelines
- provision of more detailed reasons for refusal of legal aid in summary criminal cases

These and other actions are providing a better service to solicitors and enabling them in turn to enhance their service to the legally aided client.

From 1 October 2000 the Board, in common with other public bodies, became subject to the Human Rights Act 1998. We carried out a major audit of our policies and processes to ensure, as far as possible, that they comply with the Act and this process of review will continue. To date there have been no successful challenges against the Board under the Act.

The Board has a responsibility to provide easy access to legal aid for all those who are eligible. However, we equally seek to minimise the risk of fraud and abuse by those who are not entitled to legal aid. We have increased our investigations capability and as a result saved £1.2million to the Fund during the year, representing an increase of some 150% on previous figures.

The Board has received funds of £0.75million from the Modernising Government Fund competition as part funding of a £1.7million project to introduce e-commerce to legal aid work. In the next two years we will work closely with the Law Society and Faculty of Advocates in both the planning and implementation stages. E-commerce will enable all those involved in legal aid to benefit from increased access to information, faster processing, better value for money and overall a more efficient and effective service.

The last year has also seen developments in the consideration of the future of legal aid and access to justice. In October Jim Wallace, Minister for Justice, announced the establishment of a working group to develop proposals for a new community legal service for Scotland. The Board is a member and also provides support services to the working group. Later this year Ministers will receive the group's recommendations.

Recently the Board invited organisations to submit proposals for pilot schemes, using solicitors employed by the Board, which will enable the evaluation of innovative methods of providing legal services. We hope to announce the first pilots selected for funding in August 2001.

Justice 1 Committee of the Scottish Parliament is holding an inquiry into legal aid and access to justice in Scotland. The Board has submitted evidence to the Committee.

We welcome these developments and look forward to an active involvement in taking forward the agreed recommendations to enhance access to, and delivery of, legal aid provision.

Much was achieved during 2000/2001 but in the coming twelve months we aim to make further progress in a number of areas including improving the consistency and quality of decision making, particularly in the processing of civil applications. We will also liaise with the profession to find ways to simplify the bureaucracy involved in undertaking legal aid work.

The Board will continue to work in partnership and co-operation with others involved in the justice system – the legal profession, the courts, the Scottish Executive and the advice sector. We believe that operating in this way helps to make the system more efficient and effective and, most importantly, assists in providing improved access to justice for those who need it.

The progress over the past year was achieved against a backdrop of increasing workloads and considerable change both from within and outside the Board. These results were delivered through the dedication and efforts of staff and Board Members and I thank them for their ongoing commitment to the work of the Board.

Jean Couper, Chairman

## » COSTS, VOLUMES AND TRENDS IN LEGAL AID

### LEGAL AID FUND AND GRANT-IN-AID

- Legal Aid Fund expenditure for 2000/2001 was £130.5 million and represents virtually no change on the previous year figure of £130.2 million.
- Taking account of contributions, expenses and amounts recovered from assisted persons following the successful outcome of their cases, the net cost to the taxpayer of legal aid was £121.2 million. This compares with a net cost of £120.2 million for 1999/2000.
- The cost of advice and assistance increased by 7%, to £30.2 million.
- Gross expenditure on civil legal aid fell by 5% to £28.8 million.
- The cost of criminal legal aid fell by 1% to £68.6 million.

Of the total paid out

- £106.3 million was paid to solicitors, a fall of 2% compared with the previous year
- £9.9 million was paid to counsel, a rise of 34%
- £0.7 million was paid to solicitor advocates, a 48% rise
- £13.1 million was paid in outlays, a 3% drop.

The above figures include VAT.

Grant-in-Aid expenditure (the cost of the administration of the Board) rose to £9.1 million, an increase of £0.6 million on the previous year. Much of the increase was to fund capital expenditure and “spend to save” initiatives.

Overall, the volume of activity in legal aid work increased by over 5%.

### PAYMENT OF REFUNDS IN ADVICE AND ASSISTANCE

Some applicants who had both advice and assistance and civil legal aid between 1991 and 1999 may not have received their full entitlement. In some circumstances, they could be entitled to a refund from the Board with compensation. Newspaper adverts were placed explaining the circumstances in which people may be entitled to make a claim. Only a few people have contacted the Board or their solicitors, and we do not expect the cost to be significant. The situation arose because the Board’s powers to recoup money in certain cases were inadvertently removed in 1988 legislation, and the Scottish Executive will be looking to restore these powers through new legislation.

### ADVICE AND ASSISTANCE – RISES IN INTIMATIONS, INCREASES AND COSTS

#### INTIMATIONS AND INCREASES

The number of intimations of advice and assistance has risen by 3% to 329,412, the highest level ever, continuing a consistent rise throughout the Board’s existence.

- An 8% rise in criminal advice and assistance accounts for most of the increase.
- There has been a slight increase in ABWOR cases. These are cases where a solicitor can represent his or her client in court, in limited circumstances such as to present a plea in mitigation.
- During the year civil ABWOR was introduced for employment tribunals and immigration tribunals and hearings. 830 of these applications were granted; 56 for employment tribunals and 774 for immigration tribunals.

- There has been a slight fall in civil advice and assistance cases, mainly in the family/matrimonial categories.
- Over the last ten years, applications for increases in authorised expenditure have risen by 62%. They have risen by 9% this year, compared with a rise of 7% in the previous year. 93% of applications for increases were granted. There has also been a 27% increase in applications for reconsideration of increase requests. The greatest rises in requests for increases have been in ABWOR (29%) and criminal advice and assistance (18%).

#### COSTS

- Expenditure on advice and assistance has risen steadily over many years. After a marginal drop in payments in the previous year, they rose again by 7% to £30.2 million in 2000/2001.
- The average case cost for advice and assistance has risen by 3% to £105.

### CIVIL LEGAL AID – FEWER APPLICATIONS AND FALLING COSTS

#### APPLICATIONS AND GRANTS

- Civil applications fell by 9% to 21,018 and grants by 7% to 13,577, continuing the downward trend of previous years.
- Although the fall in applications is reflected in most categories, there was an increase in applications for legal aid for judicial reviews of decisions by public bodies.



*Overall increase in volume  
of legal aid work*



- THE BOARD HAS A DUTY TO TAXPAYERS IN SCOTLAND AND TO THE SCOTTISH EXECUTIVE TO MANAGE EFFECTIVELY THE LEGAL AID FUND AND PROVIDE VALUE FOR MONEY

## » COSTS, VOLUMES AND TRENDS IN LEGAL AID... CONTINUED

- Fewer people now refuse an offer of legal aid where a contribution is payable. We believe that this is, at least in part, because of the change in policy whereby we increased the period over which larger contributions can be paid. The proportion of grants subject to contributions has remained constant for the last three years, at around 20%. We are surveying applicants to establish the reasons why people turn down offers of legal aid which are subject to contributions.
- The average contribution, where payable, has risen from £712 to £777. More than 40% of contributions are between £250 and £800, with a further 32% being between £800 and £1,700.
- The proportion of civil legal aid cases which used special urgency provisions has increased from around 60% in 1995/1996 to around 70% in 2000/2001.
- The rate of grant of civil legal aid applications, 65% last year, has remained relatively stable over the past several years.

### COSTS

- Total expenditure on civil legal aid has continued to fall, by 5%, to £28.8 million. The net cost to the taxpayer, allowing for amounts paid back to the Board by assisted persons and opponents, was £19.5 million, compared to a net cost of £20.3 million in the previous year.
- Average case costs have risen from £1,918 to £2,005 (5%). However, these figures do not take into account the amounts recovered.
- The proportion of civil legal aid expenditure paid to solicitors (62%) has been dropping slowly since 1992, when it was 74%.

- The proportion paid in outlays increased to 26% of the total compared with only 20% in 1992/1993. This is likely to be largely due to an increase in the fees charged by the courts in civil proceedings.

### CRIMINAL LEGAL AID – MORE APPLICATIONS, BUT LOWER COSTS

#### APPLICATIONS

- The number of applications for summary criminal legal aid received by the Board has risen by 7% to 69,137. This is the second year that the number of criminal applications has increased, reversing the fall over the four previous years. This rise brings levels close to those of 1996/1997.
- Applications and grants in the district court have fallen, although this is offset by an increase in sheriff court applications. The six-week strike by council workers in the Glasgow district courts during December and January will have had some impact on the figures.
- The level of grants of summary criminal legal aid has remained fairly constant over the past three years, at just over 90% of applications.
- Grants of summary criminal legal aid by the courts under section 23(1)(b) of the Act have again fallen significantly, to 860 – just over a quarter of the number two years ago. These are cases where the court is considering a prison sentence for a convicted person who has not previously been sentenced to imprisonment.
- The number of accounts received for duty solicitor appearances has dropped – this may be connected to fewer people appearing from custody as a result of the Human Rights Act and police policies.
- The number of solemn grants by the courts has risen marginally.
- The number of criminal appeal applications has dropped slightly, but there has been a small rise in the proportion granted

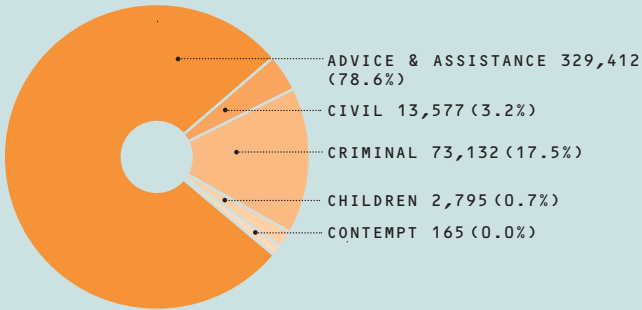
### COSTS

- The cost of criminal legal aid has fallen for the third consecutive year. The total cost of criminal legal aid in 2000/2001 (including appeals and payments to duty solicitors) was £68.6 million, a 1% drop from the previous year despite an 11% rise in the number of cases paid. In addition, £0.4 million was paid out to fund the PDSO, slightly less than in the previous year.
- Summary criminal legal aid cost £40.4 million, compared with £44.9 million in 1999/2000 – a drop of 10%.
- Solemn criminal legal aid cost £25.2 million, a rise of 15%.
- The average case cost has fallen to £906 – the lowest since 1993. This is likely to be largely due to the introduction of fixed payments for the majority of summary cases, with the average summary case costing £652, compared with £769 in 1999/2000. Fixed payments accounted for 92% of all summary criminal legal aid cases paid (80% of all criminal cases), and 85% of the value of payments for summary criminal legal aid.
- The average case cost for a fixed payment case was £603 (compared with £599 last year) and the average case cost where detailed charges were made was £2,145 (compared with £1,447 last year).

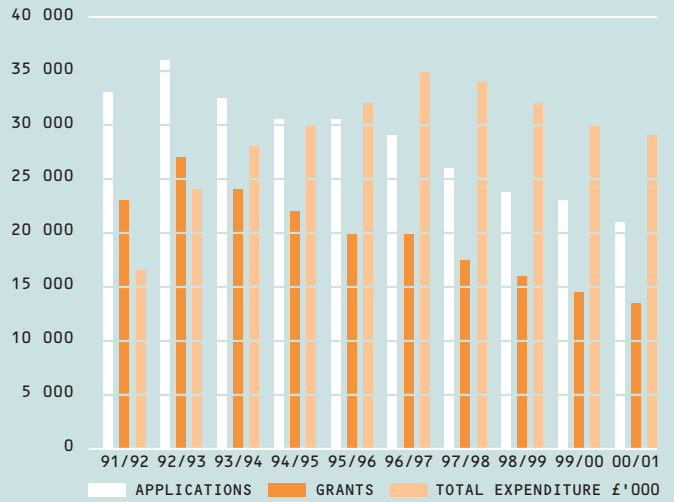
### LEGAL AID FOR CHILDREN

- There has been a 45% increase in the amount paid out for legal aid for children, and a 25% increase in the number of cases paid.

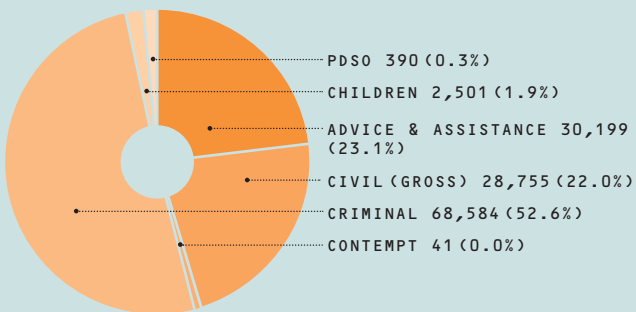
NUMBER OF GRANTS



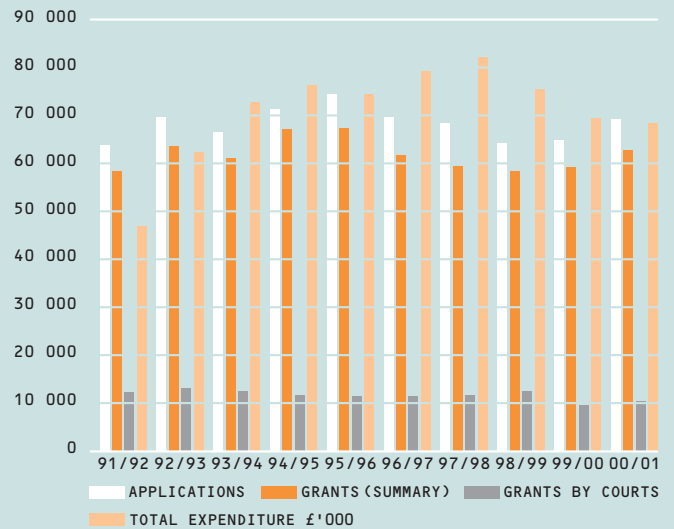
CIVIL LEGAL AID



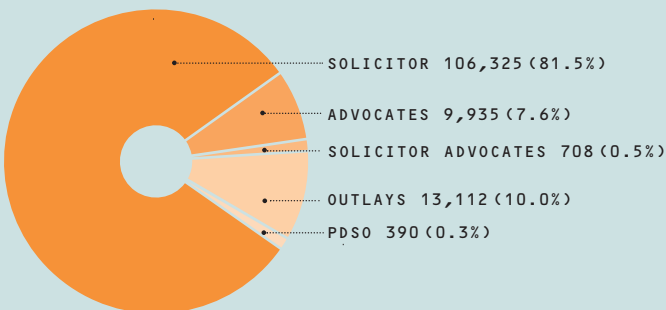
EXPENDITURE FROM THE LEGAL AID FUND £'000



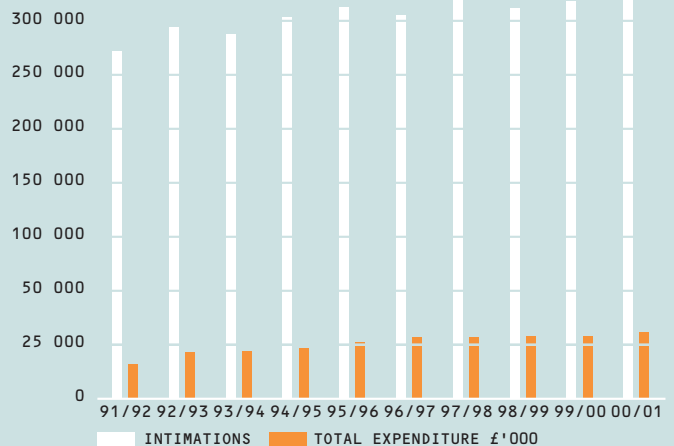
CRIMINAL LEGAL AID



TYPES OF PAYMENT £'000



ADVICE AND ASSISTANCE



## » QUALITY OF SERVICE AND PERFORMANCE

One of the Board's main aims for 2000/2001 was to improve significantly the quality and consistency of decision making and the timeliness of handling cases.

### PERFORMANCE AGAINST TARGETS

New performance targets and indicators were implemented on 1 October 2000. The revised targets were developed to accurately reflect our performance and to cover the range of our operational activities. Despite an increasing workload, we achieved our headline targets by the year end. However we are taking further steps to improve accuracy in civil applications decisions.

Performance against target is shown in Appendix 8.

### SERVICE STANDARDS AND STATUS LETTERS

To support the performance targets we introduced service standards for applicants, opponents, solicitors and advocates involved in legal aid cases. The service standards set out the level of service that can be expected from us at every stage of a case. If we are not able to meet them, we write to both the solicitor and his or her client telling them why and when a decision will be made. The service standards are published on our web sites.

### IMPROVING THE ACCURACY OF DECISION MAKING

The accuracy of decision making is of paramount importance for all those affected by legal aid. We have now set up:

- an independent quality unit within the Board to check that decisions are taken in accordance with our guidelines and are consistent and accurate
- a specialist unit to improve consistency in assessing financial eligibility.

### CONSULTATION

To help us better understand the requirements of our customers and therefore improve our service, we conducted a major consultation exercise. This involved members of the public, solicitors, advocates, and others involved in the justice system, through

- a series of public meetings
- a survey of the views of solicitors practising legal aid in Scotland, circulated to a random sample of 1,000 solicitors
- meetings with solicitors' faculties throughout Scotland
- meetings with the Faculty of Advocates
- discussions with other interested bodies.

In September 2000 we reported the outcome of the consultation to Jim Wallace, Deputy First Minister and Justice Minister, and made the report widely available.

We have found these meetings with our customers helpful and constructive. We have already addressed many of the issues identified, and our plans for the coming year will include further improvements.

In addition, the Board organised:

- a meeting in October to celebrate the 50th anniversary of civil legal aid in Scotland – the keynote address was delivered by Jim Wallace, and many others involved in the justice system in Scotland attended
- a briefing session for MSPs to provide information about legal aid and answer some of the questions most commonly raised by their constituents.

### COMPUTER SYSTEMS

We have implemented a new financial and management system on time and within budget. The system will allow more effective management of the Legal Aid Fund and our Grant-in-Aid budget. We and the legal profession will benefit from greater accuracy of data and efficiency of operation.

### PROVIDING THE LEGAL PROFESSION WITH THE SERVICE IT NEEDS

We liaise with the Law Society of Scotland and the Faculty of Advocates on a variety of matters, including applications and accounts issues. We aim to give solicitors and advocates a high quality of service to enable them to provide an effective legal aid service.

Legally qualified staff are dealing with an increasing proportion of decisions on matters relating to the merits of applications. In addition, more administrative staff are receiving paralegal training.

All requests for sanction to employ counsel are now dealt with by legally qualified members of staff. We are currently reviewing our procedures for sanction for the employment of counsel in civil and criminal cases and will issue guidelines shortly.

### INFORMATION FOR THE PROFESSION

To help solicitors understand the Board's policies and practices, we have issued to them our internal guidance on the assessment of accounts for criminal legal aid (solemn cases and non fixed payment summary cases) and advice and assistance. We shall publish more internal guidelines within the next year.

We now supply the profession with more information about the decision making process through:

- letters explaining the reasons for delays at any stage in the process
- more detailed reasons for refusal, particularly in criminal cases.

We continue to provide regular guidance and information through The Recorder, our newsletter to the profession.



*Challenging performance targets introduced - all headline indicators met*



- CONSULTATION - MEETINGS WITH THE PUBLIC, SOLICITORS AND ADVOCATES, AS WELL AS A SURVEY OF SOLICITORS
- NEW INDEPENDENT CHECKING AND QUALITY UNIT - MONITORS THE QUALITY OF DECISIONS ON APPLICATIONS AND ACCOUNTS
- NEW COMPUTER SYSTEM - NEW AND EFFECTIVE FINANCIAL AND MANAGEMENT SYSTEM IMPLEMENTED ON TARGET AND WITHIN BUDGET

# QUALITY OF SERVICE AND PERFORMANCE... CONTINUED

We detected an increase in the number of incomplete civil legal aid application forms received from solicitors. This delays registering and considering the application. We are reviewing application forms received to identify the principal problem areas. We will then make appropriate changes to our procedures or issue further guidance to solicitors.

## E-COMMERCE AND MODERNISING GOVERNMENT

The Board, with the support of the Scottish Executive Justice Department, successfully bid for a grant of £750,000 from the Modernising Government Fund.

The grant will part-fund a project costing approximately £1.7 million to enable the Board to conduct much of its business by e-commerce and to meet the government's targets for services to be available electronically by 2005.

Introducing e-commerce will assist the Board and solicitors, reduce administration costs and increase efficiency in dealing with applications and accounts.

The Scottish Executive will receive regular reports on progress. We will liaise closely with the Law Society and the Faculty of Advocates throughout the planning and implementation of the project over the next three years.

## EXTENSION OF PAYMENT PERIODS FOR CONTRIBUTIONS

Since July 2000, assisted persons may pay their legal aid contributions over 10, 15 or 20 months, depending on the size of the contribution, rather than the previous 10 month period. This makes it easier for people to pay and therefore take their case forward. The proportion of all applicants who initially refused an offer of civil legal aid fell by 15% suggesting that fewer people have been deterred by the contributions payable.

## INCREASED EFFECTIVENESS OF DEBT RECOVERY

We have improved the effectiveness of our debt recovery processes, with the result that debt recovered as a proportion of debt due has increased by 16% in real terms.

## INCREASED EMPHASIS ON INVESTIGATIONS

It is important that only those who are eligible receive legal aid. We have:

- developed our investigations capability and, consequently, made savings to the Legal Aid Fund of more than £1.2 million this year (a 150% increase on 1999/2000)
- investigated almost 1,500 cases, and recovered money and/or withdrew legal aid in just under a half of these
- conducted random checks on advice and assistance and civil and criminal legal aid cases where applicants claim to be receiving state benefits to verify this
- reported applicants to the prosecuting authorities because they appeared to have deliberately provided false information.

In addition, in one nationally reported case, an applicant for criminal legal aid who had made a false declaration of his means was sentenced to a year's imprisonment.

## LEGAL AID EDUCATION

The Board continues to expand its programme of external seminars. We have provided speakers for the profession and diploma students on a wide range of topics, including human rights.

We were pleased to participate fully in the Legal Aid Conference organised by the Law Society in October 2000 and look forward to future participation in similar ventures.

## CORPORATE GOVERNANCE

In line with all public bodies, the Board must maintain adequate systems of internal control and risk management. We have implemented a risk assessment strategy which provides a framework to meet the requirements of the Turnbull Committee report and the requirement for a statement of internal control for the 2001/2002 accounts.

## COMPLAINTS PROCEDURE

A new complaints procedure was introduced to make it easier for the public and members of the legal profession to raise problems with us.

## MAILROOM GOLD AWARD

Our mailroom plays an important part in our operations. Each year staff process over a million incoming items and close to three quarters of a million outgoing items of mail.

We were therefore pleased to be awarded gold accreditation from Royal Mail following a comprehensive audit of our mailroom operations.

## PDSO

When the pilot Public Defence Solicitors' Office (PDSO) was set up in Edinburgh in 1998, certain legal aid applicants were directed to use it. The Board removed that requirement in July 2000 and now anyone with a criminal court case in the Edinburgh Sheriff Court district, if they are eligible for criminal legal aid, can choose to be represented by a private solicitor or the PDSO.

Independent researchers commissioned by the Scottish Executive are evaluating the PDSO, and will report on its operation to the Scottish Parliament in October 2001.



*Increased effectiveness of  
debt recovery*



- £750,000 GRANT FROM THE MODERNISING GOVERNMENT FUND TO INTRODUCE E-COMMERCE BETWEEN THE BOARD AND THE LEGAL PROFESSION
- INVESTIGATIONS CAPABILITY DEVELOPED; SAVINGS TO THE FUND OF MORE THAN £1.2 MILLION THIS YEAR
- MAIL ROOM AWARDED THE ROYAL MAIL'S GOLD AWARD

## WORKING WITH THE SCOTTISH EXECUTIVE AND THE SCOTTISH PARLIAMENT

One of the Board's key objectives is to provide sound advice to Ministers and Parliament on the current operation and development of the provision of legal aid. We have strengthened our policy and research function to enable us to undertake a programme of research and policy development work. This will assist us in developing our own policies and procedures and to improve the range and quality of the advice given to Ministers and Parliament.

The Scottish Parliament, the Board and others involved in the Scottish justice system are examining ways of improving access to justice and the provision of civil legal aid.

### COMMUNITY LEGAL SERVICES

The Board is a member of and services the multi-agency group set up by the Scottish Executive to review legal information and advice provision in Scotland. The group also includes representatives of the Scottish Executive, the Law Society, CoSLA, Citizens Advice Scotland, Scottish Consumer Council, the Scottish Association of Law Centres and others.

The group will present proposals to the Minister for Justice later this year. In developing its proposals, the group will consider issues such as funding, quality of service, effective referral between agencies and innovative ways of providing advice and information.

### INQUIRY INTO LEGAL AID AND ACCESS TO JUSTICE

The Scottish Parliament's Justice 1 Committee is conducting an inquiry into legal aid and access to justice which could have significant implications for the justice system. The themes of the inquiry are

- to assess the impact of recent changes in the legal aid system (both civil and criminal)
- to assess the likely impact of possible and prospective changes on the contribution made by the legal aid system to securing access to justice for individuals and organisations in Scotland.

The Board has submitted evidence to the Committee on the practical operation of the legal aid system and our concerns about issues such as eligibility limits for civil legal aid and the public's need to access legal advice and representation.

We look forward to the publication of the results of the inquiry and to our involvement in taking forward the agreed recommendations.

### THE HUMAN RIGHTS ACT 1998

We have reviewed our policies and procedures to ensure compliance with the Human Rights Act 1998, and subjected our review to independent external audit.

We will continue to review and improve our procedures and service in the light of our obligations under the Act.

### TRIPARTITE COMMITTEE

The Board meets with the Scottish Executive and the Law Society of Scotland to discuss operational and legislative issues surrounding legal aid.



*Provision of sound advice to  
ministers and parliament on  
legal aid*



- COMMUNITY LEGAL SERVICE – THE BOARD IS PARTICIPATING IN THE SCOTTISH EXECUTIVE'S MULTI-AGENCY GROUP TO FORMULATE PROPOSALS FOR INTRODUCTION OF A COMMUNITY LEGAL SERVICE
- JUSTICE 1 COMMITTEE'S INQUIRY INTO LEGAL AID AND ACCESS TO JUSTICE – THE BOARD HAS SUBMITTED EVIDENCE TO THE COMMITTEE AND LOOKS FORWARD TO INVOLVEMENT IN TAKING FORWARD THE AGREED RECOMMENDATIONS
- HUMAN RIGHTS ACT 1998 – REVIEW OF POLICIES AND PROCEDURES PRIOR TO THE INTRODUCTION OF THE ACT

## » THE WAY FORWARD

In the coming year the Board will look to improve quality across the organisation and further develop its approach to customer care.

Our operational plans to achieve these objectives include:

- extending the remit of the Independent Checking and Quality Unit to review decisions on all aspects of applications and accounts
- continuing the move to greater specialisation of the staff dealing with applications and accounts
- increasing the proportion of decisions on the merits of cases taken by legally qualified members of staff.

### CONSULTATION AND COLLABORATION

We welcome the keen interest of the Scottish Parliament in legal aid issues and will work to provide Ministers with the information and advice they require.

We aim to strengthen links and consult with others in the wider justice system to enable the component parts of the system, including legal aid, to operate in a cohesive and effective way.

### COMMUNITY LEGAL SERVICES AND PROJECTS UNDER PART V OF THE LEGAL AID (SCOTLAND) ACT 1986

We have invited interested organisations to submit proposals to develop a range of pilot projects to allow the evaluation of different methods of improving access to justice through the direct employment of solicitors by the Board. The first of these pilots will be commenced when the necessary regulations are passed and practical arrangements are in place with partner organisations.

We look forward to working with the Scottish Executive and other members of the Working Group to develop recommendations for Ministers on appropriate methods of providing a community legal service.

### REVIEW OF SPECIAL URGENCY PROVISIONS AND CONTRIBUTIONS

We have commissioned research into the operation of the special urgency provisions for civil legal aid, and the impact of the contributions system on applicants' willingness to apply for legal aid, or to accept an offer subject to contribution. We will seek the views of solicitors, applicants and assisted persons and make recommendations to Ministers on the appropriate way forward.

### COMPLIANCE AND INVESTIGATIONS

We will continue the increased focus on investigations into fraud and abuse of the Legal Aid Fund.

We also monitor solicitors' compliance with the Code of Practice in relation to criminal legal assistance. We have met our original commitment to visit all registered firms within two years of the introduction of the Code and now plan to extend the period between visits, in most cases, to three years. We will work closely with firms, where necessary, to help them to meet the standards required.

### COMMUNICATIONS STRATEGY

We will develop a communications strategy to help us communicate effectively with our external customers and with our own staff.

### HUMAN RESOURCES STRATEGY

We are revising our HR strategy in line with the government's principles on issues such as work-life balance, reward and recognition of good work, and managing diversity. We expect to provide an even better working environment in order to retain motivated, trained staff who are committed to providing a high standard of service. The Board will provide the necessary training and guidance for staff.

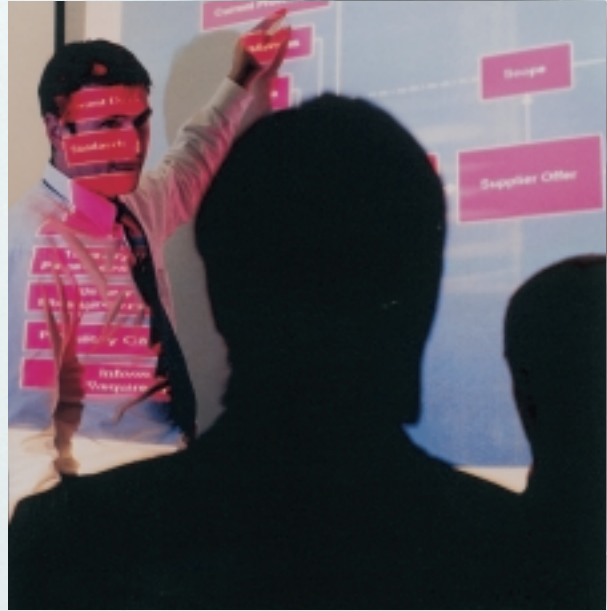
### ADVANCES IN INFORMATION SYSTEMS

In the coming year we will implement a new civil applications system, improvements to the Treasury systems and a new payroll system, in addition to the introduction of e-commerce.

### THE BUSINESS EXCELLENCE MODEL

We are committed to a process of continuous improvement in all our operations. We are using the Business Excellence Model to benchmark our work and ensure we utilise best practice.

We achieved Investors in People standard in June 1998, and aim to retain the standard in the summer of this year. We shall also work towards applying for Charter Mark.



*Designing new legal aid  
processes and systems*



- ADVANCES IN INFORMATION SYSTEMS – PLANS TO INTRODUCE E-COMMERCE AND TO IMPROVE CIVIL APPLICATIONS, PAYROLL AND TREASURY SYSTEMS
- BUSINESS EXCELLENCE MODEL USED TO HELP US PLAN AND CO-ORDINATE IMPROVEMENT ACTIVITIES
- RESEARCH COMMISSIONED INTO THE OPERATION OF THE SPECIAL URGENCY PROVISIONS FOR CIVIL LEGAL AID
- REVIEW OF LEGAL AID PROCESSES TO REDUCE BUREAUCRACY

# BOARD MEMBERS AND SENIOR STAFF

## BOARD MEMBERS

### CHAIRMAN – JEAN COUPER

(APPOINTED SEPTEMBER 1994, APPOINTED CHAIRMAN APRIL 1998)  
Deputy Chairman of the Health Education Board for Scotland; Director, Catalyst Consulting.

### ALEXANDER WYLIE, QC

(APPOINTED APRIL 1994, DEPUTY CHAIRMAN FROM APRIL 1998)  
Member of the Scottish Bar since 1978; Queen's Counsel since 1991; Member of Faculty of Advocates; part-time sheriff; part-time Chairman of the Discipline Committee of the Institute of Chartered Accountants of Scotland; member of the Association of Mediators and the Scottish Council of Law Reporting; former standing junior counsel to Accountant of Court; former Advocate Depute.

### BRIAN ADAIR

(APPOINTED APRIL 1998)  
Practising solicitor; Governor of the High School of Glasgow; Part-time sheriff; Member, Criminal Injuries Compensation Appeals Panel.

### KAY BLAIR

(APPOINTED APRIL 1994)  
Director, Business Perceptions; Non-Executive Director, Scottish Ambulance Service.

### WILLIAM GALLAGHER

(APPOINTED APRIL 2000)  
Director, W G Gallagher & Associates and Touchdown Services; Non-Executive Board member of the Strategic Railway Authority; Non-Executive Director, Lothian Buses plc.

### SHERIFF ALEXANDER JESSOP

(APPOINTED APRIL 1996)  
Sheriff of Grampian, Highland and Islands at Aberdeen; former Procurator Fiscal for Glasgow (1987–1990).

### NICK KUENSSBERG

(APPOINTED APRIL 1996)  
Chairman of GAP Group Ltd, Iomart Group plc, Canmore Partnership Ltd, Stac Affinity Services plc, The Mindwarp Pavilion Ltd; Non-Executive Director of Sanmex International plc and Chamberlin & Hill plc; member of board of Scottish Environment Protection Agency.

### DEREK O'CARROLL

(APPOINTED APRIL 1998)  
Part-time Chairman of Appeals Tribunal (Social Security); Member of Faculty of Advocates; Convenor of Scottish Legal Action Group.

### YVONNE OSMAN

(APPOINTED APRIL 1996)  
Complaints Officer with the Mental Welfare Commission.

### IAN PERCY CBE

(APPOINTED APRIL 2000)  
Chairman of the Accounts Commission; Deputy Chairman, Scottish Provident Institution; Non-Executive Director of Deutsche (Scotland) Limited, William Wilson Holdings Limited, The Weir Group plc, Kiln plc, Ricardo plc and Cala Group Limited; Member of Companies House Steering Board and Leadership Advisory Panel for Local Government of the Scottish Executive; Honorary Professor of Accounting at Aberdeen University; Vice Chairman of the Auditing Practices Board; Past President of the Institute of Chartered Accountants of Scotland.

### MARGARET SCANLAN

(APPOINTED SEPTEMBER 1997)  
Practising solicitor; member of the Sheriff Court Rules Council.

### MALCOLM THOMSON, QC

(APPOINTED APRIL 1998)  
Member of the Scottish Bar since 1974; Queen's Counsel since 1987; Member of Faculty of Advocates; Chairman NHS Tribunal; former standing junior counsel to the Department of Agriculture and Fisheries for Scotland and to the Forestry Commission in Scotland.

## SENIOR STAFF

Chief Executive

### LINDSAY MONTGOMERY

(appointed to post July 1999)

Director of Audit and Compliance

### IAN MIDDLETON

(appointed to post May 1987)

Director of Finance

### JIM EDGAR

(appointed to post July 1998)

Director of Information Systems

### WALLACE GRAY

(appointed to post January 2000)

Director of Legal Services

### TOM MURRAY

(appointed to post May 1999)

The Board operates a register of Board Members' Interests in line with the code of Best Practice for Board Members of Public Bodies. This requires members to notify us of all relevant interests and the register is updated on a quarterly basis. The register is available for inspection upon request.

Related party transactions for any Board member who is engaged in legal aid work or whose spouse or relative is engaged in legal aid work are disclosed in the full annual accounts.

In preparation for the requirement to produce a Statement on Internal Control for the year 2001/2002, the Board has undertaken a comprehensive review of corporate governance, taking into account guidance issued by the Scottish Executive. In particular, a working group has been set up by the Board to review corporate governance.

## ADVICE AND ASSISTANCE

## APPENDIX 1

1.1 INCOMPLETE INTIMATIONS RETURNED UNREGISTERED		2000/2001	1999/2000
<b>TOTAL</b>		<b>10,482</b>	<b>N/A</b>

1.2 INTIMATIONS SUBJECT MATTER	2000/2001	1999/2000
Divorce	14,987	16,459
Separation	8,002	8,549
Other Family/Matrimonial	2,974	2,712
Hire purchase/debt	13,777	14,313
Contact	12,999	12,632
Residence	2,900	3,168
Aliment/Child Support Agency	2,409	2,516
Housing	13,618	13,075
Reparation	16,463	16,776
Employment	4,613	4,629
State benefit	10,743	11,370
Interdict	9,704	10,234
Harassment	1,318	1,369
Immigration	3,216	2,076
ECHR – civil	352	95
Criminal Injuries Compensation Agency	5,031	5,812
Wills	3,119	2,980
Mental Health	834	559
Other	38,532	37,101
<b>TOTAL CIVIL ADVICE AND ASSISTANCE</b>	<b>165,591</b>	<b>166,425</b>
Murder/attempted murder/culpable homicide	637	642
Assault	15,232	14,583
Theft/housebreaking/robbery	24,196	23,932
Road traffic	16,238	15,784
Offensive weapons/vandalism/breach of the peace	19,951	18,562
Drugs	6,784	6,898
Embezzlement/fraud	2,285	2,189
Sexual offences	911	893
Other	52,402	45,322
<b>TOTAL CRIMINAL ADVICE AND ASSISTANCE</b>	<b>138,636</b>	<b>128,805</b>
Civil ABWOR		
– employment tribunals	56	0
– immigration	774	0
– mental health	887	665
– other	1,094	1,143
Criminal ABWOR		
– assault	1,221	1,205
– theft/housebreaking/robbery	3,113	3,293
– road traffic	5,896	6,126
– offensive weapon/vandalism/breach of the peace	2,375	2,266
– drugs	1,011	1,081
– embezzlement/fraud	540	524
– sexual offences	57	52
– other	8,161	7,495
<b>TOTAL ASSISTANCE BY WAY OF REPRESENTATION (ABWOR)</b>	<b>25,185</b>	<b>23,850</b>
<b>TOTAL</b>	<b>329,412</b>	<b>319,080</b>

NOTE: Advice and assistance figures for 1999/2000 have been revised, as the reporting system has changed.

1.3 INTIMATIONS BY GENDER	MALE APPLICANT				FEMALE APPLICANT				TOTAL	
	2000/2001		1999/2000		2000/2001		1999/2000		2000/2001	1999/2000
Number of intimations	209,024	63%	199,461	63%	120,388	37%	119,619	37%	329,412	319,080

1.4 INCREASES IN LIMIT OF AUTHORISED EXPENDITURE	APPLICATIONS FOR INCREASE		INCREASES GRANTED		INCREASES REFUSED	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
TOTAL CIVIL ADVICE AND ASSISTANCE	96,795	92,242	85,932	82,971	7,059	7,627
TOTAL CRIMINAL ADVICE AND ASSISTANCE	16,422	13,938	14,615	12,467	1,125	1,106
TOTAL ASSISTANCE BY WAY OF REPRESENTATION (ABWOR)	16,016	12,413	15,090	11,676	473	395
<b>TOTAL</b>	<b>129,233</b>	<b>118,593</b>	<b>115,637</b>	<b>107,114</b>	<b>8,657</b>	<b>9,128</b>

NOTE:

- Numbers of grants and refusals do not equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year.
- Decisions above do not include decisions after reconsideration which are reported separately in table 1.6.

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## ADVICE AND ASSISTANCE

## APPENDIX 1 CONT'D

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

	APPLICATIONS	GRANTED
<b>2000/2001</b>	<b>2,247</b>	<b>1,943</b>
1999/2000	2,162	1,735

**1.6 RECONSIDERATION OF AN APPLICATION FOR AN INCREASE IN LIMIT OF AUTHORISED EXPENDITURE**

TYPE	APPLICATIONS FOR RECONSIDERATION		INCREASES GRANTED		INCREASES REFUSED	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
Civil	2,602	2,200	1,873	1,487	634	655
Criminal	437	261	277	173	123	71
ABWOR	225	110	147	81	60	25
<b>TOTAL</b>	<b>3,264</b>	<b>2,571</b>	<b>2,297</b>	<b>1,741</b>	<b>817</b>	<b>751</b>

**1.7 ACCOUNTS PAID AND AVERAGE COSTS**

SUBJECT MATTER	TOTAL PAID £ '000	%	NO. OF CASES	%	AVERAGE COST PER CASE 2000/2001 £	AVERAGE COST PER CASE 1999/2000 £
Family/matrimonial	7,757	26%	42,694	15%	182	179
Hire purchase/debt	960	3%	12,081	4%	79	78
Housing	968	3%	11,740	4%	82	79
Reparation	2,683	9%	13,218	5%	203	193
Employment	438	1%	3,363	1%	130	118
State benefit	764	3%	9,117	3%	84	79
Mental health	259	1%	837	0%	309	284
Other	4,819	16%	47,397	17%	102	97
<b>TOTAL CIVIL ADVICE AND ASSISTANCE</b>	<b>18,648</b>	<b>62%</b>	<b>140,447</b>	<b>49%</b>	<b>133</b>	<b>129</b>
Murder/attempted murder/culpable homicide	35	0%	418	0%	84	88
Assault	837	3%	12,926	5%	65	65
Theft/housebreaking/robbery	1,434	5%	22,831	8%	63	62
Road traffic offences	1,010	3%	15,515	5%	65	65
Offensive weapons/vandalism/breach of the peace	1,159	4%	18,002	6%	64	63
Drugs	433	1%	6,518	2%	66	62
Embezzlement/fraud	143	0%	2,104	1%	68	66
Sexual offences	51	0%	634	0%	80	69
Other	3,179	11%	52,195	18%	61	59
<b>TOTAL CRIMINAL ADVICE AND ASSISTANCE</b>	<b>8,281</b>	<b>27%</b>	<b>131,143</b>	<b>45%</b>	<b>63</b>	<b>62</b>
Civil ABWOR						
– Employment tribunals	0	0%	0	0%	0	0
– Mental health	391	1%	620	0%	631	481
– Other	81	0%	348	0%	233	172
Criminal ABWOR						
– Murder/attempted murder/culpable homicide	0	0%	0	0%	0	0
– Assault	100	0%	600	0%	167	161
– Theft/housebreaking/robbery	335	1%	1,991	1%	168	161
– Road traffic offences	682	2%	4,591	2%	149	133
– Offensive weapons/vandalism/breach of the peace	246	1%	1,510	1%	163	156
– Drugs	104	0%	691	0%	151	145
– Embezzlement/fraud	65	0%	347	0%	187	183
– Sexual offences	3	0%	19	0%	158	206
– Other	1,263	4%	5,722	2%	221	198
<b>TOTAL ABWOR</b>	<b>3,270</b>	<b>11%</b>	<b>16,439</b>	<b>6%</b>	<b>199</b>	<b>174</b>
<b>TOTAL 2000/2001</b>	<b>30,199</b>	<b>100%</b>	<b>288,029</b>	<b>100%</b>	<b>105</b>	
TOTAL 1999/2000	28,287	100%	277,340	100%		102

In 2000-2001 the total expenditure of £30,199,000 includes expenditure on outlays of £1,838,000.

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## CIVIL LEGAL AID

## APPENDIX 2

2.1 APPLICATIONS									
PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTALS		
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	
Family/matrimonial	14,570	16,282	158	181	0	0	14,728	16,463	
Debt	738	778	43	23	0	1	781	802	
Reparation	2,497	2,623	676	804	1	1	3,174	3,428	
Judicial review	N/A	N/A	244	222	1	1	245	223	
Other	1,745	1,859	311	290	34	41	2,090	2,190	
<b>TOTAL</b>	<b>19,550</b>	<b>21,542</b>	<b>1,432</b>	<b>1,520</b>	<b>36</b>	<b>44</b>	<b>21,018</b>	<b>23,106</b>	

2.2 GRANTS (INCLUDING GRANTS ON REVIEW)									
PROCEEDINGS	SHERIFF COURT		COURT OF SESSION		OTHER COURTS		TOTALS		
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	
Family/matrimonial	10,143	11,352	110	99	0	1	10,258	11,452	
Debt	338	284	14	14	0	0	352	298	
Reparation	1,209	1,105	416	332	1	1	1,626	1,438	
Judicial review	N/A	N/A	83	77	1	0	84	77	
Other	1,022	1,072	217	197	23	17	1,257	1,286	
<b>TOTAL</b>	<b>12,712</b>	<b>13,813</b>	<b>840</b>	<b>719</b>	<b>25</b>	<b>19</b>	<b>13,577</b>	<b>14,551</b>	
Grants with contribution							2,797	2,909	
Grants with no contribution							10,780	11,642	
<b>TOTAL</b>							<b>13,577</b>	<b>14,551</b>	
<b>Average value of contribution, where payable</b>							<b>£777</b>	<b>£712</b>	

2.3 INTIMATIONS OF STEPS TAKEN UNDER REGULATION 18(1)(a) AND CERTIFICATES GRANTED UNDER REGULATION 18(1)(b) OF THE CIVIL LEGAL AID (SCOTLAND) REGULATIONS 1996 (LEGAL AID IN MATTERS OF SPECIAL URGENCY)		
	2000/2001	1999/2000
Intimations under regulation 18(1)(a)	12,776	13,620
Certifications under regulation 18(1)(b)	2,323	2,020
<b>TOTAL</b>	<b>15,099</b>	<b>15,640</b>

2.4 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	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
Court of Session	439	532	73	64	150	138	36	40	698	774
Sheriff court	4,988	4,923	738	746	1,944	1,658	1,291	1,661	8,961	8,988
Other	19	8	2	4	1	11	0	4	22	27
<b>TOTAL</b>	<b>5,446</b>	<b>5,463</b>	<b>813</b>	<b>814</b>	<b>2,095</b>	<b>1,807</b>	<b>1,327</b>	<b>1,705</b>	<b>9,681</b>	<b>9,789</b>

NOTE: "Refused on merits" includes applications refused on the basis of no probable cause or unreasonableness, or where the proceedings are statutorily excluded from civil legal aid.

2.5 DISPOSAL OF APPLICATIONS FOR REVIEW OF DECISION TO REFUSE LEGAL AID							
APPLICATIONS	RECEIVED	2000/2001		REFUSED	RECEIVED	1999/2000	
		ALLOWED	REFUSED			ALLOWED	REFUSED
Family/matrimonial		1,711	823	859	1,528	806	771
Debt		270	79	178	298	99	231
Reparation		1,083	360	715	1,220	500	792
Judicial review		60	18	37	81	24	54
Other		465	180	277	509	220	309
<b>TOTAL</b>		<b>3,589</b>	<b>1,460</b>	<b>2,066</b>	<b>3,636</b>	<b>1,649</b>	<b>2,157</b>

NOTE: This table does not include 220 review applications that were refused on means, without consideration of the merits. Figures for 1999/2000 differ slightly from those published last year because the report criteria has changed slightly to more accurately reflect reviews dealt with in the year.

## CIVIL LEGAL AID

## APPENDIX 2

## 2.6 APPLICATIONS AND DECISIONS BY GENDER

	MALE APPLICANT 2000/2001			FEMALE APPLICANT 2000/2001			TOTAL 2000/2001		TOTAL 1999/2000	
	PURSUER	DEFENDER	OTHER	PURSUER	DEFENDER	OTHER	MALE	FEMALE	MALE	FEMALE
Applications	5,438	2,241	736	9,319	2,661	623	40%	60%	40%	60%
Total grants	3,367	1,340	459	5,982	1,987	442	38%	62%	37%	63%
Refused on merits	1,550	633	233	2,389	474	167	44%	56%	45%	55%
Refused on means	209	135	19	332	106	12	45%	55%	50%	50%
Abandoned before offer	542	344	82	819	260	48	46%	54%	46%	54%
Refused after applicant declined offer	319	122	19	705	147	15	35%	65%	35%	65%

NOTE: "Refused on merits" includes applications refused on the basis of no probable cause or unreasonableness, or where the proceedings are statutorily excluded from civil legal aid.

## 2.7 ANALYSIS OF CONTRIBUTIONS PAYABLE BY ASSISTED PERSONS

	NIL	UP TO £50	OVER £50 AND UP TO £100	OVER £100 AND UP TO £250	OVER £250 AND UP TO £500	OVER £500 AND UP TO £800	OVER £800 AND UP TO £1200	OVER £1200 AND UP TO £1700	OVER £1,700
Court of Session	642	7	6	21	43	36	42	25	18
Sheriff court	10,118	108	116	314	532	517	437	403	167
Other courts	20	1	1	1	1	0	0	1	0
<b>TOTAL</b>	<b>10,780</b>	<b>116</b>	<b>123</b>	<b>336</b>	<b>576</b>	<b>553</b>	<b>479</b>	<b>429</b>	<b>185</b>

## 2.8 SANCTIONS

	NO. OF APPLICATIONS RECEIVED	NO. OF APPLICATIONS GRANTED	NO. OF APPLICATIONS REFUSED
Expert witness/unusual expense	4,681	3,496	485
Junior counsel only	1,060	539	394
Senior counsel only	255	146	75
<b>TOTAL 2000/2001</b>	<b>5,996</b>	<b>4,181</b>	<b>954</b>
TOTAL 1999/2000	5,871	4,193	844

## 2.9 APPLICATIONS FOR EXTENSIONS OF GRANTS

	NO. OF APPLICATIONS RECEIVED	NO. OF APPLICATIONS GRANTED	NO. OF APPLICATIONS REFUSED
Family/matrimonial	743	605	99
Debt	10	9	0
Reparation	28	17	5
Judicial review	1	1	0
Other	590	450	86
<b>TOTAL 2000/2001</b>	<b>1,372</b>	<b>1,082</b>	<b>190</b>
TOTAL 1999/2000	1,398	1,248	117

## 2.10 REDETERMINATIONS OF MEANS AFTER GRANT

EFFECT ON CONTRIBUTION LEVELS	NO. OF APPLICATIONS RECEIVED	NO CHANGE	NIL TO CONTRIBUTION	CONTRIBUTION TO NIL	CHANGE IN CONTRIBUTION LEVEL	INELIGIBLE FOR LEGAL AID
Family/matrimonial	1,696	499	261	132	432	46
Debt	36	18	2	1	13	0
Reparation	162	57	20	10	44	4
Judicial review	2	0	1	1	0	0
Other	129	48	14	12	27	2
<b>TOTAL 2000/2001</b>	<b>2,025</b>	<b>622</b>	<b>298</b>	<b>156</b>	<b>516</b>	<b>52</b>
TOTAL 1999/2000	1,593	579	271	203	523	52

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## CIVIL LEGAL AID

## APPENDIX 2 CONT'D

2.11 APPLICATIONS FOR CHANGE OF SOLICITOR	NO. OF APPLICATIONS RECEIVED	NO. OF APPLICATIONS GRANTED	NO. OF APPLICATIONS REFUSED
<b>TOTAL 2000/2001</b>	<b>1,436</b>	<b>1,158</b>	<b>78</b>
TOTAL 1999/2000	1,397	1,220	17

2.12 ACCOUNTS	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE 2000/2001	AVERAGE COST PER CASE 1999/2000
PROCEEDINGS	£ '000	£ '000	£ '000	£ '000	£ '000		£	£
<b>SHERIFF COURT</b>								
Family/matrimonial	12,042	8,506	421	0	3,115	6,894	1,747	1,657
Debt	352	247	30	0	75	202	1,743	1,988
Reparation	3,922	2,377	533	0	1,012	944	4,155	3,838
Other	7,416	4,684	712	0	2,020	5,707	1,299	1,256
<b>TOTAL SHERIFF COURT</b>	<b>23,732</b>	<b>15,814</b>	<b>1,696</b>	<b>0</b>	<b>6,222</b>	<b>13,747</b>	<b>1,726</b>	<b>1,654</b>
<b>COURT OF SESSION</b>								
Family/matrimonial	387	213	112	0	62	56	6,911	8,527
Debt	48	24	21	0	3	12	4,000	8,556
Reparation	2,965	1,240	917	5	803	206	14,393	10,072
Judicial review	12	6	6	0	0	5	2,400	4,000
Other	1,524	611	666	0	247	313	4,869	3,916
<b>TOTAL COURT OF SESSION</b>	<b>4,936</b>	<b>2,094</b>	<b>1,722</b>	<b>5</b>	<b>1,115</b>	<b>592</b>	<b>8,338</b>	<b>7,212</b>
<b>TOTAL OTHER COURTS</b>	<b>87</b>	<b>17</b>	<b>64</b>	<b>0</b>	<b>6</b>	<b>N/A<sup>2</sup></b>	<b>N/A<sup>2</sup></b>	<b>19,490</b>
<b>ALL COURTS</b>								
Family/matrimonial	12,429	8,719	533	0	3,177	6,950	1,788	1,719
Debt	400	271	51	0	78	214	1,869	2,322
Reparation	6,887	3,617	1,450	5	1,815	1,150	5,989	5,400
Judicial review	12	6	6	0	0	5	2,400	4,000
Other	9,027	5,312	1,442	0	2,273	6,020	1,500	1,407
<b>TOTAL ALL COURTS 2000/2001</b>	<b>28,755</b>	<b>17,925</b>	<b>3,482</b>	<b>5</b>	<b>7,343</b>	<b>14,339</b>	<b>2,005</b>	
TOTAL ALL COURTS 1999/2000	30,246	19,966	2,639	0	7,641	15,772		1,918

## NOTE:

- These figures include payments under the ex-gratia arrangements agreed with the Scottish Executive.
- Under "total other courts", no final payments were made and no cases (or average case costs) were therefore recorded.

2.13 AMOUNTS RECOVERED BY THE LEGAL AID FUND	2000/2001	1999/2000
Amounts recovered from		
– contributions from assisted persons	1,113	1,408
– expenses from opponents	7,029	7,005
– amounts awarded to assisted persons	1,138	1,554
<b>TOTAL RECOVERIES</b>	<b>9,280</b>	<b>9,967</b>

NOTE: These are actual amounts received by the Board, not amounts due to it.

2.14 ACCOUNTS PAID UNDER DETERMINATIONS BY THE SECRETARY OF STATE (WHEREBY IN CERTAIN CIRCUMSTANCES WORK CARRIED OUT UNDER SPECIAL URGENCY, WHERE LEGAL AID IS NOT SUBSEQUENTLY GRANTED, IS PAID FOR OUT OF THE FUND)	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£ '000	£ '000	£ '000	£ '000	£ '000		£
<b>TOTAL 2000/2001</b>	<b>360</b>	<b>231</b>	<b>19</b>	<b>0</b>	<b>110</b>	<b>1,021</b>	<b>353</b>
TOTAL 1999/2000	356	227	17	0	112	1,080	330

NOTE: The amounts shown in this table are also included in the figures in table 2.12.

## CRIMINAL LEGAL AID

## APPENDIX 3

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

OFFENCE	DISTRICT COURT		SHERIFF COURT		TOTAL	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
Assault	2,899	3,066	11,240	9,984	14,139	13,050
Theft/housebreaking/robbery	4,090	4,432	11,014	10,318	15,104	14,750
Road traffic offences	1,004	1,036	9,292	8,685	10,296	9,721
Offensive weapons/vandalism/breach of the peace	5,964	5,902	10,108	8,832	16,072	14,734
Drugs	630	638	4,269	3,957	4,899	4,595
Embezzlement/fraud	208	188	1,367	1,212	1,575	1,400
Sexual offences	13	11	201	206	214	217
Other	1,740	1,858	5,098	4,493	6,838	6,351
<b>TOTAL</b>	<b>16,548</b>	<b>17,131</b>	<b>52,589</b>	<b>47,687</b>	<b>69,137</b>	<b>64,818</b>

## 3.2 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		2000/2001	1999/2000
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000		
Assault	2,727	2,922	10,616	9,505	68	82	261	229	13,672	12,738
Theft/housebreaking/robbery	3,406	3,680	10,460	9,779	277	318	205	288	14,348	14,065
Road traffic offences	388	376	7,111	6,599	69	70	679	666	8,247	7,711
Offensive weapons/vandalism/ breach of the peace	4,534	4,661	9,475	8,288	545	570	282	288	14,836	13,807
Drugs	580	587	4,075	3,813	24	34	70	82	4,749	4,516
Embezzlement/fraud	155	135	1,273	1,111	17	11	38	40	1,483	1,297
Sexual offences	6	7	192	193	1	1	1	5	200	206
Other	844	1,033	3,939	3,353	153	191	330	271	5,266	4,848
<b>TOTAL</b>	<b>12,640</b>	<b>13,401</b>	<b>47,141</b>	<b>42,641</b>	<b>1,154</b>	<b>1,277</b>	<b>1,866</b>	<b>1,869</b>	<b>62,801</b>	<b>59,188</b>

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

REASON	DISTRICT COURT		SHERIFF COURT		TOTAL	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
Not in the interests of justice	3,225	3,041	2,750	2,834	5,975	5,875
Means	62	60	241	203	303	263
Other rights and facilities	0	1	3	3	3	4
Non-timeous	74	183	80	162	154	345
Abandoned	14	15	38	50	52	65
Lack of information	328	401	1,591	1,490	1,919	1,891
<b>TOTAL</b>	<b>3,703</b>	<b>3,701</b>	<b>4,703</b>	<b>4,742</b>	<b>8,406</b>	<b>8,443</b>

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

	2000/2001	1999/2000
Granted	3,020	3,146
Refused	2,438	2,363
<b>TOTAL</b>	<b>5,458</b>	<b>5,509</b>

## 3.5 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	
	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000
Murder/attempted murder/ culpable homicide	0	0	684	682	17	18	701	700
Assault	0	3	2,997	2,890	5	9	3,002	2,902
Theft/housebreaking/robbery	17	52	2,237	2,525	8	9	2,262	2,586
Road traffic offences	0	0	716	776	2	0	718	776
Offensive weapons/vandalism/ breach of the peace	3	12	445	514	1	4	449	530
Drugs	0	1	1,580	1,516	8	17	1,588	1,534
Embezzlement/fraud	0	0	248	291	5	0	253	291
Sexual offences	0	0	516	463	7	15	523	478
Other	10	5	816	894	9	9	835	908
<b>TOTAL</b>	<b>30</b>	<b>73</b>	<b>10,239</b>	<b>10,551</b>	<b>62</b>	<b>81</b>	<b>10,331</b>	<b>10,705</b>
Solemn							9,471	9,233
23(1)(b)							860	1,472
<b>TOTAL</b>							<b>10,331</b>	<b>10,705</b>

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## CRIMINAL LEGAL AID

## APPENDIX 3 CONT'D

3.6 APPLICATIONS AND DECISIONS BY GENDER	MALE APPLICANT				FEMALE APPLICANT			
	2000/2001		1999/2000		2000/2001		1999/2000	
Applications (summary)	59,251	86%	55,849	86%	9,886	14%	8,969	14%
Grants (summary)	53,907	86%	51,046	86%	8,894	14%	8,142	14%
Refusals (summary)	7,118	85%	7,228	86%	1,288	15%	1,215	14%
Grants by the courts	9,252	90%	9,519	89%	1,079	10%	1,186	11%

3.7 CRIMINAL APPEALS – APPLICATIONS	NO. OF APPLICATIONS RECEIVED	TOTAL APPLICATIONS GRANTED	TOTAL APPLICATIONS REFUSED
Leave to appeal			
– against conviction	384	364	6
– against conviction and sentence	326	319	4
– against sentence only	2,454	2,394	15
<b>TOTAL LEAVE TO APPEAL</b>	<b>3,164</b>	<b>3,077</b>	<b>25</b>
Other appeals			
Petition to Nobile Officium etc.	100	66	16
Crown appeals	25	20	1
Appeal against other disposal	107	67	12
Reference by the Scottish Criminal Cases Review Commission to the High Court	3	2	1
Appeals to the Judicial Committee of the Privy Council	7	7	0
Applications for special leave to appeal to the Judicial Committee of the Privy Council	4	3	1
<b>TOTAL OTHER APPEALS</b>	<b>246</b>	<b>165</b>	<b>31</b>
<b>TOTAL 2000/2001</b>	<b>3,410</b>	<b>3,242</b>	<b>56</b>
<b>TOTAL 1999/2000</b>	<b>3,470</b>	<b>3,228</b>	<b>83</b>

NOTE: This table does not include applications or grants made under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency) since special urgency grants do not in all cases lead to a full certificate being granted. Appeals to the Judicial Committee of the Privy Council have been included for the first time this year as a result of ECHR legislation.

3.8 SANCTIONS	NO. OF APPLICATIONS RECEIVED	TOTAL APPLICATIONS PART GRANTED	TOTAL APPLICATIONS GRANTED	TOTAL APPLICATIONS REFUSED
Summary criminal				
– expert witness	2,078	286	1,523	51
– unusual expenses	154	10	67	21
– counsel	163	1	60	71
<b>TOTAL SUMMARY CRIMINAL</b>	<b>2,395</b>	<b>297</b>	<b>1,650</b>	<b>143</b>
Court granted				
– expert witness	2,442	461	1,664	35
– unusual expenses	688	57	373	124
– counsel	1,802	93	608	592
<b>TOTAL COURT GRANTED</b>	<b>4,932</b>	<b>611</b>	<b>2,645</b>	<b>751</b>
<b>TOTAL 2000/2001</b>	<b>7,327</b>	<b>908</b>	<b>4,295</b>	<b>894</b>
<b>TOTAL 1999/2000</b>	<b>7,047</b>	<b>786</b>	<b>3,889</b>	<b>1,054</b>

3.9 REQUESTS FOR CHANGE OF SOLICITOR	NO. OF APPLICATIONS RECEIVED	TOTAL APPLICATIONS GRANTED	TOTAL APPLICATIONS REFUSED
Summary criminal	2,793	2,396	897
Court granted	1,638	1,419	481
Criminal appeals	156	141	57
<b>TOTAL 2000/2001</b>	<b>4,587</b>	<b>3,956</b>	<b>1,435</b>
<b>TOTAL 1999/2000</b>	<b>4,194</b>	<b>3,665</b>	<b>1,137</b>

3.10 APPLICATIONS UNDER REGULATION 15 OF THE CRIMINAL LEGAL AID (SCOTLAND) REGULATIONS 1996 (MATTERS OF SPECIAL URGENCY)	NO. OF APPLICATIONS GRANTED	
	2000/2001	1999/2000
Summary criminal	111	68
Criminal appeals	2,801	2,904
<b>TOTAL 2000/2001</b>	<b>2,912</b>	<b>2,972</b>

NOTE: In this table and in tables 3.8 and 3.9, Summary criminal means summary criminal applications granted by the Board.

## CRIMINAL LEGAL AID

## APPENDIX 3 CONT'D

3.11 DUTY SOLICITOR – ACCOUNTS			
COURT	TOTAL PAID £ '000	NO. OF ACCUSED PERSONS	COST PER ACCUSED PERSON £
Sheriff court	714	19,344	37
District court	121	4,541	27
<b>TOTAL 2000/2001</b>	<b>835</b>	<b>23,885</b>	<b>35</b>
TOTAL 1999/2000	870	25,104	35

3.12 ACCOUNTS PAID BY PROCEEDINGS (EXCLUDING APPEALS)							
PROCEEDINGS	TOTAL PAID £ '000	SOLICITOR £ '000	COUNSEL £ '000	SOLICITOR ADVOCATE £ '000	OUTLAYS £ '000	NO. OF CASES	AVERAGE COST PER CASE £
District court (fixed payments)							
– with trial	715	679	0	0	36	1,605	445
– without trial	4,930	4,842	2	1	85	11,945	413
District court (detailed charges)							
– with trial	74	71	0	0	3	55	1,345
– without trial	473	459	1	0	13	631	750
<b>TOTAL DISTRICT COURT</b>	<b>6,192</b>	<b>6,051</b>	<b>3</b>	<b>1</b>	<b>137</b>	<b>14,236</b>	<b>435</b>
Sheriff court – summary (fixed payments)							
– with trial	4,286	4,008	5	2	271	5,478	782
– without trial	24,494	23,836	32	21	605	38,046	644
Sheriff court – summary (detailed charges)							
– with trial	797	674	17	1	105	467	1,707
– without trial	4,638	4,012	141	9	476	3,782	1,226
Total sheriff court summary	34,215	32,530	195	33	1,457	47,773	716
Sheriff court – solemn (detailed charges)							
– with trial	7,269	6,415	222	48	584	1,108	6,560
– without trial	5,863	5,092	512	57	202	6,894	850
Total sheriff court solemn	13,132	11,507	734	105	786	8,002	1,641
<b>TOTAL SHERIFF COURT</b>	<b>47,347</b>	<b>44,037</b>	<b>929</b>	<b>138</b>	<b>2,243</b>	<b>55,775</b>	<b>849</b>
High Court (detailed charges)							
– with trial	9,222	4,439	3,662	361	760	931	9,905
– without trial	260	107	118	12	23	46	5,652
– section 76	2,582	1,269	907	112	294	619	4,171
<b>TOTAL HIGH COURT</b>	<b>12,064</b>	<b>5,815</b>	<b>4,687</b>	<b>485</b>	<b>1,077</b>	<b>1,596</b>	<b>7,559</b>
<b>TOTAL FIXED PAYMENTS</b>							
ALL PROCEEDINGS 2000/2001	34,425	33,365	39	24	997	57,074	603
<b>TOTAL DETAILED CHARGES</b>							
ALL PROCEEDINGS 2000/2001	31,178	22,538	5,580	600	2,460	14,533	2,145
<b>TOTAL ALL PROCEEDINGS 2000/2001</b>	<b>65,603</b>	<b>55,903</b>	<b>5,619</b>	<b>624</b>	<b>3,457</b>	<b>71,607</b>	<b>916</b>
TOTAL ALL PROCEEDINGS 1999/2000	66,820	58,084	4,278	442	4,016	64,773	1,032

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## CRIMINAL LEGAL AID

## APPENDIX 3 CONT'D

3.13 CRIMINAL APPEALS – ACCOUNTS								
	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE 2000/2001	AVERAGE COST PER CASE 1999/2000
PROCEEDINGS	£ '000	£ '000	£ '000	£ '000	£ '000		£	£
Leave to appeal								
– sheriff court	268	158	47	13	50	482	556	589
– High Court	1,534	904	408	53	169	2,121	723	764
Other appeals								
– sheriff court	21	15	2	0	4	67	313	722
– High Court	259	152	59	9	39	389	666	952
Regulation 15	64	38	15	1	10	135	474	936
<b>TOTAL 2000/2001</b>	<b>2,146</b>	<b>1,267</b>	<b>531</b>	<b>76</b>	<b>272</b>	<b>3,194</b>	<b>672</b>	
TOTAL 1999/2000	1,748	1,199	362	37	150	2,319		754

NOTE: This table includes grants made under regulation 15 of the Criminal Legal Aid (Scotland) Regulations 1996 (matters of special urgency). Table 3.7 showing applications for legal aid in criminal appeals, does not show these, since special urgency grants do not in all cases lead to a full certificate being granted.

3.14 NUMBERS OF CASES AND AVERAGE CASE COSTS BY TYPE OF CASE AND COURT									
OFFENCE	DISTRICT COURT		SHERIFF COURT		HIGH COURT		NO. OF CASES	ALL COURTS AVERAGE COST PER CASE 2000/2001	AVERAGE COST PER CASE 1999/2000
	NO. OF CASES	AVERAGE COST PER CASE	NO. OF CASES	AVERAGE COST PER CASE	NO. OF CASES	AVERAGE COST PER CASE			
		£		£		£		£	£
Murder/attempted murder/ culpable homicide	0	0	296	2,442	298	10,420	594	6,444	9,046
Assault	2,205	424	10,276	958	180	4,179	12,661	911	1,042
Theft/housebreaking/robbery	3,846	458	11,529	807	199	3,261	15,574	752	861
Road traffic offences	437	506	9,804	716	5	1,828	10,246	708	775
Offensive weapons/vandalism/ breach of the peace	5,642	416	10,812	696	23	3,757	16,477	605	692
Drugs	486	393	4,159	996	451	5,032	5,096	1,296	1,402
Embezzlement/fraud	200	449	1,294	1,059	17	33,637	1,511	1,345	1,468
Sexual offences	1	869	365	2,010	155	6,830	521	3,442	3,948
Other	1,419	454	7,240	923	268	13,291	8,927	1,207	1,332
Appeals					3,194	672	3,194	672	754
<b>TOTAL 2000/2001</b>	<b>14,236</b>	<b>435</b>	<b>55,775</b>	<b>849</b>	<b>4,790</b>	<b>2,967</b>	<b>74,801</b>	<b>906</b>	
TOTAL 1999/2000	12,987	557	50,656	964	3,449	3,622	67,092		1,022

## LEGAL AID FOR CHILDREN

## APPENDIX 4

4.1 GRANTS OF LEGAL AID BY THE COURTS UNDER THE CHILDREN (SCOTLAND) ACT 1995	2000/2001	1999/2000
<b>TOTAL</b>	<b>2,795</b>	<b>2,792</b>

4.2 SANCTIONS	NO. OF APPLICATIONS RECEIVED	TOTAL APPLICATIONS PART GRANTED	TOTAL APPLICATIONS GRANTED	TOTAL APPLICATIONS REFUSED
Children				
– expert witness	189	23	103	5
– unusual expenses	39	1	28	2
– counsel	104	0	53	40
<b>TOTAL 2000/2001</b>	<b>332</b>	<b>24</b>	<b>184</b>	<b>47</b>

4.3 APPLICATIONS TO THE BOARD IN RESPECT OF APPEALS TO THE COURT OF SESSION AND THE SHERIFF PRINCIPAL	APPLICATIONS RECEIVED	APPLICATIONS GRANTED
<b>TOTAL 2000/2001</b>	<b>42</b>	<b>46</b>
TOTAL 1999/2000	57	41

4.4 SANCTIONS	NO. OF APPLICATIONS RECEIVED	TOTAL APPLICATIONS PART GRANTED	TOTAL APPLICATIONS GRANTED	TOTAL APPLICATIONS REFUSED
Children's appeals				
– expert witness	3	0	2	5
– unusual expenses	5	0	2	0
– counsel	17	0	8	3
<b>TOTAL 2000/2001</b>	<b>25</b>	<b>0</b>	<b>12</b>	<b>8</b>

4.5 ANALYSIS OF ACCOUNTS PAID	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£ '000	£ '000	£ '000	£ '000	£ '000		£
<b>TOTAL 2000/2001</b>	<b>2,501</b>	<b>2,060</b>	<b>255</b>	<b>3</b>	<b>183</b>	<b>2,375</b>	<b>1,053</b>
TOTAL 1999/2000	1,725	1,512	98	1	114	1,897	909

## CONTEMPT OF COURT

## APPENDIX 5

5.1 GRANTS OF LEGAL AID BY THE COURTS UNDER SECTION 30 (CONTEMPT) OF THE LEGAL AID (SCOTLAND) ACT 1986	DISTRICT COURT	SHERIFF COURT	HIGH COURT	TOTAL
<b>TOTAL 2000/2001</b>	<b>10</b>	<b>145</b>	<b>10</b>	<b>165</b>
TOTAL 1999/2000	16	138	13	167

5.2 ANALYSIS OF ACCOUNTS PAID	TOTAL PAID	SOLICITOR	COUNSEL	SOLICITOR ADVOCATE	OUTLAYS	NO. OF CASES	AVERAGE COST PER CASE
	£ '000	£ '000	£ '000	£ '000	£ '000		£
<b>TOTAL 2000/2001</b>	<b>41</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>153</b>	<b>268</b>
TOTAL 1999/2000	31	30	0	0	1	161	193

Throughout these appendices figures for accounts paid include VAT. Where outlays are shown, these include payments to people other than solicitors and advocates – for example, expert witnesses.

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.

## ANALYSIS OF PAYMENTS

## APPENDIX 6

TYPE	NO. OF CASES	SOLICITOR £ '000	COUNSEL £ '000	SOLICITOR ADVOCATE £ '000	OUTLAYS £ '000	TOTAL 2000/2001 £ '000	TOTAL 1999/2000 £ '000
Advice and assistance	288,029	28,313	48	0	1,838	30,199	28,287
Civil	14,339	17,925	3,482	5	7,343	28,755	30,246
Criminal	74,801	57,170	6,150	700	3,729	67,749	68,568
Duty	N/A See Note	817	0	0	18	835	870
Children	2,375	2,060	255	3	183	2,501	1,725
Contempt of court	153	40	0	0	1	41	31
<b>TOTAL 2000/2001</b>	<b>379,697</b>	<b>106,325</b>	<b>9,935</b>	<b>708</b>	<b>13,112</b>	<b>130,080</b>	
TOTAL 1999/2000	362,262	108,292	7,404	478	13,553		129,727

NOTE: Duty solicitors appeared on behalf of 23,885 people.

## PAYMENTS MADE

## APPENDIX 7

## 7.1 SOLICITORS' FIRMS

These figures show the twenty firms receiving the highest amounts from the Legal Aid Fund and the total fees (including VAT but excluding outlays) paid to them during 2000/2001. Amounts paid to firms reflect the extent to which their practice deals with legal aid work. The table also shows for each firm, the number of nominated solicitors who carried out work paid for under legal aid.

	2000/2001			1999/2000	
	NUMBER OF SOLICITORS	TOTAL FEES £'000		NUMBER OF SOLICITORS	TOTAL FEES £'000
Ross Harper & Murphy	44	2,258	Ross Harper & Murphy	50	2,540
Bruce Short & Co	14	1,233	Bruce Short & Co	13	1,068
Turnbull McCarron	8	1,126	Livingstone Brown	10	1,038
Livingstone Brown	14	1,071	George Mathers & Co	16	987
Gilfedder & McInnes	11	1,049	Gilfedder & McInnes	10	917
George Mathers & Co	16	1,022	Drummond Miller	24	916
Jim Friel & Co	1	1,008	Turnbull McCarron	8	884
Gallen & Co	10	996	Gallen & Co	8	874
Drummond Miller	29	959	Ian McCarron	14	864
McCusker McElroy & Co	10	855	Blair & Bryden	29	861
J C Hughes & Co	11	844	J C Hughes & Co	13	800
Blair & Bryden	27	837	McCusker McElroy & Co	8	793
Martin Johnston & Socha	7	808	Martin Johnston & Socha	5	774
Ian McCarron	13	763	Robert Carty	16	733
McKay & Norwell	14	762	Adams	9	708
Ness Gallagher & Co	11	756	Ness Gallagher & Co	12	670
Robert Carty	16	754	Milligan Telford & Morrow	4	670
Milligan Telford & Morrow	5	752	Caesar & Howie	25	668
Cairns Brown	4	716	McKay & Norwell	13	664
R Bruce & Co	6	709	McAfee	3	657

## 7.2 ADVOCATES

These figures show the twenty advocates receiving the highest amounts from the Legal Aid Fund. They represent the amounts paid (including VAT) from the Legal Aid Fund to advocates in the respective financial years. Earnings can be expected to vary from year to year depending on the volume of legal aid work undertaken by each advocate.

	2000/2001 TOTAL FEES £'000		1999/2000 TOTAL FEES £'000
Donald R Findlay	194	Donald R Findlay	137
Edgar Prais	160	Ian Duguid	129
Mhairi R Richards	139	W Gordon Jackson	121
Eileen P Davie	139	William McVicar	114
Edward G M Targowski	138	Mhairi R Richards	105
William McVicar	131	Chris M Shead	103
Ronald C Watson	131	Gerald Carroll	101
J Graham Robertson	128	Herbert A Kerrigan	93
W Gordon Jackson	127	Brian McConnachie	93
Gerald Carroll	125	Edgar Prais	91
Ian Duguid	125	Mark L Stewart	91
Scott Brady	123	Ronald C Watson	86
Mark L Stewart	118	J Graham Robertson	84
Chris M Shead	117	G Jack Davidson	84
Derek A Ogg	117	Edward G M Targowski	80
Herbert A Kerrigan	104	George C Gebbie	79
Jock M W Thomson	102	Alan R Muir	78
Anne Smith	102	Eileen P Davie	77
Robert B Anthony	101	Neil D Murray	76
Brian McConnachie	98	Jock M W Thomson	75

# OUR PERFORMANCE

## 8.1 HEADLINE INDICATORS

## APPENDIX 8

The Board introduced revised performance indicators and targets on 1 October 2000. The following tables show our performance during the period 1 October 2000 to 31 March 2001.

CIVIL APPLICATIONS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	83%	93%
Accuracy / consistency	0.5	87%	86%
		<b>85%</b>	<b>90%</b>

CRIMINAL APPLICATIONS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	95%	99%
Accuracy / consistency	0.5	90%	100%
		<b>93%</b>	<b>99%</b>

ADVICE & ASSISTANCE APPLICATIONS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	92%	92%
Accuracy / consistency	0.5	90%	100%
		<b>91%</b>	<b>96%</b>

CIVIL ACCOUNTS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	80%	92%
Accuracy / consistency	0.5	90%	96%
		<b>85%</b>	<b>94%</b>

CRIMINAL ACCOUNTS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	97%	97%
Accuracy / consistency	0.5	90%	91%
		<b>94%</b>	<b>94%</b>

ADVICE & ASSISTANCE ACCOUNTS	WEIGHTING	TARGET	ACTUAL
Timeliness	0.5	95%	99%
Accuracy / consistency	0.5	90%	98%
		<b>93%</b>	<b>98%</b>

CORPORATE MEASURES	TARGET	ACTUAL
<b>FINANCE &amp; AUDIT</b>		
Compliance with Late Payment of Commercial Debts (Interest) Act 1998 (% of debt paid within 30 days)	<b>95%</b>	<b>90%</b>

Note: The headline indicators and all outcomes have been rounded up to the nearest percentile.

\* The Board's Corporate Plan 2000-2003 said we would set efficiency indicators. These indicators are dependent on the production of an efficiency model which has been carried forward into 2000-2001. It is expected that data produced by the model in 2000-2001 will be used to set meaningful targets for the 2001-2002 year.

## 8.2 CIVIL LEGAL AID APPLICATIONS

## APPENDIX 8 CONT'D

TIMELINESS (% WHERE TURNAROUND IS WITHIN SERVICE STANDARD TIME)				
	2000/2001			
	TARGET	ACTUAL		STANDARD
<b>% OF APPLICATIONS ACTIONED WITHIN SERVICE STANDARD TIME</b>				
Initial applications	85%	95%	within	42 days
Sanction to employ counsel, expert witnesses or incur unusual costs	75%	92%	within	14 days
Requests to change solicitor	90%	93%	within	14 days
Reviews of refusal of initial application	70%	84%	within	28 days
Requests to extend the scope of the case	80%	89%	within	14 days
Special urgency cases	95%	96%	within	4 days
<b>ALL APPLICATION TYPES</b>	<b>83%</b>	<b>93%</b>	<b>within</b>	<b>standard</b>

ACCURACY (% APPLICATIONS THAT ARE FREE OF MATERIAL ERRORS)				
	2000/2001			
	TARGET	ACTUAL		STANDARD
Initial applications	87%	87%		error free
Sanction to employ counsel, expert witnesses or incur unusual costs	87%	86%		error free
Requests to change solicitor	90%	87%		error free
Reviews of refusal of initial application	87%	93%		error free
Requests to extend the scope of the case	87%	63% <sup>1</sup>		error free
Reassessments of financial eligibility	87%	60%		error free
<b>ALL APPLICATION TYPES</b>	<b>87%</b>	<b>86%</b>		<b>error free</b>

## 8.3 CRIMINAL LEGAL AID APPLICATIONS

TIMELINESS (% WHERE TURNAROUND IS WITHIN SERVICE STANDARD TIME)				
	2000/2001			
	TARGET	ACTUAL		STANDARD
<b>% OF APPLICATIONS ACTIONED WITHIN SERVICE STANDARD TIME</b>				
Initial applications in summary cases	95%	100%	within	12 days
Sanction to employ counsel, expert witnesses or incur unusual costs	95%	96%	within	7 days
Requests to change solicitor	95%	99%	within	7 days
Reviews of refusal of initial application	95%	99%	within	21 days
Application to make an appeal in court (including children's appeal)	95%	96%	within	7 days
Request to reconsider a decision by the Board	95%	99%	within	21 days
Special urgency cases (summary first instance and appeals)	95%	99%	within	3 days
<b>ALL APPLICATION TYPES</b>	<b>95%</b>	<b>99%</b>	<b>within</b>	<b>standard</b>

ACCURACY (% APPLICATIONS THAT ARE FREE OF MATERIAL ERRORS)				
	2000/2001			
	TARGET	ACTUAL		STANDARD
Initial applications in summary cases	90%	100%		error free
Sanction to employ counsel, expert witnesses or incur unusual costs	90%	100%		error free
Requests to change solicitor	90%	100%		error free
Reviews of refusal of initial application	90%	100%		error free
Application to make an appeal in court (including children's appeal)	90%	100%		error free
Request to reconsider a decision by the Board	90%	100% <sup>1</sup>		error free
<b>ALL APPLICATION TYPES</b>	<b>90%</b>	<b>100%</b>		<b>error free</b>

Note 1: Sample size not statistically significant and result is indicative only.

Note 2: The percentage figures for "all application types" is a weighted average based on the relative volumes dealt with of each application type.

## 8.4 ADVICE AND ASSISTANCE APPLICATIONS APPENDIX 8 CONT'D

TIMELINESS (% WHERE TURNAROUND IS WITHIN SERVICE STANDARD TIME)	2000/2001			STANDARD
	TARGET	ACTUAL		
% of applications actioned within service standard time				
Intimations of a grant of advice and assistance by a solicitor	95%	90%	within	7 days
Request for increase in authorised expenditure	85%	96%	within	7 days
Request for change of nominated solicitor	90%	99%	within	14 days
Request to reconsider a decision by the Board	80%	83%	within	7 days
<b>ALL APPLICATION TYPES</b>	<b>92%</b>	<b>92%</b>	<b>within</b>	<b>standard</b>

ACCURACY (% APPLICATIONS THAT ARE FREE OF MATERIAL ERRORS)	2000/2001			STANDARD
	TARGET	ACTUAL		
Intimations of a grant of advice and assistance by a solicitor	90%	100%	error free	
Request for increase in authorised expenditure	90%	100%	error free	
Request for change of nominated solicitor	90%	100%	error free	
<b>ALL APPLICATION TYPES</b>	<b>90%</b>	<b>100%</b>	<b>error free</b>	

## 8.5 ACCOUNTS ASSESSMENT

TIMELINESS (% WHERE TURNAROUND IS WITHIN SERVICE STANDARD TIME)	2000/2001			STANDARD
	TARGET	ACTUAL		
<b>% OF ACCOUNTS ASSESSED WITHIN SERVICE STANDARD TIME</b>				
Civil legal aid	80%	92%	within	30 days
Criminal legal aid	97%	97%	within	30 days
Advice and assistance	95%	99%	within	30 days

ACCURACY (% ACCOUNTS THAT ARE ERROR FREE)	2000/2001			STANDARD
	TARGET	ACTUAL		
Civil legal aid	90%	96%	error free	
Criminal legal aid	90%	91%	error free	
Advice and assistance	90%	98%	error free	

Note: The percentage figures for "all application types" is a weighted average based on the relative volumes dealt with of each application type.

# ACCOUNTS

## FINANCIAL INFORMATION

The Board is funded by Government grant from the Scottish Executive. These accounts cover separately the Grant-in-Aid and the Legal Aid Fund. The Grant-in-Aid is the running costs of the administration of the Board, including capital expenditure. The Legal Aid Fund (the Fund) accounts for the payments to solicitors and advocates, net of contributions and recoveries. The Fund is not cash limited.

In 2000/2001 we received £9.12 million from Government of which £8.02 million was in respect of running costs and £1.10 million in respect of capital expenditure. Legal Aid Fund expenditure for 2000/2001 was £130.47 million.

## ANNUAL ACCOUNTS

As a Non-Departmental Public Body, the Board is required to prepare annual accounts that present its financial performance on an 'accruals' basis. The Legal Aid (Scotland) Act 1986, as amended by the Public Finance and Accountability (Scotland) Act 2000, states that the Board is required to prepare a statement of accounts for each financial year in the form and on the basis determined by the Secretary of State (now Scottish Ministers).

In the summary financial statements that follow, accruals accounting requires certain accounting adjustments. For example, notional cost of capital charge, depreciation, and accruals and prepayments all serve to match income and expenditure in the current financial year. Consequently, our financial results under cash and accruals accounting conventions will appear different. The figure in the Fund Accounts of £130.47 million includes £2.72 million that was net movement in bank balances and creditors during the year. The figure in the Grant-in-Aid Accounts of £9.12 million includes £0.04 million that was net movement in bank balances during the year.

The accounts are audited by PricewaterhouseCoopers and the certified financial statements have been forwarded for comment to the Auditor General for Scotland and onward transmission to Scottish Ministers.

The accounts comply, as far as is appropriate, with commercial accounting standards and conventions as determined by the Board's Accounts Direction given by the Secretary of State (now Scottish Ministers). However, the Board is not in business to make a profit, rather to administer legal aid in an economic, efficient and effective manner.

The summary financial statements on pages 29-32 are a summary of the Scottish Legal Aid Board accounts. The summary accounts may not contain sufficient information to allow a full understanding of the results and state of affairs of SLAB. A copy of the audited accounts which contain the detailed information required by law and under best practice guidelines can be obtained from the Finance Department, Scottish Legal Aid Board, 44 Drumsheugh Gardens, Edinburgh EH3 7SW or from our website at [www.slab.org.uk](http://www.slab.org.uk).

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. The SLAB accounts were approved and signed on 20 June 2001. SLAB's auditor, PricewaterhouseCoopers, has given an unqualified opinion on these accounts.

## RELATED PARTY TRANSACTIONS

Some members of the Board and/or their spouses or relatives are active legal aid practitioners and are therefore related parties. Transactions of a value greater than £1,000 with these related parties are shown at note 19 of the full published accounts.

## ANALYSIS OF SPEND 2000/2001

The Board's summary financial statements appear on pages 29-32 of this report.

## FUND

Payments (including outlays) made to solicitors, counsel and PDSO in respect of:	2000/2001 £' 000	1999/2000 £' 000
Civil legal aid	28,755	30,246
Criminal legal aid	68,584	69,438
Advice and assistance	30,199	28,287
Children's scheme	2,501	1,725
Contempt of court	41	31
Public Defence Solicitors' Office	390	430
	<b>130,470</b>	<b>130,157</b>
<b>This was financed by:</b>	<b>2000/2001 £' 000</b>	<b>1999/2000 £' 000</b>
Contributions from assisted persons	1,113	1,408
Recovery of expenses	7,029	7,005
Losses recovered from damages received	1,138	1,554
Government grant	123,907	117,202
	133,187	127,169
Movement in other balance sheet items	(2,717)	2,988
	<b>130,470</b>	<b>130,157</b>

## GRANT-IN-AID

	2000/2001 £' 000	1999/2000 £' 000
Government grant	9,073	8,530
Movement in bank account	43	3
	<b>9,116</b>	<b>8,533</b>

Note 1: Although the Board's accounts are prepared on an accrual basis, these tables have been produced on a cash basis. The statistical tables in the Appendices remain on a cash basis and are consistent with the analysis of payments above.

Note 2: Payments for the Public Defence Solicitors' Office break down as follows:

	2000/2001 £' 000	1999/2000 £' 000
Criminal defence costs – outlays	45	64
Salaries and wages	218	229
Social security costs	18	19
Accommodation	82	87
Audit fees	2	2
Depreciation	11	18
Permanent diminution in value of fixed assets	12	5
Other operating costs	28	28
	<b>416</b>	<b>452</b>

The relationship between these cash figures and the figures shown in the accounts is:	2000/2001 £' 000	1999/2000 £' 000
Fund cash payments	130,470	130,157
Net movement in accruals	7,399	(6,777)
<b>Operating costs (including PDSO capital purchases)</b>	<b>137,869</b>	<b>123,380</b>
Fund cash receipts	9,280	9,967
Non cash adjustments to debtors	1,134	(259)
<b>Operating income</b>	<b>10,414</b>	<b>9,708</b>

Note 3: Payments to solicitors, counsel and solicitor advocates out of the Legal Aid Fund are not cash limited.

Note 4: Administration payments which are met by Grant-in-Aid are cash limited although the Board's Financial Memorandum permits the Board flexibility to carry forward up to 2% of its Grant-in-Aid to the following financial year.

## SCOTTISH LEGAL AID BOARD SUMMARY ACCOUNTS 2000/01 YEAR ENDED 31 MARCH 2001

INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID FUND			
	£'000	2001 £'000	2000 £'000
<b>Income</b>			
Operating income		10,414	9,708
<b>Expenditure</b>			
Operating costs	(137,869)		(123,380)
Decrease / (increase) in bad debts provision	(759)		(405)
		(138,628)	(123,785)
<b>Net cost of operations before interest</b>		<b>(128,214)</b>	<b>(114,077)</b>
Interest receivable		17	-
Interest on capital (notional)		(3)	(4)
<b>Net cost of operations</b>		<b>(128,200)</b>	<b>(114,081)</b>
Add back notional charges		3	4
<b>Net cost of operations excluding notional charges transferred to General Fund</b>		<b>(128,197)</b>	<b>(114,077)</b>

BALANCE SHEET FOR THE SCOTTISH LEGAL AID FUND			
	£'000	2001 £'000	2000 £'000
<b>Fixed assets</b>			
Tangible assets		33	55
<b>Current assets</b>			
Debtors	64,375		59,878
Cash at bank and in hand	8,227		7,929
	72,602		67,807
<b>Current liabilities</b>			
Creditors	(68,437)		(63,330)
Net current assets		4,165	4,477
<b>Net assets</b>		<b>4,198</b>	<b>4,532</b>
<b>Financed by:</b>			
General Fund		4,198	4,532

Lindsay Montgomery  
Chief Executive  
20 June 2001

## SCOTTISH LEGAL AID BOARD SUMMARY ACCOUNTS 2000/01 YEAR ENDED 31 MARCH 2001

INCOME AND EXPENDITURE ACCOUNT FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID			
	£'000	2001 £'000	2000 £'000
<b>Income</b>			
<b>Expenditure</b>			
Staff costs	(5,361)		(4,863)
Operating costs	(2,634)		(2,444)
Depreciation	(305)		(181)
Permanent diminution in value of fixed assets	(173)		(25)
Amortisation of government grant	48		—
<b>Total expenditure</b>		<b>(8,425)</b>	<b>(7,513)</b>
<b>Net cost of operations before interest</b>		<b>(8,425)</b>	<b>(7,513)</b>
Interest received		8	—
Interest on capital (notional)		(93)	(64)
(Loss)/gain on disposal of fixed assets		4	(2)
<b>Net cost of operations</b>		<b>(8,506)</b>	<b>(7,579)</b>
Pension costs		(405)	(338)
<b>Net cost of operations including pension costs</b>		<b>(8,911)</b>	<b>(7,917)</b>
Add back notional charges		93	64
<b>Net cost of operations excluding notional charges and including pension costs transferred to General Fund</b>		<b>(8,818)</b>	<b>(7,853)</b>

BALANCE SHEET FOR THE SCOTTISH LEGAL AID BOARD GRANT-IN-AID			
	£'000	2001 £'000	2000 £'000
<b>Fixed assets</b>			
Tangible assets		1,455	1,172
<b>Current assets</b>			
Stock	33		30
Debtors	321		291
Cash at bank and in hand	195		153
	549		474
<b>Creditors</b>			
Amounts falling due within one year	(327)		(237)
<b>Net current assets</b>		222	237
<b>Total assets less current liabilities</b>		1,677	1,409
Deferred income		(234)	(259)
<b>Net assets</b>		<b>1,443</b>	<b>1,150</b>
<b>Financed by:</b>			
Government grant		714	—
<b>Reserves:</b>			
General Fund		726	1,140
Revaluation reserve		3	10
		<b>1,443</b>	<b>1,150</b>

Lindsay Montgomery  
Chief Executive  
20 June 2001

## KEY STATISTICS 1992 - 2001

NUMBER OF APPLICATIONS TO THE BOARD										
	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001
Summary criminal	63,958	69,714	66,529	71,401	74,516	69,806	68,434	64,156	64,818	69,137
Civil	33,180	36,018	32,470	30,597	30,335	28,733	26,043	23,890	23,106	21,018
Advice and assistance intimations	271,759	295,231	289,261	302,695	311,167	305,504	321,452	311,187	319,080	329,412
<b>TOTAL</b>	<b>368,897</b>	<b>400,963</b>	<b>388,260</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>

NUMBER OF CASES PAID										
	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001
Criminal	61,777	74,721	81,342	78,537	76,831	78,927	75,620	69,898	67,092	74,801
Civil	20,324	27,845	27,482	25,713	22,605	22,146	20,365	18,194	15,772	14,339
Advice and assistance	209,043	261,449	260,244	267,416	271,480	272,000	271,663	276,165	277,340	288,029
Children	1,558	1,843	1,850	2,390	2,336	2,026	1,870	1,957	1,897	2,375
Contempt of court	N/A	29	123	95	91	105	132	98	161	153
<b>TOTAL</b>	<b>292,702</b>	<b>365,887</b>	<b>371,041</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>

AVERAGE CASE COST (£)										
	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001
Criminal	746	820	882	958	957	1,000	1,073	1,066	1,022	906
Civil	816	867	1,011	1,176	1,425	1,583	1,685	1,764	1,918	2,005
Advice and assistance	74	84	87	90	92	97	99	103	102	105
Children	531	643	621	665	717	871	876	878	909	1,053

TOTAL SPEND (£'000)										
	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001
Criminal	46,080	61,258	71,764	75,249	73,538	78,960	81,150	74,477	68,568	67,749
Duty	890	989	987	918	847	877	904	943	870	835
Civil	16,583	24,135	27,771	30,233	32,210	35,064	34,311	32,093	30,246	28,755
Advice and assistance	15,425	21,898	22,713	24,038	25,070	26,458	27,005	28,460	28,287	30,199
Children	827	1,186	1,149	1,590	1,675	1,764	1,639	1,719	1,725	2,501
Contempt of court	N/A	10	35	24	20	26	31	28	31	41
PDSO	N/A	N/A	N/A	N/A	N/A	N/A	25	405	430	390
<b>TOTAL</b>	<b>79,805</b>	<b>109,476</b>	<b>124,419</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>

TOTAL COSTS OF ADMINISTRATION AND FUND (£'000)										
	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/2001
Administration	6,863	7,525	8,045	7,657	7,487	7,166	7,718	7,564	8,533	9,116
Fund	79,805	109,476	124,418	132,052	133,360	143,149	145,065	138,125	130,157	130,470



*Public Defence solicitors' office (PD.SO)*



*Gold Award for mailroom*



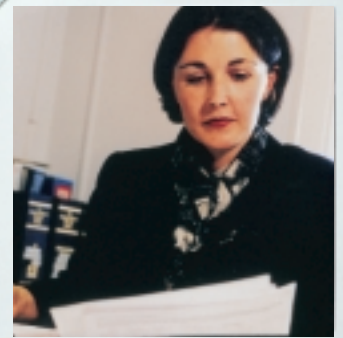
*Development of investigations capability*



*Sanction requests for counsel dealt with by board solicitors*



*All 300 staff surveyed for opinions*



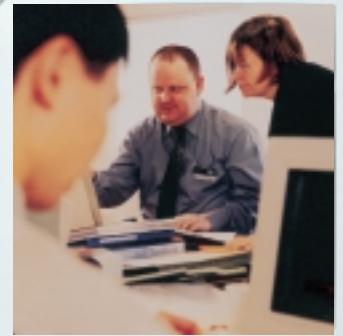
*New independent quality checking unit*



*Improved processes for paying solicitors and advocates*



*Processing increased number of applications*



*Training our new means assessment unit staff*



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