



Results from the 2018 survey of criminal legal assistance applicants

During February and March 2018 the Scottish Legal Aid Board (SLAB) carried out a postal research survey among people who had received criminal legal assistance and used a solicitor working in private practice. The topline results from this research are below.

Aims and scope of the research

The aim of the research was to help SLAB learn more about how and why clients selected their criminal defence solicitor and if they had any difficulty in obtaining a solicitor as well as gaining an insight into how satisfied clients were with the service and guidance they received from their lawyer throughout the duration of their case.

The external research agency, IBP Strategy and Research was commissioned by SLAB to carry out the postal survey. Survey packs were sent to a sample of 7006 people. The sample was made up of people who had received criminal legal assistance between November 2016 and November 2017 for a case that was now closed. Anyone whose last case was handled by the Public Defence Solicitor's Office (PDSO) was not included in the sample as this group was surveyed separately in 2017. Completed surveys were returned to IBP Strategy and Research for analysis. Three hundred and eighty eight responses were received, giving a response rate of 6.4%, which is in line with what could be expected for this type of survey.

What the research tells us

The survey was successful in canvassing the views and opinions of people from across Scotland who had used a criminal defence lawyer. The survey results show that the majority of respondents did not have any difficulty in finding a lawyer and once they did find one they were satisfied with the service that they received. As expected only a small number of respondents had direct contact with SLAB about their case and the majority of those that did said that they were satisfied with the service they received. Most respondents had to provide their lawyer with proof of their income or savings and almost all of them had no trouble doing this. The survey collected a full range of demographic characteristics and these questions appear to have been well understood and respondents were happy to complete them with very low number choosing prefer not to say or not responding.

Building an overall picture of access to and experiences of criminal legal services in Scotland

This survey, alongside the 2017 PDSO client satisfaction survey helps SLAB to develop an overall picture of who is accessing criminal legal advice services in Scotland and their experiences when doing so. The fact that the two surveys provide similar and very positive pictures of the experiences of people accessing criminal legal services in Scotland provides considerable reassurance to SLAB about the way in which these services are being provided, whether by PDSO or private firms.

Further information

If you would like further information about this research please contact SLAB's research team on 0131 240 1893 or email research@slab.org.uk.

Q1 Do you have any criminal cases currently ongoing? Base: 386	
Yes	25% (n=97)
No	72% (n=279)
Don't know/Can't remember	3% (n=10)

PART 1: CHOOSING A LAWYER

Q2 Was it difficult finding a criminal defence lawyer to help you? Base: 388	
Yes, it was difficult	5% (n=20)
No, it was not difficult	93% (362)
Don't know/Can't remember	2% (n=6)

Q2A Why was it difficult finding a criminal defence lawyer? (tick all that apply) Base: 20	
Not many lawyers in my local area	25% (n=5)
Hard to find a lawyer who was willing to take my case on	30% (n=6)
I did not know how to find a lawyer	20% (n=4)
Other	40% (n=8)

Q3 Why did you choose your criminal defence lawyer to represent you? Base: 386	
They were the Duty Solicitor	17% (n=64)
I had used them in the past	39% (n=152)
They were near where I lived/worked	11% (n=42)
They were recommended to me	32% (n=124)
I was referred to them by another agency/advisor	3% (n=12)
I saw an advert for them	4% (n=14)
No particular reason	5% (n=20)
Other	8% (n=29) 'Other' reasons included choosing the solicitor after an online search to find one and that the solicitor had represented other family members previously.

PART TWO: YOUR CASE

Q4 Did you attend court for any part of your case? Base: 371	
Yes, I attended court	96% (n=357)
No, I did not attend court	3% (n=11)
Can't remember	1% (n=3)

Q5 Was the outcome of your case better, worse or about the same as you expected? Base: 368	
Better	50% (n=183)
Worse	16% (n=59)
About the same	26% (n=96)
Don't know/no opinion	8% (n=30)

Q6 Did you give your criminal defence lawyer proof of income or savings? Base: 367	
Yes	92% (n=336)
<ul style="list-style-type: none"> ▪ Proof of benefits (e.g. benefits award letter) ▪ Proof of income (e.g. wage slip/bank statement) ▪ Proof of savings (e.g. bank statement/post office statement) ▪ Proof of outgoings (e.g. bills, rent payments) ▪ Other, please write in: 	<ul style="list-style-type: none"> ▪ 65% (n=215) ▪ 47% (n=155) ▪ 30% (n=101) ▪ 24% (n=81) ▪ 3% (n=9)
No I did not have to give any of the above to my lawyer	5% (n=19)
Don't know/can't remember	3% (n=12)

Q7 Did you have any problems getting hold of the relevant documents, such as a payslip or a bank statement, to give to your criminal defence lawyer? Base: 318	
Yes, I had problems getting the documents	4% (n=14)
No, I did not have any problems	92% (n=292)
Don't know/can't remember	4% (n=12)

Q8 Did you have any direct contact with the Scottish Legal Aid Board about your criminal case? Base: 369	
No	80% (n=297)
Yes	11% (n=42)
Don't know/can't remember	8% (n=30)

Q8A If you had contact with the Scottish Legal Aid Board, in your opinion, was the overall service you received... Base: 40

Very Good	Good	Neither good nor poor	Poor	Very poor	Don't know/can't remember
38% (n=15)	45% (n=18)	5% (n=2)	8% (n=3)	5% (n=2)	-
83%			13%		

Q8B If you said the overall service was 'poor' or 'very poor' please tell us why in the box below.

- *"I had to submit proof of income/savings etc. several times."*
- *"Had to change lawyer as I wasn't happy at how I was being treated. Getting funds moved from lawyer to lawyer was difficult."*

PART 3: YOUR VIEWS ON YOUR LAWYER

Q9 In your opinion was the overall service you received from your criminal defence lawyer...

Very Good	Good	Neither good nor poor	Poor	Very poor	Don't know/no opinion
66% (n=242)	20% (n=74)	5% (n=20)	3% (12)	5% (n=18)	1% (n=3)
86%			8%		

Q10 How good do you think your criminal defence lawyer was at:						
	Very Good	Good	Neither good nor poor	Poor	Very poor	Don't know/no opinion
a) Listening to you Base: 380	61% (n=231)	27% (n=103)	4% (n=17)	4% (n=16)	3% (n=11)	1% (n=2)
	88%			7%		
b) Explaining things clearly in a way you could understand Base: 351	63% (n=220)	25% (n=87)	4% (n=14)	4% (n=15)	3% (n=11)	1% (n=4)
	88%			7%		
c) Explaining at the start of your case the evidence against you and your options for what to do next Base: 375	59% (n=223)	27% (n=101)	5% (n=18)	4% (n=15)	3% (n=13)	1% (n=5)
	86%			7%		
d) Keeping you up to date on the progress of your case Base: 378	56% (n=212)	27% (n=101)	6% (n=24)	5% (n=19)	5% (n=20)	1% (n=2)
	83%			10%		

e) Preparing you for what would happen in court Base: 374	55% (n=207)	28% (n=103)	6% (n=22)	5% (n=20)	5% (n=20)	1% (n=3)
	83%			10%		
f) Advising you about the likely outcome of your case Base: 374	54% (n=203)	28% (n=106)	7% (n=28)	4% (n=15)	5% (n=20)	1% (n=2)
	82%			9%		
g) Representing you in the court room (if your case went to court) Base: 371	64% (n=236)	21% (n=77)	5% (n=19)	5% (n=17)	5% (n=17)	1% (n=5)
	85%			10%		
h) Explaining the outcome of your case to you and what would happen next Base: 372	60% (n=224)	27% (n=99)	4% (n=14)	4% (n=14)	5% (n=17)	1% (n=4)
	87%			9%		

Q11 Would you use the same criminal defence lawyer again if you needed one in the future?

Base: 383

Yes	85% (n=326)
No	13% (n=49)
Don't know/no opinion	2% (n=8)

Q12 Is there anything else you would like to tell us about your experience of using a criminal defence lawyer or about the Scottish Legal Aid Board?

The majority of comments were positive, complementing SLAB and/or the solicitor on the service delivered.

"I received an excellent and professional service from my solicitor"

"I thought my lawyer and the Scottish Legal Aid Board were very good indeed"

"Legal aid board is a vital service"

Some mentioned that they found it difficult having more than one lawyer dealing with their case or not having enough time with their lawyer before their case went to court:

"My lawyer seemed to have a lot of other work and appeared to be too busy to be overly bothered with my cases on various occasions."

"I felt I was passed around to so many different lawyers, I didn't have consistency which left me feeling beyond words."

"I had 3 different lawyers from the same company; one for every time I was in court until the trial."

"I would have appreciated discussions being held prior to court day, rather than being rushed on the day. Didn't appreciate the lack of privacy during such discussions, especially with some of the other clientele present outside the courtroom."

Q13 How many times have you been prosecuted for a criminal offence (including the one you have told us about in this survey)?

Base: 376

1	32% (120)
2-5	30% (114)
6-10	11% (n=40)
More than 10	19% (n=73)
Don't know/can't remember	8% (n=29)

PART 4: ABOUT YOU

Q14 Are you...? Base: 383	
Male	74% (n=283)
Female	26% (n=100)
Prefer not to say	-

Q15 What age range are you in? Base: 384	
18-24	15% (n=59)
25-34	22% (n=83)
35-44	25% (n=96)
45-54	24% (n=91)
55-64	10% (n=37)
65+	5% (n=18)
Prefer not to say	-

Q16 Do you have a long-standing illness, health problem or disability that limits your daily activity or the kind of work that you do? Base: 378	
Yes	54% (n=206)
No	39% (n=146)
Prefer not to say	7% (n=26)

Q17 What is your ethnic group? Base: 377	
Prefer not to say	1% (n=3)
A. WHITE	
Scottish	86% (n=323)
Other British	7% (n=26)
Irish	1% (n=2)
Gypsy/Traveller	-
Polish	1% (n=4)
Any other white ethnic group	2% (n=9)
B. MIXED OR MULTIPLE ETHNIC GROUPS	
Any mixed or multiple ethnic groups	0% (n=1)

C. ASIAN, ASIAN SCOTTISH OR ASIAN BRITISH	
Pakistani, Pakistani Scottish or Pakistani British	-
Indian, Indian Scottish or Indian British	-
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	-
Chinese, Chinese Scottish or Chinese British	-
Other	0% (n=1)
D. AFRICAN, CARIBBEAN OR BLACK	
African, African Scottish or African British	1% (n=4)
Caribbean, Caribbean Scottish, or Caribbean British	-
Black, Black Scottish or Black British	0% (n=1)
Other	0% (n=1)
E. OTHER ETHNIC GROUP	
Arab	0% (n=1)
Other	-

Q18 Which of the following options best describes how you think of your sexual identity? Base: 376					
Heterosexual/Straight	94% (n=352)	Bisexual	2% (n=7)	Prefer not to say	2% (n=9)
Gay/Lesbian	2% (n=7)	Other	0% (n=1)		

Q19 Are you currently, or have you ever been, 'looked after' by a Local Authority? By this we mean: subject to a supervision order with no condition of residence; with foster carers or prospective adopters, in a residential care home, in a residential school or a secure unit.	
Which of the following applies to you? Base: 340	
Currently 'looked after' by a Local Authority	8% (n=28)
Have previously been 'looked after' by a Local Authority	13% (n=45)
Never been 'looked after' by a Local Authority	68% (n=232)
Prefer not to say	10% (n=35)

Q20 If anything to do with your age, gender, disability, sexuality, ethnicity or care status made it more difficult to access the services of a criminal defence lawyer, please tell us more in the space below?
The most common response to this question was that respondent's mental health problems made it more difficult for them to seek help and/or to understand what was happening during the process.
<i>"anxiety - unable to use phones"</i>
<i>"mental health problems make communication difficult at times"</i>
<i>"Not fully engaging with services or actively seeking help due to my mental health"</i>