



REDACTED

Email:
Your Ref:
Our Ref: FOI2024/00023
21 October 2024

Dear REDACTED

I refer to your email of 10 September 2024, which was a request to provide you with certain information in terms of the Freedom of Information (Scotland) Act 2002 (“FOISA”).

The request

Your request was in the following terms:

Could you please inform me of the number of criminal law members who have withdrawn from the legal aid duty scheme in the last five years, broken down by year and area.

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 2019, 2020, 2021, 2022, 2023 and 2024 to date. We have also shown the numbers of solicitors who applied for inclusion on the plans in the same 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 October 2024) in each area, and whether the Public Defence Solicitors 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 as well. In 2024 so far, we have had 11 solicitors withdrawing from the court duty plans, and 15 new applications. We have also had 23 solicitors withdrawing from the police station plans, and 19 new applications.

We recently published the following article on our website in relation to the duty scheme, which you might find useful too.

<https://www.slab.org.uk/news/advice-and-representation-provided-through-police-and-court-duty-schemes/>

Hope this helps.

Yours sincerely

REDACTED
Head of Criminal Legal Assistance
Scottish Legal Aid Board

Your right to request a review of the decision

If you are dissatisfied with the way in which we have handled your request for information, you may ask us to review our decision. A request that we review our decision should be made in writing within 40 working days of the date of this letter or, if we have not responded to your request, within 40 days of the date by which we should have responded (that would normally be 20 days after receiving your request).

We will review our decision and tell you the outcome within 20 working days of receiving your request.

If, having done so, you remain dissatisfied, you may ask the Scottish Information Commissioner to review our decision. You must submit your request in writing to the Commissioner within 6 months of first receiving notice about the matter you are complaining about.

The Commissioner will not deal with an application unless SLAB's review process has been used and exhausted - in other words, until you have asked us to review our decision and you are not satisfied with our response or have not received a response within 20 working days of your request.

The Commissioner's contact details are:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road St
Andrews
Fife KY16
9DS

Telephone: 01334 464610

Fax: 01334 464611

Website www.itspublicknowledge.info

E-mail: enquiries@itspublicknowledge.info

Your appeal can also be dealt with online. The Commissioner has an online appeal service, which is available 24/7 and offers requesters real time help and advice about their appeal. This can be accessed at:

www.itspublicknowledge.info/Appeal