

FOI RESPONSE ISSUED - 22 MARCH 2022

REQUEST

“1. I would like to know the total cost of all funding for medical reports and for medical expert witnesses to travel to and participate in tribunal hearings, over any period of 12 months ending in 2021 or 2022, as is convenient for you. If equally convenient then please use the most recent period.

2. For the same period as #1 I would like to know the total number of tribunal cases which have been funded in this way (if available). Otherwise the total number of experts or reports funded. (Some cases might have had more than one medical report or medical expert witness, and/or more than one hearing. However I would like to find out about the average cost of each separate case which is funded.)

3. Ideally for the same period as in #1 (or as close as is convenient) I would like to know the total cost of all funding for legal advice and representation by lawyers at tribunal hearings. This should include funding for Curators ad Litem or similar, and also any Advocates who have participated in a tribunal case”

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

We shall answer each of your questions in turn. For each of the answers we refer to the 12 month period January to December 2021 inclusive. All figures are rounded to the nearest £1000 and they are all inclusive of VAT.

*1. the total cost of all funding for medical reports and for medical expert witnesses to travel to and participate in tribunal hearings
= £751,000*

*2. the total number of tribunal cases which have been funded in this way
= 1936*

*3. The total cost of all funding for **legal advice and representation by lawyers** at tribunal hearings. This should include funding for **Curators ad Litem** or similar, and also any **Advocates** who have participated in a tribunal case.*

Cost of all funding - other than the figure in question 1:
Solicitors' Fees = £2,197,000
Outlays (other) = £95,000
Outlays (travel costs) = £210,000
Advocates (counsel) = £8,000.

Note 1 SLAB doesn't pay for the appointment of curators in mental health cases. Curators appointed in mental health cases are paid for directly by the Mental Health Tribunal (MHT) - see:

https://www.mhtscotland.gov.uk/mhts/Applications_and_Appeals_to_the_Tribunal/Curators_ad_litem

Note 2 The advocates figure shown above is for the payment from the legal aid fund of counsel (i.e. someone from the Faculty of Advocates) to provide opinions and/or act in a case.

With regards to independent advocacy these services are provided by local authorities and health boards. These services are not paid for from the Legal Aid Fund and accordingly we have no record of what funding has been used. For more information please see:

https://www.mwscot.org.uk/sites/default/files/2019-06/the_right_to_advocacy_march_2018.pdf

