

FOI RESPONSE ISSUED - 3 April 2024

REQUEST

In line with Freedom of Information legislation, I would be grateful if you could comply with the following request.

Please provide me with the number of criminal law members who have withdrawn from legal aid duty schemes in each of the last 3 years, broken down by the relevant area.

If this request is too wide or unclear, I would be grateful if you could get in touch in order to clarify.

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

We sought clarification from you about this, and you agreed on 14th March that you meant the number of individual Criminal Solicitors who have withdrawn from the separate Court and Police Station Duty Schemes. We said that we could give you separate figures for 2021, 2022 and 2023.

SLAB response

We can now provide you with this information. The attached spreadsheet shows both the Court Duty plans and Police Station duty plans by area. The tables show the numbers of solicitors withdrawing from each duty plan in 2021, 2022 and 2023.

We have also shown the numbers of solicitors who applied for inclusion on the plans in the same three years too. In addition, we have also given you the breakdown of the total numbers of solicitors and firms who are currently on the plans (as at 18 March 2024) in each area, and whether the Public Defence Solicitor Office (PDSO) participate in the plans.

The number of withdrawals and applications were affected by organised withdrawals from the plans in some areas in early 2022. This was part of a wider campaign in these areas on the issue of legal aid funding. Most of the firms applied to go back on the plans about one year later in early 2023. The areas affected were:

- Aberdeen where solicitors came off the police and court plans in 2022 and they went back on the court plan in 2023, but are still off the police plan.
- Banff where solicitors came off the police and court plans in 2022 and they went back on the court plan in 2023, but are still off the police plan.
- Dundee where solicitors came off the police and court plans in 2022 and they went back on both plans in 2023.
- Dunfermline where solicitors came off the police and court plans in 2022 and they went back on both plans in 2023.
- Edinburgh where solicitors came off the court plan in 2022 and they went back on the court plan in 2023. They are still off police plan (bar one firm). The solicitors had resigned from the police station plan in 2018.
- Forfar where solicitors came off the police and court plans in 2022 and they went back on both plans in 2023.
- Kirkcaldy where solicitors came off the police and court plans in 2022 and they went back on both in 2023.
- Livingston where solicitors came off the court plan in 2022 and they went back on the court plan in 2023. They are still off the police plan. The solicitors had resigned from the police station plan in 2018.
- Peterhead where solicitors came off the police and court plans in 2022 and they went back on both in 2023.
- Falkirk where solicitors came off the court plan in 2022 and they went back on the court plan in 2023. They are still off the police plan. Solicitors had resigned from the police station plan in 2018.
- Jedburgh where solicitors came off the court plan in 2022 and they went back on the court plan in 2023. They are still off the police plan. Solicitors had resigned from the police station plan in 2018.
- Selkirk where solicitors came off the court plan in 2022 and they went back on the court plan in 2023. They are still off the police plan. Solicitors had resigned from the police station plan in 2018.

Where there are no private solicitors on a police station duty plan, we provide advice and representation through solicitors from SLAB's Solicitor Contact Line and the Public Defence Solicitors' Office, and private solicitors from other areas. There are a sufficient number of firms providing duty services in the majority of areas.

It is not uncommon for solicitors to withdraw from the duty plans during the year, due to retirements, moving firms, etc. We also regularly receive new applications for the plans aswell. In 2024 so far, we have had three solicitors withdrawing from the court duty plans, and five new applications. We have also had three solicitors withdrawing from the police station plans, and seven new applications.

Area	Total private solicitors withdrawing from Court Duty plans			Area	Total private solicitors applying for Court Duty plans			Current numbers private solicitors on the Court Duty plans 18/3/24		
	2021	2022	2023		2021	2022	2023	Firms	Solicitors	PDSO on plan Y/N
Aberdeen	4	32	0	0	0	29	Aberdeen	15	29	Yes
Airdrie	4	3	5	5	0	0	Airdrie	8	13	No
Alloa	1	1	1	0	0	0	Alloa	2	2	Yes
Ayr	2	4	1	0	1	0	Ayr	7	10	Yes
Banff	0	5	0	0	0	1	Banff	1	1	No
Campbeltown	0	4	0	3	2	0	Campbeltown	5	6	No
Dumbarton	3	4	2	2	0	0	Dumbarton	7	11	No
Dumfries	3	0	1	0	0	0	Dumfries	3	8	No
Dundee	3	25	1	0	0	26	Dundee	12	25	Yes
Dunfermline	3	18	2	0	0	13	Dunfermline	3	11	No
Dunoon	0	1	0	0	1	0	Dunoon	2	2	No
Edinburgh	8	71	5	2	1	67	Edinburgh	29	68	Yes
Elgin	0	1	1	0	0	0	Elgin	3	6	No
Falkirk	2	2	1	0	0	1	Falkirk	6	12	Yes
Forfar	0	11	1	0	0	6	Forfar	4	5	Yes
Fort William	0	0	0	0	0	0	Fort William	1	1	No
Glasgow	42	12	19	8	7	3	Glasgow	91	156	Yes
Greenock	1	1	1	2	0	0	Greenock	6	9	No
Hamilton	1	7	5	0	0	2	Hamilton	9	18	No
Inverness	0	0	4	2	1	1	Inverness	7	13	Yes
Jedburgh	2	3	0	0	0	4	Jedburgh	1	4	No
Kilmarnock	5	9	0	1	0	0	Kilmarnock	6	10	Yes
Kirkcaldy	9	25	0	0	0	23	Kirkcaldy	10	23	No
Kirkwall	0	1	0	0	0	0	Kirkwall	0	0	Yes
Lanark	3	1	0	0	0	0	Lanark	1	1	No
Lerwick	0	0	0	0	0	0	Lerwick	1	1	No
Livingston	0	14	0	0	0	12	Livingston	4	12	Yes
Lochgilphead	0	1	0	0	0	0	Lochgilphead	1	1	No
Lochmaddy	0	0	0	0	0	0	Lochmaddy	0	0	No
Oban	0	1	0	0	0	0	Oban	2	3	No
Paisley	3	2	3	0	2	2	Paisley	6	23	No
Perth	1	2	1	0	0	0	Perth	5	10	Yes
Peterhead	0	5	1	0	0	6	Peterhead	4	5	No
Portree	0	0	0	0	0	0	Portree	1	1	No
Selkirk	2	4	0	0	0	4	Selkirk	1	4	No
Stirling	1	2	0	1	0	0	Stirling	4	7	Yes
Stornoway	2	0	0	0	0	0	Stornoway	4	5	No
Stranraer	0	0	0	0	0	0	Stranraer	3	4	No
Tain	0	0	4	3	0	1	Tain	5	9	Yes
Wick	0	3	0	0	0	0	Wick	1	1	Yes
Total	105	275	59	29	15	201	Total	281	530	
total off 2021 - 2023	439			total on 2021 -2023	245					

Area	Total private Solicitors withdrawing from Police Station Duty plans			Total private Solicitors applying for Police Duty plans			Current numbers private solicitors on the Police Station duty plans 18/3/24			
	2021	2022	2023	2021	2022	2023	Area	Firms	Solicitors	PDSO on police plan
Aberdeen	2	25	0	0	0	0	Aberdeen	0	0	Yes
Airdrie	5	2	3	3	0	1	Airdrie	7	12	No
Alloa	1	1	1	0	0	0	Alloa	2	2	Yes
Ayr	3	2	1	1	0	0	Ayr	6	10	Yes
Banff	0	2	0	1	0	0	Banff	0	0	Yes
Campbeltown	0	4	0	3	2	0	Campbeltown	5	6	No
Dumbarton	1	5	2	4	1	1	Dumbarton	7	11	No
Dumfries	1	0	1	0	0	0	Dumfries	3	9	No
Dundee	2	26	3	0	0	26	Dundee	12	23	Yes
Dunfermline	2	20	1	0	0	6	Dunfermline	2	5	No
Dunoon	0	0	0	0	0	0	Dunoon	2	2	No
Edinburgh	0	1	0	0	0	2	Edinburgh	1	2	Yes
Elgin	0	0	2	0	1	1	Elgin	1	4	No
Falkirk	0	0	0	0	0	0	Falkirk	0	0	Yes
Forfar	1	13	1	0	0	6	Forfar	4	5	Yes
Fort William	0	0	0	0	0	3	Fort William	3	6	No
Glasgow	38	15	17	5	6	5	Glasgow	86	154	Yes
Greenock	1	0	1	2	0	0	Greenock	6	8	No
Inverness	0	1	4	1	2	1	Inverness	7	14	Yes
Jedburgh	0	0	0	0	0	0	Jedburgh	0	0	Yes
Kilmarnock	5	9	0	1	0	1	Kilmarnock	6	11	Yes
Kirkcaldy	8	30	0	0	0	18	Kirkcaldy	9	19	No
Kirkwall	0	0	0	0	0	0	Kirkwall	0	0	Yes
Lanark	0	1	0	0	0	0	Lanark	1	1	No
Lerwick	0	0	0	0	0	0	Lerwick	1	1	No
Livingston	0	0	0	0	0	0	Livingston	0	0	Yes
Lochgilphead	0	1	0	0	0	0	Lochgilphead	2	2	No
Lochmaddy	0	0	0	0	0	0	Lochmaddy	0	0	Yes
Oban	0	1	0	0	1	0	Oban	2	3	No
Paisley	3	2	4	0	2	2	Paisley	6	23	No
Perth	1	3	1	0	0	0	Perth	5	11	Yes
Peterhead	1	3	1	0	0	5	Peterhead	4	5	No
Portree	0	0	0	0	0	0	Portree	1	1	No
Selkirk	0	0	0	0	0	0	Selkirk	0	0	Yes
Stirling	1	2	0	1	0	0	Stirling	4	7	No
Stornoway	1	1	1	0	0	1	Stornoway	4	5	No
Stranraer	0	0	0	0	0	0	Stranraer	2	3	No
Tain	0	1	1	0	2	3	Tain	5	10	Yes
Wick	0	0	1	0	1	0	Wick	1	1	Yes
Total	78	176	50	22	18	84	Total	216	395	
total off 2021 - 2023	304			total on 2021 - 2023	124					