



Rural access to civil legal services

A literature review
November 2020

The Scottish Legal Aid Board

www.slab.org.uk



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Introduction

1. This work explores difficulties in accessing justice amongst those living in rural areas of Scotland. It focuses on access to legal services for issues covered under civil law (including those that would be funded under children's legal aid). Separate strands of work, in which the Scottish Legal Aid Board (SLAB) is involved, focus on various issues under criminal law.
2. For the purposes of this review, civil legal services are defined as services provided by solicitors and advocates. These are not restricted to those paid for by legal aid.
3. The methodology for this work was mainly a review of existing information. Two small studies of data held by SLAB were also undertaken.
4. The overall aims of this workstream are to:
 - Aim 1. increase knowledge of the types of problems people in rural areas have in accessing legal services, and the impact this has on their lives;
 - Aim 2. increase knowledge of the types of problems faced by those providing legal services to, or in, rural areas;
 - Aim 3. identify, generate and explore options that may improve the accessibility and availability of legal services for people in rural areas;
 - Aim 4. disseminate the outputs appropriately, in order to contribute to policy development, advice provision and, where possible, partnership working.
5. This report contributes substantially to Aim 1, and also contributes somewhat to Aims 2 and 3.

Key findings

6. This review suggests that there is little direct evidence of specifically rural problems in accessing legal services. In particular, responses to the Scottish Crime & Justice survey 2014/15 civil law module show very limited difference between rural and urban experience. Other research and consultation supports this, including local action plans drawn up by rural communities. *Section 2.1.*
7. However there is evidence that rural dwellers have difficulties in accessing a range of other physical services; and that lack of public transport is a key reason for this. There is also evidence that rural dwellers have poorer access to digital services; with poor connectivity (e.g. connection speeds to broadband, mobile data coverage) a key reason. *Section 2.2.*
8. Justice jurisdictions of a comparable size to Scotland do not appear to have introduced digital solutions solely to support rural access. However there are a variety of digital initiatives which would support rural access, as well as more generally. *Section 3.1.*
9. Other justice jurisdictions have initiatives to support the physical presence of lawyers in rural areas. However these are concentrated in large jurisdictions, where rural dwellers may be extremely isolated. *Section 3.2.*
10. The Scottish Government has a range of policies which will, directly and indirectly, support rural communities. These include a revised National Transport Strategy and a range of policies to maximise the effectiveness of digital solutions. *Section 1.*

Section 1: Policy Landscape

11. There are a range of Scottish Government policies, and related plans or initiatives, which may impact on the delivery of legal services to rural areas in Scotland. Key issues identified are: improvements to rural infrastructures (notably broadband and transport) and service provision that considers the needs of distinct local communities. There are also potential changes within the justice system.

1.1 Justice

12. In relation to improving rural access to legally aided services the **Strategic Review of Legal Aid** suggests “there could be flexibility to pay different fees to solicitors conducting legal aid if that is needed to ensure that there is access to legal services ... in a geographically challenged area of Scotland”¹. The Scottish Government’s 2018 response to the recommendations of the Strategic Review of Legal Aid² recognises this but does not comment at this level of detail; noting the intention that “an evidence based model for agreeing levels of fees should be developed”³.

13. The Scottish Government’s response supports the recommendations on delivery, with the user at the centre, and clarity over “what services were available within a legal aid service, where these could be accessed and who would deliver these services, including agreed signposting and referral routes”⁴. However it notes that this will require a new statutory framework, suggesting that wide-ranging consultation will take place in order to develop and implement this. The response also firmly underlines the Scottish Government’s strategic view on the use of digital solutions in service delivery: “we envisage a new legal aid service being equipped to harness new technology and develop new approaches for the benefit of all who are involved”⁵.

14. A consultation on the review of Part 1 of the Children (Scotland) Act 1995 and creation of a **Family Justice Modernisation Strategy**, which SLAB contributed information to, closed on the 7th August 2018⁶. The proposals include various items which might have a particular impact on those living in rural areas:

- using legislation to regulate and formalise the role of children welfare reports. Child welfare reporters are appointed by the court to report on

¹ Rethinking Legal Aid: an independent strategic review’, Evans. 2018, p.63.

² ‘Scottish Government response to the Independent Review of Legal Aid in Scotland’, November 2018.

<https://www.gov.scot/publications/scottish-government-response-independent-review-legal-aid-scotland/>

³ Ibid. p15.

⁴ Ibid. p.12.

⁵ Ibid. p.18.

⁶ <http://www.gov.scot/About/Review/Regulation-Legal-Services>

the welfare of the child generally or to specifically obtain the views of the child. Most child welfare reporters are family lawyers. The impact of this might be an increase in work associated with their child welfare reporters, meaning less time for other work associated with a family lawyer.

- improving the interaction between civil and criminal courts in the context of domestic abuse. Currently parties may have different solicitors acting for them in civil and criminal cases, this may change if integrated courts are established, although it is expected this would take some time to change. The scale of any impact of this on rural communities is unclear, it could mean that a single case is effectively larger, which might encourage supply. However this would only apply if a solicitor was competent in both civil and criminal law.
- increased use of non-court based services, such as mediation. This would mean some matters that had previously have involved parties attending court might be resolved in other places. This might have a positive impact on people in rural communities, depending on the availability and cost to user of mediation services. Alternatively, it might mean local solicitor services are reduced if there is less work.

15. Any of the above could impact on how family justice is delivered, and may have a different impact on people in rural areas.

16. The **Scottish Law Commission** published its Tenth programme of Law Reform in 2018, covering the period 2018 to 2022⁷. A review of various aspects of family law is being undertaken⁸. This covers:

- the law of cohabitation, focusing on financial provision after the breakdown of cohabitation;

17. It may also address:

- Legal remedies in domestic abuse, considering whether the existing legal framework is adequate and sufficient to provide victims with prompt and effective protection.

18. Either of these might raise considerations for how legal services are delivered to rural communities. In particular a new legislative framework for victims of domestic violence would need solicitors with an appropriate skillset to be available to ensure it was implemented in practice. Difficulties finding more than one local legal aid solicitor for opposing parties living in the same area were described in the responses to the Strategic Review of Legal Aid 2018.

⁷ <https://www.scotlawcom.gov.uk/law-reform/tenth-programme-of-law-reform-consultation/> (last accessed: 20/09/2018).

⁸ <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/aspects-of-family-law/> (last accessed 05/02/19).

Women's Aid also described a national shortage of solicitors with appropriate skills to support their client group (paragraph 35 of this report).

1.2 Digital

19. The Scottish Government has a clear commitment to increasing the use of digital technologies. The first '**Digital Strategy for Scotland**' was published in 2011, with a refreshed version ('Realising Scotland's full potential in a digital world') produced in 2017.
20. In 2014 the Scottish Government produced '**The Digital Strategy for Justice in Scotland**'. This says "we want to use digital technology wherever possible to broaden access to justice, improve quality of service and safeguard the rights of citizens and users"⁹. Progress is demonstrated through the mygov.scot website, as well as the Integrated Case Management System used for simple procedure cases in the sheriff court.
21. There is also a Scottish Government strategy specific to delivering public services, '**Scotland's Digital Future - delivery of public services**' (2012). The intent of this is to use digital technology to provide "a foundation for innovative, integrated public services"¹⁰, which will deliver benefits for users. This includes the CivTech challenge, which supports public sector organisations work with technical experts in reaching solutions to public sector problems. Products created as a result of this challenge are also being used to help take forward the digital strategy.
22. In terms of digital infrastructure, the Scottish Government's '**Reaching 100% programme (R100)**' intends to deliver superfast broadband to 100% of premises by 2021. With the 'outside in' approach prioritising public investment in rural areas¹¹. An Audit Scotland report notes that "it will be difficult for the Scottish Government to deliver it's 100 per cent target by 2021"¹². The report clarifies that the Scottish Government is aware of this and is planning an 'aligned interventions scheme' to help connect those households that will not be supported under R100. However there are a number of uncertainties with this, including: the number and location of premises affected; the technologies that can be used and the constantly evolving technology. On a practical level, not all households (or businesses) will avail themselves of 'superfast' speeds. The Audit Scotland report notes that fewer than 50% of premises that can access superfast broadband actually do so, possibly because faster broadband packages may be more expensive.

⁹ 'The Digital Strategy for Justice in Scotland', Scottish Government (2014). P.1

¹⁰ 'Scotland's Digital Future – delivery of public services', Scottish Government (2012). P.1

¹¹ 'Realising Scotland's full potential in a Digital World: A Digital Strategy for Scotland', *Scottish Government (2017)*, p22.

¹² 'Superfast broadband for Scotland: further progress update', Audit Scotland (September 2018), p.23.

23. The Scottish Government also has a programme of support to help business grow and compete¹³. This includes the **Digital Scotland Business Excellence Partnership and the Digital Growth Fund**, providing loans to enable companies to buy digital skills training for their staff.

1.3 Public Transport

24. **Scotland's National Transport Strategy** was first published in 2006 and refreshed 10 years later. It is currently being revised, with 'NTS2' is due to be published in 2019. The review process includes a thematic working group on 'inequality'. The remit of this group includes "to set out policy proposals on how transport can assist in addressing geographical inequality"¹⁴. The second Strategic Transport Projects Review (STPR2) is also being undertaken, beginning in 2019. This will build on the NTS2 by identifying the infrastructure requirements¹⁵.

25. **Scottish Rural Action's** manifesto and action plan (updated March 2018) addresses improving rural transport services as part of a suite of actions. Scottish Rural Action will contribute to taking forward the Fairer Scotland Action Plan, based on the actions identified.

26. The **Transport (Scotland) Bill**, was laid before Parliament in June 2018. One of the aims of the Bill is to "give local transport authorities more flexibility to respond to local needs by pursuing partnership working with [bus] operators on a statutory basis, by local franchising or by running their own buses"¹⁶. This is in recognition of the fact that bus provision is particularly important to rural areas where other options may be limited.

1.4 General rural issues

27. The **2018 -2019 'Programme for Government'**¹⁷ has a strong focus on issues that will effect rural areas (transport (including bus travel), digital, implications of Brexit, economy, health, marine sector, forestry, crofting and islands).

28. The Scottish Government undertakes and funds research for policy into a variety of areas that could impact on rural, or that are directly related to rural. The current **Environment, Agriculture and Food Strategic Research Programme (SRP)**¹⁸ covers the period 2016 - 2021. An exploration of place

¹³ <https://beta.gov.scot/policies/digital/digital-support-for-businesses/> . Last accessed: 06/08/18

¹⁴ 'National Transport Strategy Review: paper for the convention of the Highland and Islands Autumn meeting', 2017. P. 8.

¹⁵ <https://www.transport.gov.scot/news/strategic-transport-projects-review-update/> . Last accessed: 28/03/19

¹⁶ 'Transport Scotland Bill: Policy Memorandum', Scottish Parliamentary Corporate Body (2018). P.4, para. 19.

¹⁷ 'Delivering for today, investing for tomorrow': the Government's programme for Scotland 2018-19'. Scottish Government, 2018.

¹⁸ Available at:

<https://www2.gov.scot/Topics/Research/About/EBAR/StrategicResearch/strategicresearch2016-21/srp2016->

based policy and its implications for service delivery (theme 3.4.2 of the SRP) is particularly relevant for the current project.

29. The **Fairer Scotland Action Plan** also addresses access to services for rural communities, principally in relation to improving digital¹⁹. A recent consultation on the rural economic strategy in Scotland²⁰, through the Government’s **National Council of Rural Advisers (NCRA)** included recommendations for infrastructure to “help ensure there are the same opportunities and access to services between urban and rural areas”. Broadband and transport were both specifically mentioned. The recommendations, provided to the Scottish Government in September 2018 reflect the importance of broadband and transport, as well as having the rural economy being mainstreamed “within all policy and decision-making processes”²¹.
30. The **Islands (Scotland) Act** was passed by the Scottish Parliament in May 2018. It includes provision for public bodies to “have regard to island communities in carrying out [their] functions”²². This means that when introducing a new or revised policy, strategy or service, public authorities will have to prepare an ‘island communities impact assessment’ when the impact on island communities is likely to be significantly different from the effect on other communities. This applies to SLAB and would cover changes to legal aid, and the provision of publicly funded legal services.

Section 2: Evidence

2.1 Rural access to legal services

31. SLAB, and others, have explored availability of legal services (including legal aid) previously, in a variety of ways. There does not appear to be any evidence available of consistent problems with accessing general legal services in rural areas. This does not mean that there are not problems in certain rural areas, or in specialised areas of law.
32. In relation to rural supply of legal services, the 2005 **Strategic Review of Legal Aid** identified “varying levels of provision of legal advice services across

[21/foodhealthandwellbeing/WORKPACKAGE34CommunitiesandWellbeingRESEARCHSUMMAR](#) (last accessed 18/12/218)

¹⁹ ‘Fairer Scotland Action Plan’, *Scottish Government (2016)*, p9.

²⁰ ‘A Rural Conversation: Together we can, Together We Will’. June 2018. Further information at: <https://consult.gov.scot/agriculture-and-rural-communities/a-rural-conversation/> (accessed 22/08/18).

²¹ ‘A new blueprint for Scotland’s rural economy: recommendations to Scottish Ministers’, National Council of Rural Advisers. September 2018. P. 4. www.gov.scot/publications/new-blueprint-scotlands-rural-economy-recommendations-scottish-ministers/pages/9/ (last accessed: 08/11/2018).

²² Islands (Scotland) Act 2018, p.4 (Part3, S. 7 (1)).

Scotland” and notes that “specialist provision can be difficult to sustain in rural areas”²³.

33. SLAB’s most recent **Monitoring Duty report** (December 2017) does not note any significant differences in rural supply since the previous report in February 2017, at which point it was concluded “the information does not suggest that any particular area of the country lacks coverage by solicitor firms, taking account of population size”²⁴.
34. The 2018 **Strategic Review of Legal Aid**²⁵ notes that in rural areas “it may be difficult to access a private solicitor able or willing to take on a case, despite the fact they are registered to provide legal aid”.²⁶ The review notes that “in rural areas the problem may be lack of work: a solicitor who conducts the occasional legal aid case will not find it profitable”.²⁷ As noted in section 1 the review suggests the flexibility to pay different fees as a possible solution.
35. Rural difficulties are described in **Shetland Women’s Aid’s response**²⁸ to the Strategic Review of Legal Aid’s call for evidence²⁹. They state that there is only one legal aid firm on Shetland willing to take on civil legal aid cases from their client group. They conclude “Shetland women require specialist local legal aid solicitors within the island [and] provisions made for solicitors outwith Shetland to be able to cover the costs of travelling to Shetland”. However they also note that lack of suitable provision is not confined to Shetland and that there is a “nationwide unmet need [amongst their client group for] access to solicitors who are aware of the dynamics of domestic abuse, and who can provide targeted legal assistance in complicated and, often unsafe situations”. This view is supported in the response from Scottish Women’s Aid: “for years now, we have received a consistent message from our services in Scotland: women cannot routinely access appropriate legal advice and support”.³⁰

²³ ‘Strategic Review on the delivery of legal aid, advice and information’, Scottish Executive. 2005, pp 45 – 46.

²⁴ ‘Monitoring of availability and accessibility of legal services: fourth report’, The Scottish Legal Aid Board. 2015, p15.

²⁵ ‘Rethinking Legal Aid: an independent strategic review’ was commissioned by the Scottish Government and conducted by Martyn Evans. It began in February 2017 and reported in February 2018. Evidence published by the Scottish Government on this review is available at:

<https://www.webarchive.org.uk/wayback/archive/20180516020304/http://www.gov.scot/About/Review/legal-aid-review/evidence-and-findings> (last accessed 08/11/2018). The report is available at:

<https://www.gov.scot/publications/rethinking-legal-aid-an-independent-strategic-review/> (last accessed: 08/11/2018).

²⁶ ‘Rethinking Legal Aid: an independent strategic review’, Evans. 2018, p.59.

²⁷ Ibid. p.60.

²⁸ Available at:

<https://www.webarchive.org.uk/wayback/archive/20180518063544/http://www.gov.scot/Publications/2017/06/2547/downloads#res521019> (last accessed 08/11/2018).

²⁹ The time period for responding was 08/03/17 – 28/05/17.

³⁰ Available at:

<https://www.webarchive.org.uk/wayback/archive/20180518063544/http://www.gov.scot/Publications/2017/06/2547/downloads#res521014> (last accessed 08/11/2018).

36. More than one response³¹ to the Strategic Review of Legal Aid notes difficulties that arise when there is only one solicitor firm in a local area and opposing parties both need the services of this firm. This view has also been offered anecdotally by others, for instance during an internal review of CLAO services undertaken by SLAB.
37. Shetland Women’s Aid was the only organisation operating solely in a rural location that responded to the Strategic Review of Legal Aid’s call for evidence. People First, an Edinburgh based charity run by and for people with a learning disability, note in their response that “there are very few firms who will do family work for legal aid in Edinburgh”.
38. Successive surveys of **applicants for civil legal aid** (2016, 2013 and 2009) found that between 5% - 8% of applicants had difficulty finding a solicitor (in each case this percentage represented around 40 people). When these responses are analysed by area there is no indication that rural areas are more affected. Although in 2009 significantly more respondents in Grampian, Highlands and Islands indicated that they had problems, there is no consistency across the years. In the later surveys, respondents in various different areas (including Edinburgh and Aberdeen) were significantly more likely to have problems finding a solicitor. The first survey would have been largely based on experiences before the CLAO Highland & Islands was set up (although there was a Part V solicitor there earlier). This may possibly have had an impact on 2009 findings. However the surveys only include those who were able to find a solicitor to apply for legal aid for them, even if their application was subsequently rejected. They do not explore the experience of those who were not able to find a solicitor in the first place.
39. In 2017, the **Law Society of Scotland (LSS)** responded to a number of consultations: the Strategic Review of Legal Aid (to the call for evidence in May 2017, as well as a response to the review itself in May 2018); the UK Parliament’s Enquiry into Digital Connectivity in Scotland; the consultation on the Islands (Scotland) Bill and the Department for Digital, Culture Media and Sport’s consultation on the design of a new broadband Universal Service Obligation, and in 2018 to the ‘A Rural Conversation’ consultation³². In these responses, and elsewhere, they suggest that people in rural areas may have problems accessing legal services. Although the emphasis in their response to the Strategic Review of Legal Aid’s call for evidence focuses on criminal legal aid services³³ when presenting the demography of legal aid providers³⁴.
40. Research identifying lack of service provision for civil legal aid services in some rural and urban areas is noted in the Law Society’s response to the Strategic

³¹ Shetland Women’s Aid (p.2), Citizen’s Advice Scotland (p7, para 22),

³² See <https://www.lawscot.org.uk/research-and-policy/influencing-the-law-and-policy/our-responses-to-consultations/>

³³ This was due to the fact that civil legal aid requires firms, not individuals, to be registered, therefore demographic data is not available.

³⁴ ‘Response to the Independent Strategic Legal Aid Review Call for Evidence’, Law Society of Scotland. 2017, pp pp.81 – 87.

Review of Legal Aid’s call for evidence³⁵. However elsewhere in the same response they note that “one of the strengths of the current legal aid system is that there is a broad network of [firms registered] in locations across Scotland. This allows for a system in which legal aid services are readily accessible to people in urban and rural areas across Scotland”³⁶. Their response also addresses the use of technology, noting that “due to the nature of the cases and clients within the legal aid system...[technology] should be a supplement rather than a substitute for existing processes and systems”³⁷.

41. The Law Society’s response to the ‘A Rural Conversation’ consultation identifies that “poor access to efficient connectivity services, including broadband and mobile”³⁸ may create problems for small businesses in delivering services, and for individuals in accessing justice. It also notes the importance of “ensuring access to justice for those in rural areas” and the “potential impact of poor connectivity upon access to justice”³⁹.
42. The Law Society’s response to the 2017 digital connectivity enquiry also indicates a positive stance on the use of digital delivery. It notes “where it is not possible to obtain advice in person easily, it is important that individuals have access to remote advice to fill the void”⁴⁰. However their response to the design of the new Universal Service Obligation (USO) identifies concerns around the practicalities and realities of how effectively services can be delivered digitally. They identify access to justice, social inclusion and operation of businesses in remote areas as key themes, and note that these are all subject to the quality of the technology available, raising concerns that the USO “is not in fact intended to be universal [and] ... that this will have a particularly negative impact in a Scottish context”,⁴¹ due to the larger proportion of rural area of Scotland as compared with England.
43. The **Scottish Crime and Justice surveys** include a ‘civil’ module which asks whether interviewees have recent experience of specific types of civil law problem and what action they have taken to resolve them. The 2014/15 survey data⁴² provide urban / rural responses for a range of questions about experience of civil law problems.⁴³

³⁵ Ibid. 78 – 81.

³⁶ Ibid. p.73.

³⁷ Ibid. p.91.

³⁸ ‘Consultation response. A Rural Conversation: Together We Can, Together we Will’, Law Society of Scotland. 2018, p. 2.

³⁹ Ibid. P. 2.

⁴⁰ ‘Consultation response: Digital connectivity in Scotland enquiry’, Law Society of Scotland. 2018, p.1.

⁴¹ ‘Consultation response: A new broadband Universal Service Obligation: consultation on design’ Law Society of Scotland, 2017. P. 1.

⁴² Scottish Crime and Justice Survey data tables, published in 2016.

<https://www2.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/SCJS/2014-15SCJSDemographics2> (last accessed 22/11/2018). Table numbers in Tables 2 and 3 of this report refer to this dataset.

⁴³ including problem type, status of problem, length of time it took to resolve the problem, reason for giving up trying to solve problem, help sought and reasons for not seeking help

44. The results show significant differences between urban and rural dwellers on three questions⁴⁴: experience of civil law problem; seeking help from a solicitor and; obtaining help from a solicitor. This suggests that rural dwellers are less likely to have civil law problems than urban dwellers. But when they do they are more likely to seek help from a solicitor or lawyer and more likely to receive help from a solicitor or lawyer than urban dwellers. The rural base of surveyees who have experienced a civil legal problem is quite small (210).
45. There was no significant rural / urban difference in the percentage of respondents who 'did not seek help from a solicitor because they could not easily get to one'. In both rural and urban areas this comprised 1% of respondents. Calculations derived from the published data suggest that the percentage of those who sought and obtained information, advice or help from a solicitor were also similar (calculated at 85% for urban and 89% for rural).

Some of the key responses are shown in Tables 1 and 2 overleaf:

⁴⁴ Marked with an asterisk in Tables 2 and 3.

Table 1: Experience of solicitors, CABs or other formal sources of help

Situation	Urban	Rural ⁴⁵
*Those who sought help from a “solicitor or lawyer” for their civil law problem (SCJS Table 64) [BASE: 1,235 who identified a civil law problem]	17%	27%
Those who had a civil law problem and did not seek help from a solicitor or lawyer because “there wasn’t one I could easily get to” (SCJS Table 66) [BASE: 985 who tried to resolve a problem but did not seek help from a solicitor or lawyer]	1%	1%
Those who had a problem and did not seek help from a solicitor or lawyer because they “didn’t know how to find one” (SCJS Table 66) [BASE: 985 who tried to resolve a problem but did not seek help from a solicitor or lawyer]	1%	1%
*Those who sought help [from any source] and obtained “any information, advice or help from a solicitor or lawyer” (SCJS Table 70) [BASE: 712 who sought help]	25%	43% ⁴⁶
Those who sought help from a “Citizens Advice Bureau or similar organisation” (SCJS Table 63) [BASE: 1,235 who identified a civil law problem]	21%	21%
Those who did not seek help from a Citizens Advice Bureau or similar because “there wasn’t one I could easily get to” (SCJS Table 65) [BASE: 959 who tried to resolve a problem but did not seek help from a Citizens Advice Bureau or similar]	1%	1%
Those who sought help [from any source] and obtained “any information, advice or help from a Citizens Advice Bureau or similar” (SCJS Table 70) [BASE: 712 who sought help]	26%	28%
Those who attempted to resolve their problem but gave up because there were “no local facilities or resources to help me solve the problem” (SCJS Table 60) [BASE: 109 people who gave up trying to resolve their problem]	12%	*

⁴⁵ Note that these percentages are based on small numbers, with the rural subsample averaging at around 17% of the BASE number noted.

⁴⁶ These figures appear to reflect the disparity in the proportions in rural and urban areas seeking help from a solicitor or lawyer (SCJS Table 64, the first line of Table 2 above). Calculations using figures derived from the published data suggest that the proportion who sought help from a solicitor and obtained information, advice or help from a solicitor is similar in urban and rural areas. It is calculated as approximately 85% for those in urban areas, and around 89% for those in rural areas. It assumes that all those who *obtained* support from a solicitor also answered ‘yes’ to the earlier question about whether they *sought* support from a solicitor.

Situation	Urban	Rural ⁴⁵
Those who don't plan to or didn't do anything to resolve their problem because there were "no local facilities or resources to help me solve the problem" (SCJS Table 62) [BASE: 113 people who don't plan to or didn't do anything to resolve their problem]	3%	*

Table 2: General experience of civil law problems

Situation	Urban	Rural
*Had experienced any civil law problem within the last 3 years (SCJS Table 55) [BASE: 5,754 were asked whether they had experienced a civil law problem within the last 3 years]	22%	18%
Those with a problem who "tried to solve it but had to give up" (SCJS Table 58) [BASE: 1,235 were asked about the current status of their civil law problem]	8%	10%
Those with a problem who are "not planning to / did not do anything to solve the problem" (SCJS Table 58) [BASE: 1,235 who were asked about the current status of their civil law problem]	9%	8%
Those who have resolved a civil law problem, and took over 3 years to resolve it (SCJS Table 59) [BASE: 591 who had resolved their problem were asked how long it took to resolve]	12%	17%

46. Analysis using **CLAO Highlands & Islands (CLAO-HI) contact and client data** from 2016 to 2018 was undertaken to explore differences between the experiences of those in rural and urban areas. There are differences between urban and rural areas in terms of problem and method of contact. However there were no differences in the final outcome of their contact with CLAO-HI. The data available did not allow us to explore whether they had had difficulty finding a solicitor before contacting CLAO-HI.

47. Not all clients and contacts could be reliably classified as either urban or rural. The analysis is limited to the Highlands & Islands service, since this was the only dataset with a usable number of cases from both rural and urban areas during the time period. Overall, 2680 records contributed to the analysis. Nine hundred and eighty of these (37%) are people in rural areas, with 1700 (63%) people in urban areas. The findings are provided below (paragraphs 48 - 51).

48. Comparing rural with urban CLAO-HI clients and contacts shows no difference in the recorded final outcome. Thirty-five percent were referred, and 13%

accepted as a CLAO-HI client. For both rural and urban people, ‘other’⁴⁷ was the most common outcome at 52%.

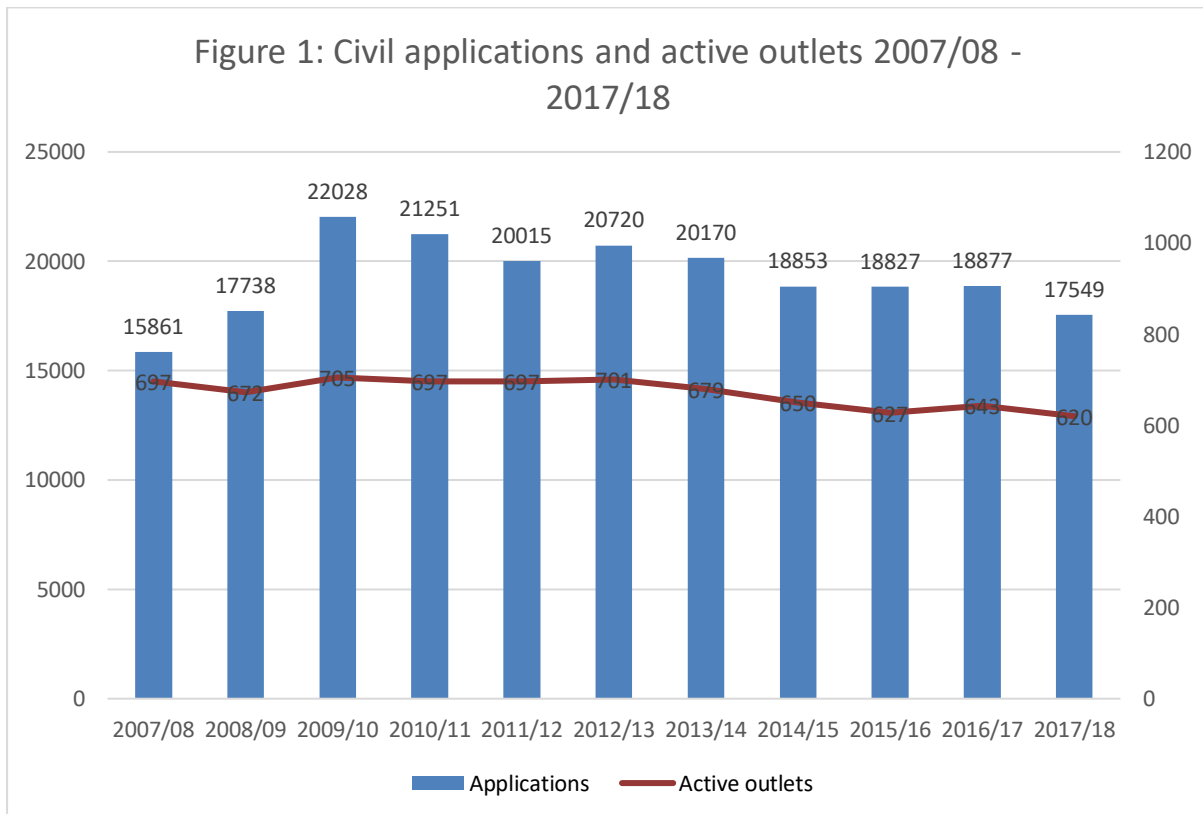
49. Issues related to ‘family and children’ (including children’s hearings) were the most common reason for contacting CLAO-HI amongst both rural and urban groups, followed by ‘other’. A statistical analysis suggests that those in rural areas were significantly more likely to contact CLAO-HI about ‘family and children’ and ‘compensation, negligence and consumer problems’ than would be expected by chance, and less likely than expected to contact CLAO-HI about ‘housing and homelessness’ problems.
50. In terms of how they came to contact CLAO-HI, ‘self-referral’ was the most common method for both groups. The statistical analysis suggests that those in rural areas are significantly more likely to have ‘active referrals’ (15%, compared with 11% of those in urban areas) and are less likely to self-refer (76%, compared with 80% in urban areas).
51. Both groups were most likely to make contact by telephone (79% of rural contacts, and 64% of urban). Those in rural areas were significantly less likely to make contact in person (4% did so, compared with 24% of those in urban areas).
52. **Analysis of SLAB data on civil legal aid applications** and the location (council area) of those who made them was undertaken for this project. The analysis also measures the number of active outlets⁴⁸ operating in an area.
53. The 32 council areas in Scotland were placed into one of four categories, based on overall rurality (as measured by the Scottish Government’s urban rural classification). Appendix 1 shows the criteria used, and how the council areas were classified. This resulted in the following four categories:
 - Mostly remote or very remote rural (5 council areas);
 - Mostly rural (5 council areas);
 - Significant rural minority (5 council areas);
 - Mostly urban or accessible rural (17 council areas).
54. As Figure 1 overleaf shows, compared with ten years ago, the overall number of civil legal aid applications received by SLAB has remained relatively stable. The year 2007/08 saw the lowest recorded number of civil legal aid applications (15,861). By 2009/10 application numbers had increased by 39%. This coincides with the impacts of the financial crisis of 2008, as well as the increase in financial eligibility for civil legal aid (April 2009). Although civil application numbers have fallen gradually overall since, in 2017/18 they were

⁴⁷ This included cases where the applicant did not follow up the initial contact, where the applicant was ineligible due to finances or case detail, or where the CLAO was unable to take on the client for other reasons, for example lack of capacity. In some cases more than one of these could apply, therefore it is not possible to break this category down further.

⁴⁸ Defined as ‘a solicitor’s office (including any branch office) that has submitted at least one civil legal aid application during the time period in question’.

still higher than the 2007/08 figure. Over the same time period the number of active outlets fell (by 11%), as did the number of firms registered with SLAB to undertake civil legal assistance (by 12% to 570).

55. SLAB actively monitors changes in the number of firms registered on an on-going basis. Annual changes in firm numbers reflect the net effect of a number of different changes. Some new firms start, some firms leave and some firms rejoin the register.







56. Looking at application numbers by council area over the same time period shows a similar pattern to Scotland overall, in most areas. In 23 council areas the number of applications increased, whilst they decreased in the remaining nine.

57. When looking also at the change in the proportion of applications made to firm branches primarily located outside the applicant’s council area, rurality does not appear to be a significant factor. Table 3 overleaf shows the changes in applications from applicants living within an area overall, and the proportion made to branches outside their council area of residence. These figures do not suggest a significant difference in experience between more and less rural council areas. ‘Mostly urban’ council areas were more likely to see an increase in applications, but also more likely to see an increase in the percentage of applications being made to firms outside the area. In addition, interpretation of the figures is not simple, since so many factors are involved. For instance, someone may find it more convenient to visit a firm outside their council area of residence due to factors such as their home location within the council

area, work location, convenience of travel, preference to use a previously used solicitor and so on.

58. There may be different experiences for those living on islands or in very remote communities, where travelling outside the area could involve very long distances: on the other hand, we understand that some solicitors will organise their business so as to visit more remote locations, which may mean delivery of a local service by an outside firm.⁴⁹ For the Shetland Islands in 2017/18, all applications were to outlets not located within the council area and it will be an important area to understand better how provision is operating. The total number of outlets submitting applications from people living in Shetland in 2017/18 was nine. This is the same number of outlets as in 2007/08, showing that the number of outlets serving applicants in this area has not reduced in this time period.

Table 3: Change in total civil applications and percent to firms outwith council area 2007/08 - 2017/18

	Mostly remote rural	Mostly rural	Significant rural minority	Mostly urban	Total
 Applications increased. The % using firms outside the area increased	2	0	2	10	14
 Applications increased. The % using firms outside the area decreased	1	2	2	4	9
 Applications decreased. The % using firms outside the area increased	2	2	1	2	7
 Applications decreased. The % using firms outside the area decreased	0	1	0	1	2
Total	5	5	5	17	32

59. Table 4 below shows the change in the number of applications per active outlet between 2007/08 - 2017/18. These are very evenly split between areas that had fewer applications per outlet, and areas that had more. These figures

⁴⁹ Further research into how firms deliver services to rural areas will form part of our next phase of work on rural issues.

do not suggest that there has been a change in access to a legal aid solicitor that impacts more on rural than urban areas.

Table 4. Change in the number of applications per active outlet 2007/08 - 2017/18

	Fewer applications per outlet	More applications per outlet	Total
Mostly remote	2	3	5
Mostly non remote rural	3	2	5
Significant rural minority	3	2	5
Mostly urban	9	8	17
Total	17	15	32

2.2 Rural access to other services

60. Looking at access to other services shows strong evidence that access to services is more difficult for those in rural areas, especially in those classified as remote rural.
61. The 2016 study by the **Universities of Glasgow and Heriot Watt** compared poverty, social exclusion and access to services (amongst other things) in urban and rural Scotland. It found that rates of unavailability or inadequacy of some general services are “significantly higher in non-urban areas, worsening steadily across the urban-rural hierarchy”⁵⁰. This did not apply to all services equally; transport services, health related services and larger retail outlets were all significantly more likely to be described by respondents as ‘unavailable’ or ‘inadequate’ the more rural the area. Access to CAB / advice services also appears to be considerably worse for those in remote rural areas and accessible small towns. Access to legal services was not explored in the research. For other services (including community or village hall, post office, doctor or corner shop) the report notes that “exclusion is no worse in rural areas than urban”.
62. Most studies agree that **transport services are very important to rural communities**, since these are “the basis of physical access to other services”⁵¹ for those with no, or limited, access to private transport.
63. For instance the **Scottish Household Survey (SHS)** shows that satisfaction with the quality of transport services falls overall as rurality increases, from 79% in large urban areas, to 51% in remote rural areas. By contrast, satisfaction with health services shows little variation and satisfaction with schools is

⁵⁰ ‘Poverty and social exclusion in urban and rural areas of Scotland’, University of Glasgow and Heriot Watt University. 2016, p. 43

⁵¹ *ibid.*

considerably lower in large urban areas than remote rural areas (65%, compared with 78%)⁵².

64. **Citizen’s Advice Scotland’s (CAS) 2016 report, ‘Round the Bend’, identifies problems with bus provision that only exist, or are particularly acute, for rural communities. Issues include cost, frequency, clarity of information and reliability. A 2018 CAS report also suggested regional differences, with those in rural areas noted as being “much less likely to be frequent travellers [and] marginally more likely to encounter difficulties accessing a range of services. Gaining access by bus to banks; GP/hospital; and/or work were the most problematic for those in rural districts”⁵³. The survey also found satisfaction with service frequency was much lower in rural areas.**
65. **Amongst rural communities themselves there is again evidence of the importance of public transport to their lives. The review looked at 32 local rural community plans (or similar) from small rural areas (21 from the ‘Ayrshire 21’ project⁵⁴, and 11 from the Highland Community Planning Partnership’s programme of community engagement⁵⁵). Exploring the themes included as part of a plan, or intention, shows that roughly two thirds (20/32) mentioned public transport in some form, with an additional one mentioning ‘community transport’. One third (11/32) included ‘digital’ as part of their intention, with 10 mentioning new local services⁵⁶.**
66. **None of the plans had any mention of ‘legal’, ‘legal advice’, ‘legal services’ or ‘legal aid’ (although some refer to policing or police). Many of the plans include what appears to be a full list of comments from organisations / people who gave feedback⁵⁷ that helped define local priorities. Legal services are not mentioned in any of these comments, suggesting that this was not raised by any respondent, rather than being a minority issue that did not make the final plan. Each report was broadly based on a template (different for the two areas: ‘Highland’ and ‘Ayrshire’). Highland Community Planning Partnership includes the Highland Community Justice Partnership. However, their role (defined by Community Justice Scotland) is to “prevent offending and reduce the number of future victims”⁵⁸ and does not extend to civil legal aid issues.**

⁵² ‘Scottish Household Survey. Scotland’s People – Annual Report 2017’, Scottish Government National Statistics. 2017, p. 171.

⁵³ ‘Creating Better Journeys: Findings from the Citizens Advice Scotland bus users survey’, Citizens Advice Scotland. 2018, p.14.

⁵⁴ South Ayrshire plans available from <https://www.south-ayrshire.gov.uk/cpp/engaging.aspx>, others from <http://www.scdc.org.uk/what/rural-ayrshire-21/> (last accessed 12/11/18)

⁵⁵ Plans available from <http://www.highlandcpp.org.uk/publications-and-reports.html> (last accessed 12/11/18)

⁵⁶ i.e. new services that they would like to see within / accessible to the local area and which do not currently exist, or only exist in one part of it (some of the plans covered more than one local hub, such as ‘Lugar, Logan & Cronberry’). Improvements to existing local services were not included in this figure.

⁵⁷ For Highland, the reports arose from workshop sessions. For Ayrshire the reports arose from survey feedback and community/stakeholder meetings.

⁵⁸ <https://communityjustice.scot/>

67. **Digital connectivity** in rural communities is clearly important as a method of finding out about and directly accessing a range of services. Increased broadband availability is a priority for both the Scottish and UK governments, as outlined in Section 2.
68. **Households** in rural areas are just as likely to have internet access as those in urban areas, according to the Scottish Household Survey (SHS)⁵⁹. However the Citizens Advice Scotland report ‘Disconnected 2018’⁶⁰ suggested that individuals in rural areas are disproportionately likely to report problems with their internet signal or connection: 41% of those who had connectivity problems came from rural areas, but only 22% of respondents overall were from rural areas.
69. This is confirmed in many other publications, including **Ofcom’s 2018 report** on connectivity in Scotland. This shows that, whilst most areas have some broadband coverage, connection speeds are significantly lower in rural areas (56% superfast broadband coverage) than Scotland as a whole (87% superfast broadband coverage)⁶¹. For mobile voice and data findings show a similar urban/rural difference. For instance, 91% of indoor premises in urban Scotland have mobile data coverage, compared with 45% of premises in rural Scotland⁶². The report notes that the reasons for this are typically structural (challenging terrain, planning permission in protected areas) or commercial (low population density) rather than policy decisions by Government or others.
70. Three studies: ‘**Disconnected 2018 (CAS)**’, the **Scottish Household Survey (SHS) 2016/17** and **Ofcom’s 2017 ‘Internet use & attitudes’ bulletin**⁶³; find that Scotland has a proportion of adults who do not use the Internet. Ofcom puts this figure at 20%, CAS at 18% and SHS at 14%. The SHS found that non users are most likely to belong to one or more of the following groups: older age groups, those with longstanding poor physical or mental health, those living in households with lower incomes, those living in a deprived area and those living in social rented housing. The Ofcom and SHS reports both explored reasons for not using the internet. The findings show that the most common reason for not using the internet is associated with perceived lack of need or dislike of using⁶⁴, rather than external factors such as cost or connectivity.
71. A recent report by the **Carnegie Trust** on the lack of basic digital skills amongst some young people in the UK found that, in addition to personal access barriers, “young people from rural communities and those experiencing

⁵⁹ ‘Scottish Household Survey. Scotland’s People – Annual Report 2017’, Scottish Government National Statistics. 2017, p. 136.

⁶⁰ ‘Disconnected: understanding digital inclusion and improving access’, Citizens Advice Scotland. 2018, p. 2.

⁶¹ ‘Connected nations 2017 – Scotland’, Ofcom. 2017, p.6.

⁶² Ibid, p. 26.

⁶³ ‘Internet use & Attitudes’, Ofcom. 2017,p.16

⁶⁴ Ofcom - 43% of non users (UK figure) responded ‘it’s just not for me / I don’t see the need’, SHS – 42% of non users ‘I don’t like using the internet or computers’, 32% “I don’t need to use the internet or computers’, 15% ‘there’s nothing of interest to me on the internet’ [these groups are not exclusive].

geographic isolation are particularly at risk of exclusion”⁶⁵. Although evidence from the TechPartnership⁶⁶ suggests that the proportion of young people without digital skills is small; “[in 2016 compared with 2015] nearly all 15-24 year olds (97%) have Basic Digital Skills (4% increase); 0% have no skills at all (1% decrease)”⁶⁷.

72. **Rural businesses**, including solicitors firms, are also affected by digital connectivity issues. A 2016 survey of members by the Law Society of Scotland⁶⁸ included a question on the biggest technological challenges they face in their day to day work. ‘broadband speed’ and ‘wifi connectivity’ were mentioned by 24% and 23% respectively, although responses were not broken down by rurality.

73. A 2017 **Scottish Government survey of digital business practices**⁶⁹ shows that 97% have an internet connection, with the remainder typically choosing not to for business reasons rather than infrastructure. Of those businesses with an internet connection the majority (65%) stated that this was **broadband via a telephone line** (ADSL broadband). This is slower than fibre, with more variable download speeds⁷⁰, so will limit what those businesses can easily do digitally.

2.3 Background to rurality in Scotland

74. The standard classification of rurality in Scotland is the Scottish Government’s urban rural classification.⁷¹ This is updated every two years (most recently in 2016) and can be used to classify areas of Scotland to four different levels of detail.⁷² Rural areas of Scotland are classified from ‘accessible’ to ‘remote’.

75. Using the 8 fold classification shows that the majority of people in Scotland (71%) live in urban areas, occupying less than 3% of landmass (Table 5 below).

⁶⁵ ‘#notwithoutme – a digital world for all?’ (2017). P. 60.

⁶⁶ a collaborative project between a network of over 1,000 employers, with the purpose of supporting skills for the UK digital economy. It ended in September 2018.

⁶⁷ ‘Basic Digital skills UK 2017: summary of findings’, the TechPartnership. 2017, p.1

⁶⁸ ‘Technology survey report - October 2016’, Law Society of Scotland.

⁶⁹ ‘Digital Economy Business Survey 2017’, Scottish Government’s Office of the Chief Economic Adviser. 2017.

⁷⁰ Source: <https://www.broadbandchoices.co.uk/>

⁷¹ See <http://www.gov.scot/Topics/Statistics/About/Methodology/UrbanRuralClassification>

⁷² The four levels of details are: 2 fold (1 urban, 2 rural); 3 fold (1 rest of Scotland, 2 accessible rural, 3 remote rural), 6 fold (1 large urban areas, 2 other urban areas, 3 accessible small towns, 4 remote small towns, 5 accessible rural, 6 remote rural); 8 fold (1 large urban areas, 2 other urban areas, 3 accessible small towns, 4 remote small towns, 5 very remote small towns, 6 accessible rural, 7 remote rural, 8 very remote rural). For details on what these mean see:

<https://www.gov.scot/urbanrural? ga=2.182192871.118177588.1533562484-1076557949.1424768859>

Table 5: Percentage of population / landmass in each Urban Rural Classification Urban rural classification (8 fold)

	Population	Landmass
Large Urban Areas	35%	1%
Other Urban Areas	36%	1%
Accessible Small Towns	9%	<1%
Remote Small Towns	2%	<1%
Very Remote Small Towns	1%	<1%
Accessible Rural	1%	28%
Remote Rural	3%	28%
Very Remote Rural	3%	42%

76. ‘Rural’ areas vary considerably in terms of location, wealth, features of the population, identity and resources. The ‘place based’ approach to providing services⁷³ recognises this, and the need for agencies to work together, and to engage communities in the design and delivery of services. The work funded under the Scottish Government’s Strategic Research programme identifies some key questions and concerns for using the place based approach in rural areas. Using rural sites for exploring innovative approaches is seen as an opportunity, as long as there is sufficient commitment from the service providers involved. However there are concerns over: communities with low capacity to engage becoming further isolated; finding an appropriate definition of place; maintaining a positive conversation that emphasises the potential of rural areas, not just the challenges they face.⁷⁴

77. In terms of recognised ‘deprivation’ scores, using the **Scottish Index of Multiple Deprivation**⁷⁵ (SIMD) Glasgow has by far the most deprived areas in Scotland. Just under half (47%) of the areas in the most deprived 5% in 2016 were in Glasgow. Other Local Authorities with more than proportionate numbers (for their share of SIMDs) in the most deprived 5% are mainly located close to Glasgow (Inverclyde, West Dunbartonshire, North Lanarkshire and Renfrewshire). Dundee City is the exception to this.

78. A 2013 report by **Highland and Islands Enterprise** on minimum income standards suggested that “households in remote rural areas require

⁷³ Theme 3.4.2 in the Scottish Government’s Strategic Research Programme 2016 – 2021.

⁷⁴ Based on the key questions and concerns outlined in ‘Place-based policy approaches and rural Scotland, Working Paper from RESAS Research Deliverable 3.4.2 Place-based policy and its implications for policy and service delivery (July 2017).’ P.23.

⁷⁵ The Scottish Index of Multiple Deprivation (SIMD) measures deprivation within small area zones, based on a number of factors including accessibility. SIMD 2016 is current, with an update due for 2019 measurements.

significantly higher incomes to attain the same minimum living standard as those living elsewhere in the UK”⁷⁶.

79. However the study by the **Universities of Glasgow and Heriot-Watt** found that “on most measures, poverty is highest in the large urban areas and lowest in remote towns, but remote rural areas also tend to show higher poverty than remote towns”. They note that “low income measures appear to overstate rural poverty compared with deprivation ... measures. This is because they capture only one aspect of access to resources (current cash incomes), omitting [other] aspects.... People in urban areas report higher levels of indebtedness and other markers of financial stress, and lower quality of goods, none of which are reflected in income-based measures”.⁷⁷

Section 3. Other Jurisdictions

80. For the purpose of this research we have focussed on justice jurisdictions that are similar to Scotland’s in both level of development, and also in size. The size of a jurisdiction appears to be a key difference in defining ‘rurality’ and addressing issues specific to rural areas. Larger jurisdictions appear more likely to have put in place specific measures to address access to legal services in rural areas. The issues rural dwellers have in accessing services in these jurisdictions are comparable with rural Scotland, but on a far larger scale. For instance; “in Kentville, Nova Scotia, there is no public transportation and no taxi service”⁷⁸, whilst “extremely rural communities [in the Northern Rockies] can be ... more than one hundred miles from lawyers and courthouses”⁷⁹.

3.1 Digital legal initiatives

81. A brief look at other jurisdictions, including both legal aid and wider justice, has not found any digital provisions or projects specifically to enhance individual access to legal services in rural areas; although this is likely to be a positive side effect of many innovations. There are numerous examples of the creative use of digital solutions to help support or deliver civil legal services; including SLAB’s Legal Aid Online (LAOL) system for practitioners, video-conferencing facilities for solicitors, solicitor finder and eligibility estimator tools.

⁷⁶ ‘A minimum Income Standard for remote rural Scotland’. Highland & islands Enterprise 2013, page vi.

⁷⁷ ‘Poverty and social exclusion in urban and rural areas of Scotland’, University of Glasgow and Heriot Watt University. 2016, pp 25 – 27.

⁷⁸ ‘Remote and rural access to justice: a literature review’, Canadian Forum on Civil Justice 2015. P.31.

⁷⁹ Lynch, B, 2015, *Access to Legal Services in Rural Areas of the Northern Rockies: A Recommendation for Town Legal Centers*, Indiana Law Journal, Vol. 90:4 p. 1689.

82. The best known civil justice technology tool is probably the Dutch Rechtwijzer, which is now in its third incarnation. Rechtwijzer 3.0 offers guided pathways for the most common civil legal problems. Under development are: a ‘legal health check’ for common problems is being developed which can lead to online or phone support or referrals; and an assessment tool helping people make informed choices about using legal service providers.
83. Unsurprisingly, tools that use straightforward and/or tried and tested technology appear to be the most common, and the most successful. Digital provision of static information, often searchable or customisable using simple rules, is widely used. This can be enhanced with things such as chat features, the ability to produce documents, or to undertake actions online.
84. Systems that support joint working between organisations by using a significant digital solution to replace an existing process are less common but there are many examples, including LAOL. A number of jurisdictions have digital process innovations planned or underway for parts of their justice system, including Scotland (Courts modernisation).
85. Ad hoc video conferencing between organisations is also common. However use of videolink for court defendants in the criminal justice system as an alternative to physically appearing (widely used in England and Wales) has been criticised, with suggestions that this is a barrier to accessing justice⁸⁰. In Scotland prison video links are used to allow solicitors to conduct secure meetings with their clients in prison.
86. Larger legal aid jurisdictions, where ‘remote’ can mean large distances and few local services, might be expected to make significant use of digital service delivery. However a brief look at Australia, the United States and Canada does not suggest this is the case. Legal aid is delivered at a state level in all these jurisdictions. Although each has some national co-ordination, or at least information.
87. Telephone helplines, often toll free, are widely used. Their offering ranges from general advice on where to access legal aid/services, to making appointments with local offices, to direct contact with a solicitor. The offering may be customisable for the client. For instance, Australia’s Northern Territory Legal Aid Commission offers a telephone helpline which is usually used for non specialist advice and making appointments at a local Legal Aid office. However those living in remote areas can use it to get legal advice⁸¹. A few jurisdictions also enabled live online chat, often with legal aid helpline staff rather than solicitors.
88. Online application systems are used in many Australian states and Canadian territories. Online application processes for solicitors were more common, but

⁸⁰ Including ‘Defendants on video – conveyor belt justice or a revolution in access?’, Transform Justice, 2017.

⁸¹ <https://www.legalaid.nt.gov.au/need-help/need-a-lawyer/> (last accessed 06/02/2019).

applicants were able to apply online in a number of jurisdictions, including South Australia, Nova Scotia and Manitoba (partial application).

89. As noted earlier, there is limited evidence of innovative service delivery solutions that specifically seek to address rural difficulties in accessing legal services. However many services that do not rely on face to face support will support rural access, and this may have been a consideration in introducing them. Section 3.2 below describes how larger jurisdictions have attempted to enable rural access by encouraging location of solicitors in these areas. Other than these initiatives, the approach to enabling rural access to legal services seems very similar irrespective of the overall size, or proportion of remote rural area, of the jurisdiction.
90. Table 6 (on the following page) outlines some digital developments that are being undertaken, or are proposed, in other jurisdictions.

Table 6: Digital solutions in other legal jurisdictions

Jurisdiction	Agency	What	Where
Netherlands	Legal Aid Board	Rechtwijzer 3.0 - guided pathways for the most common civil legal problems. <i>Under development:</i> (1) A 'legal health check' for common problems is being developed which can lead to online or phone support, or referrals. (2) assessment tool helping people make informed choices about using legal service providers.	International Legal Aid Group newsletter (Spring 2018)
Finland	Legal Aid Agency	Information provision using online chat, online applications, online appointments booking and remotely delivered services.	Website ⁸²
Northern Ireland	Legal Services Agency	A "digitally enabled platform" for providers to submit 'acts of assistance' and receive payments.	Business Plan 2018-19
Australia	Justice Connect (JC). <i>Consortium of organisations with pro bono interests</i>	Landlord app for tenants to exercise their rights. Online intake tool (checks eligibility for JC services & allows online applications). <i>Under development:</i> portal - for referrals and online advice (including static and to pro bono lawyers).	Website ⁸³
New Zealand	Ministry of Justice	<i>On-going.</i> Programme of court modernisation (including electronic filing for layers and electronic casebooks in court).	Statement of Intent 2017 - 2022

⁸² <https://oikeus.fi/en/index/laatikot/vaihtuvateema.html> (last accessed 20/08/2018).

⁸³ <https://justiceconnect.org.au/> (last accessed 28/08/2018).

3.2 Locating legal services in rural areas

91. Some jurisdictions have attempted to improve rural access to legal services by increasing the number of practitioners located in these areas, or providing services in them. The available literature suggests there is little research on what factors influence a solicitors' decision on whether or not to practice in a rural area.
92. Salary incentives, funding or subsidies for legal practitioners are in place in a number of jurisdictions. However those identified through this research appear within significantly larger jurisdictions than Scotland⁸⁴. These include: Australia (New South Wales⁸⁵); the United States (South Dakota⁸⁶ and Nebraska⁸⁷) and Canada (Manitoba⁸⁸). Evaluation of the success of these schemes is mixed. The fact that any incentive is unlikely to deliver any long-term solution once it is removed is noted.
93. Outreach legal services to rural areas, which allow people access to legal services not permanently based in the area, are relatively common. For instance Australia's Northern Territory Legal Aid Commission runs a Civil Law Practice which (among other objectives) has a role in "providing increased civil law assistance to vulnerable clients living in remote, regional and rural areas of the NT"⁸⁹. Queensland Australia has a long-established Queensland Government Agent Program (QGAP), which allows people in rural and remote communities access to a range of Government services at a single, local, office⁹⁰. The Ministry of Justice New Zealand funds 24 Community Law Centres to provide legal services throughout New Zealand. Most of them also operate outreach services or clinics in small communities. As well as legal information and education they can provide assistance and representation (in some cases)⁹¹. SLAB's Civil Legal Assistance Office is also an example of legal outreach for remote communities.

⁸⁴ Although the UK's National Health Services (both England & Wales and Scotland) operate a 'targeted enhanced recruitment scheme' for General Practitioner trainees, recruiting to selected rural areas.

⁸⁵ Cooperative Legal Service Delivery Program (CLSD) run by Legal Aid New South Wales and Regional Solicitor Program (salary subsidy to private rural based law firms to allow employment of an additional lawyer to undertake an agreed amount of legal aid work).

⁸⁶ Project Rural Practice reported in Lynch, B, 2015, *Access to Legal Services in Rural Areas of the Northern Rockies: A Recommendation for Town Legal Centers*, Indiana Law Journal, Vol. 90:4

⁸⁷ The Rural Practice Initiative co-ordinated by members of the Nebraska State Bar Association (www.nebar.com)

⁸⁸ Loan forgiveness programme for recent graduates, reported in 'Remote and rural access to justice: a literature review', Canadian Forum on Civil Justice 2015.

⁸⁹ 'Annual Report 2016/17' Northern Territory Legal Aid Commission. P.17.

⁹⁰ <http://www.legalaid.qld.gov.au/Listings/Organisations-Directory/Queensland-Government-Agent-Program-QGAP/Queensland-Government-Agent-Program-QGAP-All-offices>

⁹¹ <https://www.justice.govt.nz/courts/going-to-court/legal-aid/legal-help/free-community-legal-help/>

94. There is some evidence that law schools in some jurisdictions do not effectively promote rural issues or rural career paths to their students⁹². This encompasses both: not including rural legal issues in courses; as well as an inbuilt focus on ‘big city’ law. An Australian initiative, set up in 2013, attempted to address this by developing a law school curriculum designed to “ ‘sensitise’ students to the realities of rural and regional legal practice, and equip them with the necessary skills to work and live in rural and regional areas”⁹³. However there does not appear to have been an evaluation of this programme.

⁹² Mundy, T, 2012, “*Placing’ the other: final year law students’ ‘imagined’ experience of rural and regional practice within the law school context’*, International Journal of Rural Law and Policy special edition from the Second National Rural and Regional Law and Justice Conference 2012.

⁹³ ‘Rethinking law curriculum: developing strategies to prepare law graduates for practice in rural and regional Australia’, Australian Government Office for Learning and Teaching. 2013. P.5.

Conclusions and next steps

95. Lack of access specifically to legal services by rurality is not generally evidenced. However lack of frequent, reliable and appropriate transport is a key barrier to accessing many services for those in rural areas who rely on public transport.
96. SLAB is committed to consulting with a wide range of stakeholders. We will continue to explore the experiences (including problems) faced by those providing legal services to, or in, rural areas (Aim 2 of this workstream). Given the findings outlined in this report, we will actively explore differences in experience between these groups. This will include rural and urban differences, but also specific areas of law and use of digital solutions.
97. We will also seek to meet Aim 3 of this work, in relation to exploring solutions to the accessibility and availability of legal services generally, as well as specifically in rural areas.
98. Research exploring the experiences of those providing legal services will contribute to meeting both of these aims. Research directly with solicitors was planned to take place as part of SLAB's 2020/21 programme of research. This has not been possible. However we expect to undertake research on this theme at an appropriate point in the future.

Appendix 1: Urban rural classification

Classification of urban rural council areas for SLAB data analysis (pages 14 - 16 of this report).

Council area classification	Criteria ⁹⁴	Council areas
Mostly 'remote' or 'very remote' rural	50% or more of the population live in 'remote / very remote areas'.	Argyll & Bute Highland Na h-Eileanan Siar Orkney Islands Shetland Islands
Mostly rural	Fewer than 50% of the population live in 'urban / accessible small town', (and fewer than 50% of the population live in 'remote / very remote areas').	Aberdeenshire Dumfries & Galloway Moray Perth & Kinross Scottish Borders
Significant rural minority	Between 50% and 75% of the population live in 'urban / accessible small town'.	Angus East Ayrshire East Lothian South Ayrshire Stirling
Mostly urban or accessible rural	Five percent, or fewer, of the population live in 'remote / very remote areas' (and greater than 75% live in 'urban / accessible small town').	Aberdeen City Clackmannanshire Dundee City East Dunbartonshire East Renfrewshire City of Edinburgh Falkirk Fife West Lothian Glasgow City Inverclyde Midlothian North Ayrshire North Lanarkshire Renfrewshire South Lanarkshire West Dunbartonshire

⁹⁴ The following 'criteria' categories apply:

'remote / very remote areas' consists of the following 8 fold urban rural classifications - 'remote small towns', 'very remote small towns', 'remote rural' and 'very remote rural';

'accessible rural' consists of the following 8 fold urban rural classification - 'accessible rural';

'urban / accessible small town' consists of the following 8 fold urban rural classifications – 'large urban areas', 'other urban areas' and 'accessible small towns'.