

FOI RESPONSE ISSUED - 18 October 2022

REQUEST

- 1) The number of applications received by the Scottish Legal Aid Board from an instigator of legal action for a civil case suing for damages in relation to domestic abuse, sexual assault or rape. Please provide this information, including the number of applications approved and rejected (or any other outcomes), for the financial years of 2018-19, 2019-20, 2020-21, 2021-22 and so far in 2022-23. If possible, also include the total amount of money requested in these applications.
- 2) The total value of civil legal aid issued to those suing an individual for damages in relation to domestic abuse, sexual assault or rape for the financial years of 2018-19, 2019-20, 2020-21, 2021-22 and so far in 2022-23.

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

1) *The number of applications received by the Scottish Legal Aid Board from an instigator of legal action for a civil case suing for damages in relation to domestic abuse, sexual assault or rape. Please provide this information, including the number of applications approved and rejected (or any other outcomes), for the financial years of 2018-19, 2019-20, 2020-21, 2021-22 and so far in 2022-23.*

The number of applications meeting your criteria received per year is as follows:

<u>Year</u>	<u>Count</u>
2018-19	1
2019-20	2
2020-21	3
2021-22	2
<u>2022-23*</u>	<u>1</u>
Total	9

The count for 2022-23 is for the part year from April 2022 up to and including the whole of September 2022.

Five applications were granted and four were not granted - of these three were refused because they did not meet the statutory tests and one was rejected because the solicitor failed to provide enough information for us to assess whether or not the application met the statutory tests.

If possible, also include the total amount of money requested in these applications.

I confirm that SLAB does hold this information. However, we consider that we are exempt from disclosing the information because the following exemption applies:

Section 26 (a) of the Freedom of Information (Scotland) Act 2002 - disclosure of the information is prohibited under an enactment.

We consider that this exemption applies because the information requested constitutes personal information supplied for the purposes of the Legal Aid (Scotland) Act 1986. Section 34 of this Act prevents Board employees from disclosing this information without the consent of the applicant/person who supplied the information and we do not have that consent. It would be a criminal offence to supply information in breach of this provision.

2) *The total value of civil legal aid issued to those suing an individual for damages in relation to domestic abuse, sexual assault or rape for the financial years of 2018-19, 2019-20, 2020-21, 2021-22 and so far in 2022-23.*

In total, the value of payments made to these cases for their legal costs (i.e. solicitors' and counsel's fees, and outlays) as assessed by SLAB so far is £31,000 inc VAT (rounded to the nearest £1000). Please note only one of the cases has reached a conclusion and therefore the full costs of the cases are likely to be higher.

Please note because of the very low volumes of cases involved, it is unlikely that I would be able to provide you with more detailed information or breakdown of the figures requested, because of the risk of disclosing personal data or information that has been provided to us in an application (and is therefore covered by s34 of the Legal Aid (Scotland) Act 1986).