

**SCOTTISH LEGAL AID BOARD
ADVICE SECTOR SURVEY
TOPLINE FINDINGS**

- The purpose of this survey is to measure advice providers understanding and perceptions of the legal aid system, how legal problems are identified, managed and referred and whether clients have any concerns or difficulties in accessing legal aid.
- A postal survey was sent to 137 advice sector providers w/c 26th November 2007 (Shelter – 7, CABx – 74, SWA affiliated groups – 42, SWA non-affiliated groups – 8 and In-court advice projects – 6). The survey deadline was extended until 25th January 2008.
- In total, 55 services responded to the survey, which represents a 40% response rate overall (Shelter - 3 (43%), CABx – 32 (43%), SWA affiliated groups – 16 (38%), SWA non-affiliated groups – 2 (25%), In-court advice projects – 1 (17%) and one anonymous response.

SECTION A: IDENTIFYING, MANAGING AND REFERRING LEGAL PROBLEMS

Base: All (55)

Q1 How does your service deal with legal problems that may require a solicitor?
PLEASE TICK AS MANY BOXES AS APPLY

		%
D	We <u>signpost</u> to solicitors and the service user has the option to personally contact them or not	85
A	We offer general guidance on legal problems	76
B	We seek second tier advice from a solicitor. E.g. contact a solicitor about advice for a client	58
E	We <u>refer</u> to solicitors – we make an appointment for the service user with a solicitor	56
I	We refer/signpost to specialist adviser	31
C	We have a solicitor(s) who comes to our organisation to provide a legal surgery/clinic	27
G	We <u>refer</u> to Law Centres	18
F	We <u>signpost</u> to Law Centres	16
H	We refer/signpost to an in-court adviser	15

Q2 Does your individual service formally record any of the following service statistics? PLEASE TICK AS MANY BOXES AS APPLY

	%
Yes, number of service users	95
Yes, number of service users with a legal issue	71
Yes, number of referrals/signpostings made from your service to solicitors in general	62
Yes, number of referrals/signpostings made to legal aid solicitors	25
Not stated	2
None of the above	0
Don't know	0

Q3 Approximately, in a typical month how many individual service users do you have? INSERT NUMBER

Ranges from 8 to 2,500

Q4 Approximately, in a typical month how many individual service users presenting with a legal issue do you have? INSERT NUMBER

Ranges from 1 to 1,200

Q5 Approximately, in a typical month how many referrals/signpostings are made from your service to solicitors? INSERT NUMBER

Ranges from 1 to 45

Q6 Approximately, in a typical month how many of these referrals/signpostings are made to legal aid solicitors? INSERT NUMBER

Ranges from 1 to 30

Q7 Do you consider whether service users may be eligible for legal aid before a referral is made or the service user is signposted e.g. ask the service user questions about their income and/or capital? PLEASE TICK ONE BOX ONLY

	%
Yes, always	40
Yes, sometimes	36
Yes, rarely	5
No, never	13
Not stated	4

Q8 When you refer or signpost a service user to a solicitor what sources of information do you use to help you do this? PLEASE TICK AS MANY BOXES AS APPLY

		%
A	Your own list of solicitors	85
B	Phone directory	31
C	SLAB online solicitor finder	13
D	Law Society directory	31
E	Other	13
	Not stated	2

Q8 - Others comprise (13%)

- local knowledge – 2%
- part v solicitor – 2%
- people we have worked with before – 2%
- previous experience or our own if housing issue – 2%
- recommendations -2%
- speak to solicitors in court to see if they would consider a referral – 2%
- specialist lists e.g. family law association – 2%

Q9 How do you review the list? PLEASE TICK AS MANY BOXES AS APPLY	
	%
Direct contact with a firm	53
Feedback from service users	51
Using other existing sources of information e.g. SLAB online solicitor finder, Law Society directory etc...	16
Other	18
Not stated	7

Q9 – Others comprise (18%)

- through/recommended from Scottish women's aid – 6%
- contact solicitors on list – 2%
- whether they provide a diagnostic interview (free) – 2%
- local – 2%
- local knowledge – 2%
- to find out specialism's/legal aid etc... - 2%
- use both solicitor firms in town – 2%

Q10 How often do you review the list? PLEASE TICK AS MANY BOXES AS APPLY	
	%
Review/survey at least annually	51
Remove solicitors on an ongoing basis	45
Add solicitors on an ongoing basis	44
Other	7
Not stated	9

Q10 – Other comprise (7%)

- intend to review annually but doesn't always happen – 2%
- not reviewed – 2%
- review periodically but not as often as every year – 2%
- when complaint is made – 2%



Q11 What is the proportion of solicitors on your list that provide legal aid?
PLEASE TICK ONE BOX ONLY

	%
All	36
More than half	15
Half	4
Less than half	22
None	4
Don't know	9
Not stated	9

SECTION B SERVICE USERS AND ACCESS TO LEGAL AID

Q12 On the whole, are you aware of what happens to service users who wanted to seek help from a solicitor under legal aid (including advice and assistance) when they leave your service (e.g. the outcome (whether they managed to find a legal aid solicitor and/or whether they experienced any problems in doing so)? PLEASE TICK ONE BOX ONLY

	%
Yes, always	4
Yes, mostly	24
Yes, sometimes	62
No, never	9

Q13 Think of all the service users who, in the last year wanted to seek help from a solicitor under legal aid (including advice and assistance). As far as you are aware, do you think they experienced any of the following problems finding a solicitor? PLEASE TICK ONE BOX PER ROW

		None	A few	About half	Most	All	Don't know	Not stated
		%	%	%	%	%	%	%
A	They found a solicitor without any difficulty or delay	11	13	5	25	13	24	7
B	They experienced difficulties finding a legal aid solicitor	16	9	11	25	4	25	7
C	They failed to find a legal aid solicitor either locally or elsewhere	29	15	5	7	0	27	15

Q14 What are the types of difficulties service users face? It may be helpful to provide anonymous examples of the type of difficulties service users have faced and/or any consequences of the difficulties). PLEASE IN WRITE IN BELOW

	%
Not enough legal aid solicitors in area/rural area	36
Difficult to find a solicitor immediately/waiting times for appointments	15
Difficult to find solicitors who deal with housing/homelessness	9
Difficult to find solicitors who deal with defending an action for payment (ordinary cause)/summary cause	5
Difficult to find solicitors who deal with immigration issues	5
Problems of access/no available transport	5
Difficult to find solicitors who deal with employment issues	4
Difficult to find solicitors with knowledge and experience	2
Difficult to find solicitors who deal with repossession of property	2
Difficult to find solicitors who deal with neighbour disputes	2
Difficult to find solicitors who deal with benefit issues	2
Difficult to find solicitors to pursue claims above £750	2
Difficult to find solicitors for representation, not just advice and assistance	2
Clients do not have funds to pay for initial interview (free diagnostic interview required)/low incomes	2
Clients only being partly supported by legal aid	2
Difficult to find solicitors who deal with interdict work	2
Solicitors are unwilling to take on lengthy cases	2
No response	42

Q15 As far as you are aware, are there any particular categories of case, where difficulties with finding a solicitor are more likely to arise? PLEASE TICK ONE BOX PER ROW					
	Yes	No	Don't know	Never experienced	Not stated
	%	%	%	%	%
Benefits and tax credits	25	11	25	16	20
Children's hearing cases and appeals	20	25	20	20	13
Compensation and damages	15	31	22	16	15
Complaints and claims against professions	24	4	33	20	18
Consumer problems	15	13	31	18	22
Debt, money and tax	29	9	27	15	18
Discrimination and human rights	24	9	27	24	15
Education	9	11	33	25	20
Employment	22	24	20	16	16
Divorce, Child Contact, residence and parental rights and responsibilities orders and related matters	18	36	20	7	16
Protective Orders – Interdicts & Exclusion Orders'	20	24	27	13	15
Housing and homelessness	44	15	18	5	16
Immigration and nationality	40	7	24	13	15
Mental health welfare	27	9	31	16	15
Other	2	0	25	11	60

Q16 In your opinion, is there any difference in the level of provision of solicitors providing advice and assistance under legal aid and solicitors providing full legal aid services? PLEASE TICK ONE BOX ONLY

	%
Yes	16
No	25
Don't know	53
Not stated	4

Q17 If you think there is a difference, why do you say that? PLEASE WRITE IN BELOW

	%
Solicitors will provide advice, but not representation	7
Clients complain that the service from solicitors is poor	2
Advice was more helpful from provider than solicitor	2
Solicitors' firms advising us that they don't do legal aid as its not 'worth it'	2
Due to the 'block payment system' few solicitors are available	2
Solicitors have too many clients to do full legal aid	2
Many solicitors are stopping doing legal aid altogether	2
No response	84

Q18 In your opinion compared to 3 years ago, would you say the overall number of (legal aid) solicitors in your area providing has...? PLEASE TICK ONE BOX ONLY

Q19 And compared to 3 years ago, would you say the number of legal aid cases these solicitors are prepared to advise and represent on has...? PLEASE TICK ONE BOX ONLY

	Q18	Q19
	%	%
Increased	4	5
Stayed the same	29	22
Decreased	49	31
Don't know	11	22
Not stated	5	18

Q20 If you believe there are problems with the adequacy of the level and type of supply for legal aid please tell us why you think this is? PLEASE WRITE IN BELOW	
	%
Not enough legal aid solicitors in the area	16
Solicitors do not do legal aid because it is not financially viable	13
Legal aid is only available to very poor people/not fair to people above the threshold/denied justice	4
Solicitors do not want to get involved in difficult/complex cases	4
Need updated lists of solicitors by category of case	2
Difficult to find solicitor immediately/waiting times for appointments	2
Solicitors with certain specialism's are in short supply	2
Too much paperwork for solicitors	2
Women are being advised that bail conditions protect them better than interdicts	2
Access to quality solicitors has decreased	2
No response	56

Q21 Some groups of people may experience more problems than others in accessing services e.g. because of their identity or beliefs. Have any of your service users ever informed you or your staff/colleagues that they have experienced problems accessing a solicitor on account of any of the following? PLEASE TICK THE BOXES THAT APPLY

	%
No	71
Their gender	0
Their race/ethnicity	2
Their age	0
Their religion or belief	2
A disability (e.g. physical/mental impairment, learning disability)	7
Their sexual orientation	0
Their nationality	4
Other	4
Not stated	18

Q21 – Others comprise (4%)

- 'face doesn't fit' – 2%
- Geographical isolation – 2%

Q22 Please describe any examples where advice services and solicitors are working well together to provide legal aid advice and representation? PLEASE WRITE IN BELOW

	%
Part V projects	9
Certain solicitors in area are good	7
Partnership working with other agencies	5
Shelter Housing Aid Centre – Law service	2
In-court advice projects (CABx)	2
Two-way referrals	2
Housing and eviction issues	2
Pro bono work done locally	2
North Law Centre in Dundee (surgeries in social inclusion area)	2
With women's aid, solicitors come into the office to meet service users	2
Local CAB	2
RWA work well with our agreed lawyers group	2
No response	64

SECTION C THE LEGAL AID SYSTEM

Q23 Which of the following, if any, have you/your staff/colleagues used to get information on legal aid? PLEASE TICK THE BOXES THAT APPLY

		%
C	Advisernet (for Citizens Advice Bureau only)	67
A	Scottish Legal Aid Board (website, leaflets, handbook, guidance)	62
F	Solicitors	49
E	Internet/other websites	31
B	Internal information systems (e.g. library, advice cards)	24
D	Internal training	18
G	Other professionals	16
H	Service users	16
I	Other (please specify)	7

Q23 – Others comprise (7%)

- Law Society of Scotland – 2%
- Part V solicitor – 6%

Q24 Over the past year, which of the following aspects of legal aid have you/your staff/colleagues been asked about by service users? PLEASE TICK THE BOXES THAT APPLY

		Frequently	Sometimes	Never	Don't know	Not stated
		%	%	%	%	%
A	Don't give advice on specific aspects of legal aid	13	13	18	7	47
B	Advising them on their eligibility for legal aid	31	45	15	2	5
C	Completing an application form	13	36	38	2	9
D	Completing a financial form	13	38	31	2	15
E	Advising them on what they may have to pay from their income or capital (contributions)	9	38	38	4	9
F	Advising them on what they may have to pay from their winnings (clawback)	5	29	49	4	11
G	General correspondence with the Board	5	27	51	4	11
H	Acting as an opponent in a legal aid case	2	7	73	4	13
I	Other (please specify below)	0	2	2	4	91

Q25 Now looking at the same list again, have you/your staff ever experienced any difficulties assisting service users with any of the following aspects of legal aid? PLEASE TICK THE BOXES THAT APPLY

		%
A	Don't give advice on specific aspects of legal aid	24
B	Advising them on their eligibility for legal aid	18
E	Advising them on what they may have to pay from their income or capital (contributions)	15
D	Completing a financial form	11
F	Advising them on what they may have to pay from their winnings (clawback)	11
C	Completing an application form	9
G	General correspondence with the Board	9
H	Acting as an opponent in a legal aid case	4
I	Other (please specify below)	2
	Not stated	45

Q26 Why do you think people come to you for help with legal issues? PLEASE WRITE IN BELOW	
	%
No means testing/don't have to pay/free	27
Advice and support to women/signpost to solicitors	27
For advice and information on a range of subjects	11
More informal than a solicitor/less intimidating	11
Good reputation/trust	9
First stage, to determine whether they will need a solicitor	5
Independent advice	5
Confidential	4
Explain things in 'plain' language/other languages	4
Solicitors are too far away/we are nearest source of advice	4
For our support	4
Recognise Shelter as experts in housing issues	2
CAB brand	2
No appointment required	2
Solicitors are too expensive	2
Easily accessible	2
Eligibility for legal aid	2
Referrals from solicitors	2
No response	16

Q27 Are there any other ways in which you think the Board could provide information/training/assistance to your organisation on legal aid. PLEASE IN WRITE IN BELOW	
	%
Training/seminars/law roadshows/information materials	33
More projects like part V	4
Useful to have clearer understanding of legal aid criteria/not just financial	4
Just lists of solicitors	2
Make legal aid accessible for clients	2
Pointless as there are no legal aid solicitors in area	2
Provide money for resources to give advice	2
Access to specialists/other legal advisers	2
Just more money to persuade solicitors to provide legal aid	2
PDSO surgery potential	2
Information in different languages	2
Access to a solicitor at short notice	2
No response	47