

Research Briefing

April 2022



Survey of PDSO clients 2021

Background

Legal aid allows people who would not otherwise be able to afford it to get help for their legal problems. The Scottish Legal Aid Board (SLAB) is responsible for managing legal aid in Scotland. We manage the day to day running of legal aid through our assessment of large volumes of legal aid applications and assessing and paying accounts submitted by solicitors and advocates.

The majority of legal aid solicitors in Scotland are private practice; however SLAB also provides a direct advice and representation service through a small network of publicly funded criminal defence solicitors (PDSO), Civil Legal Assistance Offices (CLAO) and a 24 hour Solicitor Contact Line which facilitates and delivers advice for suspects in police custody across Scotland.

Aims

The overarching aim of the research was to explore criminal legal aid recipients' experiences of selecting and using the PDSO, and their satisfaction with elements of the service.

Methodology and sample

This work consisted of a postal survey of people who had used the PDSO recently. This survey was carried out at the same time as a survey of private practice clients.

We used many of the same questions that we asked in the previous PDSO survey (2017). We also introduced new questions, to help explore changes since the start of the pandemic. We took advice from representatives of the Law Society of Scotland and the Scottish Solicitors Bar Association on appropriate wording of the questions.

SLAB contracted IBP Strategy & Research to undertake the postal survey for us. The survey questions were translated from English into six languages used by those in the sample. These were: Arabic, Lithuanian, Polish, Romanian, Russian and Simplified Chinese. Although most people completed the survey by post there was also an option to complete it online (in English and all the above languages). Eleven people overall took part online, to respond to either the PDSO client survey or the private practice client survey.

The survey fieldwork took place in October and November 2021. IBP contacted 767 people and had a total of 58 usable responses. Twenty-four surveys could not be delivered, giving a response rate from the usable sample of 7.8%.

Profile of respondents

The characteristics of respondents to this survey are mostly in line with expectations of criminal accused. For example, they contain a higher proportion of males (85% of those who gave a valid response), and are more likely to have a health condition or disability (55% mentioned at least one) than the general population. However, the respondents to both the PDSO and private practice client surveys are typically older than we might expect for this population generally. For example, 48% of respondents are aged 45 or over, whereas only 31% of those convicted in 2019/20¹ fall into this age group. This difference may be partly due to older clients being more likely to have a fixed place of residence, or to complete paper surveys, or surveys in general. We do not have any evidence that the experience of criminal legal aid is substantially different for different age groups.

As expected, those who used a PDSO solicitor were more likely than private practice clients to have been prosecuted for a criminal offence only once (61% of those who gave an answer, compared with 35% of respondents to the private practice client survey).

Summary of key findings

Responses were mainly positive, with findings similar to those in 2017. The PDSO findings are similar to those from the private practice client survey. Tables showing the responses to all the questions are provided in Appendix 1: Response Tables.

Accessing a solicitor

Five people (11% of those who gave an opinion) experienced difficulty finding a solicitor to help them. The most common reason for this was not knowing how to find a solicitor (3 people). This is a higher proportion than found in our parallel survey of private practice clients, reflecting the finding that over half of respondents (62%) chose the PDSO because they were the duty solicitor. In comparison, only 13% of respondents who used a private practice solicitor did so because that solicitor was the duty solicitor. This is in line with SLAB's expectations of the different client group served by the PDSO compared with private practice solicitors.

Twenty-one percent of PDSO clients used their solicitor because they were recommended to them by someone else.

Three people (5%) felt that their personal characteristics made it more difficult for them to access a solicitor. Of these only one gave a reason: lack of experience / knowledge of the criminal justice system.

¹ <https://www.gov.scot/publications/criminal-proceedings-scotland-2019-20/pages/14/>

Experience of using a PDSO solicitor

Most respondents thought the overall service from their solicitor was good (88% of those that gave an opinion) and that they would use the PDSO again if charged with an offence (92% of those that gave an opinion). However a small proportion (5% and 8% respectively) disagreed.

In terms of the activities provided by their solicitor, people were most likely to be satisfied (think their solicitor was 'good' or 'very good') at the functional activities such as listening and explaining clearly. Compared with 2017, respondents were more likely to be satisfied on each solicitor activity, aside from 'explaining the outcome of your case'.

Respondents rated their satisfaction with the method(s) they used to communicate with their solicitor. Very few thought the methods they used were 'poor' or 'very poor'. This is probably because most people would have had a choice, allowing them to use the method(s) they preferred.

The methods that were not rated poorly by anyone using them were: face to face, video call, messaging and letter / postal. Letters / postal were the most commonly used (46 people), with video calls least common (9 people). Around half the respondents (28 people) had a face to face meeting with their PDSO solicitor at some stage.

Most respondents (69%) gave their PDSO solicitor proof of income or savings, somewhat less than in 2017 (88%). Only one of these said that they had problems getting hold of the documents they needed.

Experience of contacting SLAB

Five people said they had contact with SLAB about their criminal case. All of them rated the service they had from SLAB as 'good' or 'very good'.

Going to court

Most respondents (83%) said that their case went to court, with most of these (77%) appearing 'at a court building only'. Almost 1 in 5 (18%) of those who attended court said that they were 'never' or 'hardly ever' able to speak to their solicitor privately if they needed to. This included those at virtual and physical court fairly representatively.

Reflections on the experience of using the PDSO

The survey asked respondents for comments on their PDSO solicitor, the Scottish Legal Aid Board or their experience overall. There were 19 responses to this question. These were mainly positive (12) with five negative and two neither positive nor negative.

The positive comments reflect the importance of professional skills: "Excellent advice", "very professional throughout", "I was kept well informed by the PDSO at all times", "My lawyer was first class".

However a key theme is appreciation of being supported as an individual: “She was great. Helpful, clear and understanding”, “kind and aware of my utter lack of knowledge”, “put me at ease”, “PDSO lawyers are doing a very good job and not judging”.

Two comments specifically relate to those with experiences related to mental ill-health: “suffering from mental health issues, the duty solicitor *name redacted* was fantastic [and] kind”, “I was a drug addict when I used them first and they always treated me with respect”.

A couple of the negative comments point to an experience of not feeling valued: “I felt like a total inconvenience to my lawyer”, “lawyer dismissed me by letter and did not speak to me”.

The other negative comments suggest negative experiences of various aspects of the criminal justice system; with police, courts and lawyers all mentioned. One specifies a lack of information provided to them about legal aid and their options for choosing a lawyer.

Conclusions and next steps

The results overall are highly positive, suggesting that very little improvement to service is required. The findings are also very similar to those from 2017, suggesting that the pandemic has not had a negative impact on experiences of finding or using a PDSO solicitor overall.

The small number of responses to the survey mean that we cannot accurately compare between groups, such as those from urban or rural areas. We will continue to seek views of stakeholders within the criminal justice system. We will do this through research, as well as other methods, such as consultations.

Further information

If you would like further information about this research please contact SLAB’s Research Team at research@slab.org.uk

SLAB’s research publications are available on our website at:

<https://www.slab.org.uk/corporate-information/publications/research-publications/>



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Appendix 1: Response Tables

Core survey questions

Q1 Do you have any criminal cases currently ongoing? Please tick one box only

	Number	Percent
Yes	93	38%
No	145	60%
Don't know	3	1%
No answer	1	0%

Q2 Thinking about your most recent closed case, was it difficult to find a lawyer to help you? Please tick one box only

	Number	Percent	Percent giving opinion
Yes, it was difficult	5	9%	11%
No, it was not difficult	41	71%	89%
Don't know	4	7%	/
No answer	8	14%	/

Q2a Why was it difficult to find a lawyer to help you? Please tick all that apply

	Number	Percent
I did not know how to find a lawyer	3	60%
Hard to find a lawyer who was willing to take my case on	2	40%
Not many lawyers in my local area	0	0%
Other reason (please write in below)	1	20%
No answer	0	0%

Q3 How many times have you used the PDSO? Please tick one box only

	Number	Percent
Once	36	62%
Twice	10	17%
Three or more times	9	16%
No answer	3	5%

Q4 How did you choose the PDSO? Please tick all that apply

	Number	Percent
They were the Duty Solicitor	36	62%
They were recommended to me	12	21%
I had used them in the past	5	9%
I was referred to them by another agency / adviser	3	5%
They were near where I lived / worked	1	2%
I saw an advert for them	1	2%
I saw their website	1	2%
I heard about them on social media	1	2%
I saw their social media (e.g. Twitter, Facebook)	0	0%
No particular reason	2	3%
Other (please write in below)	3	5%
Not answered	3	5%

Q5 Which PDSO office did you use? Please tick one box only. If you have used more than one, please answer for your most recently closed case.

	Number	Percent
Ayr	6	10%
Dundee	5	9%
Edinburgh	19	33%
Falkirk	2	3%
Glasgow	12	21%
Inverness	7	12%
Kirkwall	3	5%
Don't Know	2	3%
No answer	2	3%

Q6 How good or poor was the overall service you received from your PDSO lawyer? Please tick one box only

	Number	Percent
Very Good	37	64%
Good	12	21%
Neither Good nor Poor	4	7%
Poor	0	0%
Very Poor	3	5%
Don't Know	0	0%
No answer	2	3%

Q7 How good or poor was your PDSO lawyer at the following...

		Very Good	Good	Neither	Poor	Very poor	Don't know	No answer
Q7a Listening to you	No	35	13	6	0	0	2	2
	%	60%	22%	10%	0%	0%	3%	3%
Q7b Explaining things clearly in a way you could understand	No	35	13	4	0	1	1	4
	%	60%	22%	7%	0%	2%	2%	7%
Q7c Explaining at the start of your case the evidence against you and your options for what to do next	No	33	14	1	3	3	2	2
	%	57%	24%	2%	5%	5%	3%	3%
Q7d Keeping you up to date on the progress of your case	No	32	14	4	2	2	2	2
	%	55%	24%	7%	3%	3%	3%	3%
Q7e Preparing you for what would happen in court	No	28	13	5	3	2	3	4
	%	48%	22%	9%	5%	3%	5%	7%
Q7f Advising you about the likely outcome of your case	No	28	13	4	4	3	4	2
	%	48%	22%	7%	7%	5%	7%	3%
Q7g Explaining the outcome of your case to you and what would happen next	No	31	11	5	3	2	4	2
	%	53%	19%	9%	5%	3%	7%	3%

Q8 How good or poor were the following for keeping in touch with your PDSO solicitor...

		Very Good	Good	Neither	Poor	Very poor	Don't know	Didn't use	No answer
Q8a Face-to-face meetings	No	21	16	3	0	0	0	8	10
	%	36%	28%	5%	0%	0%	0%	14%	17%
Q8b Email	No	16	9	2	0	1	1	15	14
	%	28%	16%	3%	0%	2%	2%	26%	24%
Q8c Phone calls	No	26	12	3	2	0	1	6	8
	%	45%	21%	5%	3%	0%	2%	10%	14%
Q8d Video calls	No	4	4	1	0	0	1	29	19
	%	7%	7%	2%	0%	0%	2%	50%	33%
Q8e Texting	No	14	6	2	1	0	2	18	15
	%	24%	10%	3%	2%	0%	3%	31%	26%
Q8f Messaging (e.g. Messenger, WhatsApp)	No	8	4	2	0	0	1	27	16
	%	14%	7%	3%	0%	0%	2%	47%	28%
Q8g Letters / postal	No	27	14	5	0	0	1	4	7
	%	47%	24%	9%	0%	0%	2%	7%	12%

Q9 Would you use the PDSO again if you were charged with an offence? Please tick one box only

	Number	Percent	Percent giving opinion
Yes	45	78%	92%
No	4	7%	8%
Don't know	5	9%	/
No answer	4	7%	/

Q10 Was the outcome of your case better, worse or about the same as you expected? Please tick one

	Number	Percent	Percent giving opinion
Better	30	52%	60%
Worse	7	12%	14%
About the Same	13	22%	26%
Don't Know	4	7%	/
Not answered	4	7%	/

Q11 Did you give your PDSO lawyer proof of income or savings?

	Number	Percent
Yes	40	69%
No	12	21%
Don't know	3	5%
No answer	3	5%

Q11a Which of the following did you give your PDSO lawyer as proof of income or savings? Please tick all that apply

	Number	Percent
National Insurance number	24	60%
Proof of benefits (e.g. benefits award letter)	19	48%
Proof of income (e.g. wage slip / bank statement)	19	48%
Proof of savings (e.g. bank statement / post office statement)	14	35%
Proof of outgoings (e.g. bills / rent payments)	12	30%
Other (please write in below)	1	3%
Not answered	1	3%

Q11b Did you have any problems getting hold of the documents, such as a payslip or a bank statement, to give to your PDSO lawyer? Please tick one box only

	Number	Percent
Yes, I had problems getting the documents	1	3%
No, I did not have any problems	32	80%
Don't know / can't remember	5	13%
Not answered	2	5%

Q12 Did you have any direct contact with the Scottish Legal Aid Board (SLAB) about your criminal case? Please tick one box only

	Number	Percent
Yes	5	9%
No	32	55%
Don't know	16	28%
No answer	5	9%

Q12a How good or poor was the service you received from SLAB? Please tick one box only

	Number	Percent
Very Good	4	80%
Good	1	20%
Neither Good nor Poor	0	0%
Poor	0	0%
Very Poor	0	0%
Don't Know	0	0%
No answer	0	0%

Q13 Did your case go to court? Please tick one box only

	Number	Percent
Yes – virtual court or online hearing only	6	10%
Yes – at court building only	37	64%
Yes – at court and virtual court	5	9%
No	5	9%
Don't Know	2	3%
Not answered	3	5%
Yes – virtual court or online hearing only	6	10%

Q14 How good or poor was your PDSO lawyer at representing you at court? Please tick one box only

	Number	Percent
Very Good	30	63%
Good	12	25%
Neither Good nor Poor	2	4%
Poor	2	4%
Very Poor	2	4%
Don't Know	0	0%
Not answered	0	0%

Q15 when your case was being heard at court how often did the following happen.....

		Always	Most of the time	Some of the time	Hardly ever	Never	Don't know	Not answered
Q15a I was able to speak to my lawyer privately if I needed to	No	26	4	2	4	3	6	3
	%	54%	8%	4%	8%	6%	13%	6%
Q15b My court case started when I was told it would	No	20	8	5	2	4	8	1
	%	42%	17%	10%	4%	8%	17%	2%
Q15c My case lasted for around the time I was told it would	No	22	9	4	0	2	10	1
	%	46%	19%	8%	0%	4%	21%	2%

Q17 How many times have you been prosecuted for a criminal offence (including the one you told us about in this survey)? Please tick one box only

	Number	Percent
1	30	52%
2 to 5	15	26%
6 to 10	2	3%
More than 10	2	3%
Don't know	5	9%
Not answered	4	7%

Demographics section questions

Q18 What is your sex?

	Number	Percent
Female	8	14%
Male	47	81%
Prefer not to say	1	2%
Not answered	2	3%

Q19 What age range are you in?

	Number	Percent
18 to 24	7	12%
25 to 34	6	10%
35 to 44	15	26%
45 to 54	8	14%
55 to 64	10	17%
65+	8	14%
Prefer not to say	1	2%
Not answered	3	5%

Q20 Do you have any of the following, which have lasted, or are expected to last, at least 12 months? Tick all that apply

	Number	Percent
Mental health condition	27	47%
Long term illness, disease or condition	9	16%
Physical disability	8	14%
Learning disability	5	9%
Learning difficulty	4	7%
Developmental disorder	3	5%
Deafness or partial hearing loss	2	3%
Full or partial loss of voice or difficulty speaking	2	3%
Blindness or partial sight loss	1	2%
Other condition (please write in below)	3	5%
No condition	18	31%
Prefer not to say	4	7%
Not answered	4	7%
<i>Other conditions</i>		
ADHD, Asthma, anxiety & depression, I struggle with social interaction and anxiety. Epilepsy makes me really forgetful. I have come to trust my social worker and her advice.		

Q21 Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Please include problems related to old age.

	Number	Percent
Yes, limited a lot	13	22%
Yes, limited a little	12	21%
No	28	48%
Prefer not to say	3	5%
Not answered	2	3%

Q22 What is your ethnic group? Please tick one box only²

	Number	Percent
White - Scottish	34	59%
White - Other British	7	12%
White - Polish	6	10%
White - Any Other White Ethnic Group (please write in below)	2	3%
African, Scottish African or British African - (please write in below, e.g. Nigerian, Somali)	2	3%
Asian, Scottish Asian or British Asian - Pakistani, Scottish Pakistani or British Pakistani	1	2%
Prefer not to say	3	5%
Not answered	3	5%

Q23 We would like to know whether you are currently, or ever have been, 'looked after' by a Local Authority, including continuing care to age 21. By 'looked after' we mean: subject to a supervision order with no condition of residence; with foster carers, in a residential care home, in a residential school or a secure unit. Which of the following applies to you? Please tick one only

	Number	Percent
Currently 'looked after' by a Local Authority	3	5%
Have previously been 'looked after' by a Local Authority	5	9%
Never been 'looked after' by a Local Authority	42	72%
Prefer not to say	3	5%
Not answered	5	9%

² Answer options not selected by any respondents are not included in the table. This question, and the answer options, used the wording from the ethnicity question in Scotland's Census 2022.

Q24 Do you think anything about your situation or personal characteristics made it more difficult for you to access PDSO services?

These things might include: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation, or care status.

Please tick one box only.

	Number	Percent
Yes	3	5%
No	47	81%
Don't know	4	7%
No answer	4	7%

Q24a Please use the space below to give brief details of what happened and what it was about your situation or personal characteristics you think this was to do with.

One person responded to this question.

I think the fact that I had never been to court and knew nothing about the court/lawyer proceedings put me at a huge disadvantage. The whole process and the fact I could have used another lawyer was never fully explained.