

FOI RESPONSE ISSUED - 27 June 2023

REQUEST

1) The total number of legal aid applications (of all types) the Scottish Legal Aid Board have received from individuals who were a prisoner in any of Scotland's prisons for the financial years of 2020-21, 2021-22 and 2022-23. Please can you provide this information broken down by the type of legal aid applied for in these financial years.

2) The total number of legal aid applications (of all types) the Scottish Legal Aid Board have approved from individuals who were a prisoner in any of Scotland's prisons for the financial years of 2020-21, 2021-22 and 2022-23. Please can you provide this information broken down by the type of legal aid approved for in these financial years.

3) The total value of approved legal aid applications the Scottish Legal Aid Board have approved from individuals who were a prisoner in any of Scotland's prisons for the financial years of 2020-21, 2021-22 and 2022-23. Please can you provide this information broken down by the amount of legal aid approved for each type for in these financial years.

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

In answer to question 1 please see Table 1 below.

As SLAB does not record information on prisoners automatically, we have identified the numbers through two approaches. Firstly based on their address as provided by their solicitor. Secondly we have assumed that all criminal A&A applications for disciplinary proceedings before a governor and all applications for parole board hearings are also from prisoners. The unique numbers from these two approaches have been combined in the answers below.

Table 1: Applications received from individuals who were a prisoner

Type of legal aid	2020-21	2021-22	2022-23
Civil AA & ABWOR	963	811	718
Criminal AA & ABWOR	4073	3597	2982
Childrens AA & ABWOR	141	145	122
Civil Legal Aid	100	96	107
Criminal Legal Aid	4042	4124	3297
Childrens Legal Aid	59	47	52
Total	9378	8820	7278

In answer to question 2 please see Table 2 below.

Table 2: Grants of legal aid approved for individuals who were a prisoner

Type of legal aid	2020-21	2021-22	2022-23
Civil AA & ABWOR	947	797	708
Criminal AA & ABWOR	3947	3481	2894
Childrens AA & ABWOR	140	142	119
Civil Legal Aid	45	47	57
Criminal Legal Aid	3862	3884	3131
Childrens Legal Aid	41	38	35
Total	8982	8389	6944

In answer to question 3 please see Table 3 below. Please note these values are as of payments to the 26 June 2023, and they are including VAT. Some more recently granted cases may have further accounts to be assessed and paid. Figures are rounded to the nearest £1000 and are presented in units of £1000.

Please also note payments for fees and outlays are made only after accounts are assessed. Fees and outlays allowable upon assessment by SLAB or taxation by the Auditor will only be for work actually necessarily and reasonably done, with due regard being had to economy¹.

Table 3: Payments for cases approved for individuals who were a prisoner (£000)

Type of legal aid	2020-21	2021-22	2022-23
Civil AA & ABWOR	245	216	115
Criminal AA & ABWOR	1485	1314	867
Childrens AA & ABWOR	43	42	34
Civil Legal Aid	195	180	128
Criminal Legal Aid	6927	4230	1882
Childrens Legal Aid	29	28	16
Total	8923	6011	3042

¹ For further information please see the SLAB website, e.g. <https://www.slab.org.uk/guidance/basis-on-which-slab-assesses-requests-for-payment-of-aa-fees-and-outlays-the-standard-of-taxation/> .