

National Report Template ILAG Cologne 2025

1. Country details : **SCOTLAND**

Population	5.75 million
GDP	£209,559 (£37,834 per head of population)
Population in poverty	<p>For the 21-24 period:</p> <ul style="list-style-type: none"> • 23% of children were living in relative poverty after housing costs • 20% of working-age adults were living in relative poverty after housing costs • 15% of pensioners were living in relative poverty after housing costs
Practising lawyers	<p>c.12,000 (mix of legal aid and commercial work)</p> <p>For the 2023-24 period there were 596 solicitor firms that submitted at least one legal aid application.</p> <ul style="list-style-type: none"> • 156 firms (26% of the total) focused on only criminal legal aid • 187 firms (31%) delivered only civil legal aid • 137 firms (23%) delivering all types of legal assistance

2. Key Recent Developments

- The Scottish Government has set out three key strands of work for improving and reforming the legal aid system in a paper [published in February 2025](#). Key commitments in the paper include:
 - bringing forward regulations to parliament in 2025-26 that make it easier for solicitors to work with legal aid funding, and for those who need legal assistance to access it
 - resuming work to conduct research on, and implement reform of, legal aid fees
 - working with stakeholders on the development of a reformed future legal assistance system, including designing a system around user needs and being able to respond to them.
- Scottish Government has removed means testing in legal aid cases for bereaved families participating in deaths in custody [Fatal Accident Inquiries](#).

- The Equality, Human Rights and Civil Justice Committee of the Scottish Parliament has been carrying out an inquiry into civil legal aid. SLAB's response [can be read here](#).
- SLAB also gave oral evidence to the Committee where we called for transformational reform of the current legal aid system ideally delivered through primary legislative change. We said a more interventionist system is required that gives the Scottish Government a different set of tools to target resources. The current post second world war legal aid system was not designed as a public service or to be directed towards particular user needs, to be transparent or to have any guaranteed level of service.
- SLAB has just published research work ([key findings](#) and [full report](#)) undertaken to assist in our function of monitoring the availability and accessibility of legal services. This output serves to seek the views of Scottish Government as to whether trends in civil supply are in line with their policy expectations of the legal aid system. The research objectives were to understand:
 - how trends in applications at the sub-national level compare to the national trend and between areas, by applicant and firm branch location
 - how trends in active practitioners at the sub-national level compare to the national trend and between areas, by applicant and firm branch location
 - how trends in active practitioners relate to volume of applications, by applicant and firm branch location whether the usage of legally aided services vary by location of the applicant as per the Scottish Index of Multiple Deprivation.

3. Legal Aid Organisation / Authority:

The Scottish Legal Aid Board (SLAB) is the national funding body for most solicitor and advocate delivered publicly funded legal services.

SLAB a Non-Departmental Public Body (NDPB) of the Scottish Government and was established in 1987. It is funded by the Scottish Government and accountable to Ministers although operational matters are maintained at arm's length from the Government.

Legal aid in Scotland is primarily designed around case-by-case funding for services provided by solicitors and others instructed by them, such as advocates and experts. This is known as judicare. Funding for legal aid cases is demand led. This means that decisions on eligibility and payment are made irrespective of any

budgetary provision and the Scottish Government must make funding available if required to pay for services covered by the legal aid schemes, even if this is higher than expected in some years. In other years, demand may be less than expected. These are not savings that SLAB makes or holds or can use in any other way.

The nature of judicare funding is that it is unplanned and non-targeted. In any one year we pay for services delivered in that year and over previous years. Most expenditure is for cases which concluded in the year payment is made. Some cases can start and conclude in the same year, whilst others will span one or more financial years.

Most services paid for through the Legal Aid Fund are delivered by judicare through the private sector. The third sector and our own in-house legal services also deliver case-by-case services but on a much smaller scale.

Finally, a small amount of funding provides direct grants for projects to deliver targeted legal and advice services. The Legal Aid Fund also finances the quality assurance schemes we manage.

The Scottish Government is responsible for the overall direction of legal aid policy which finds expression in rules and regulations which form an extensive and complex body of legal aid legislation.

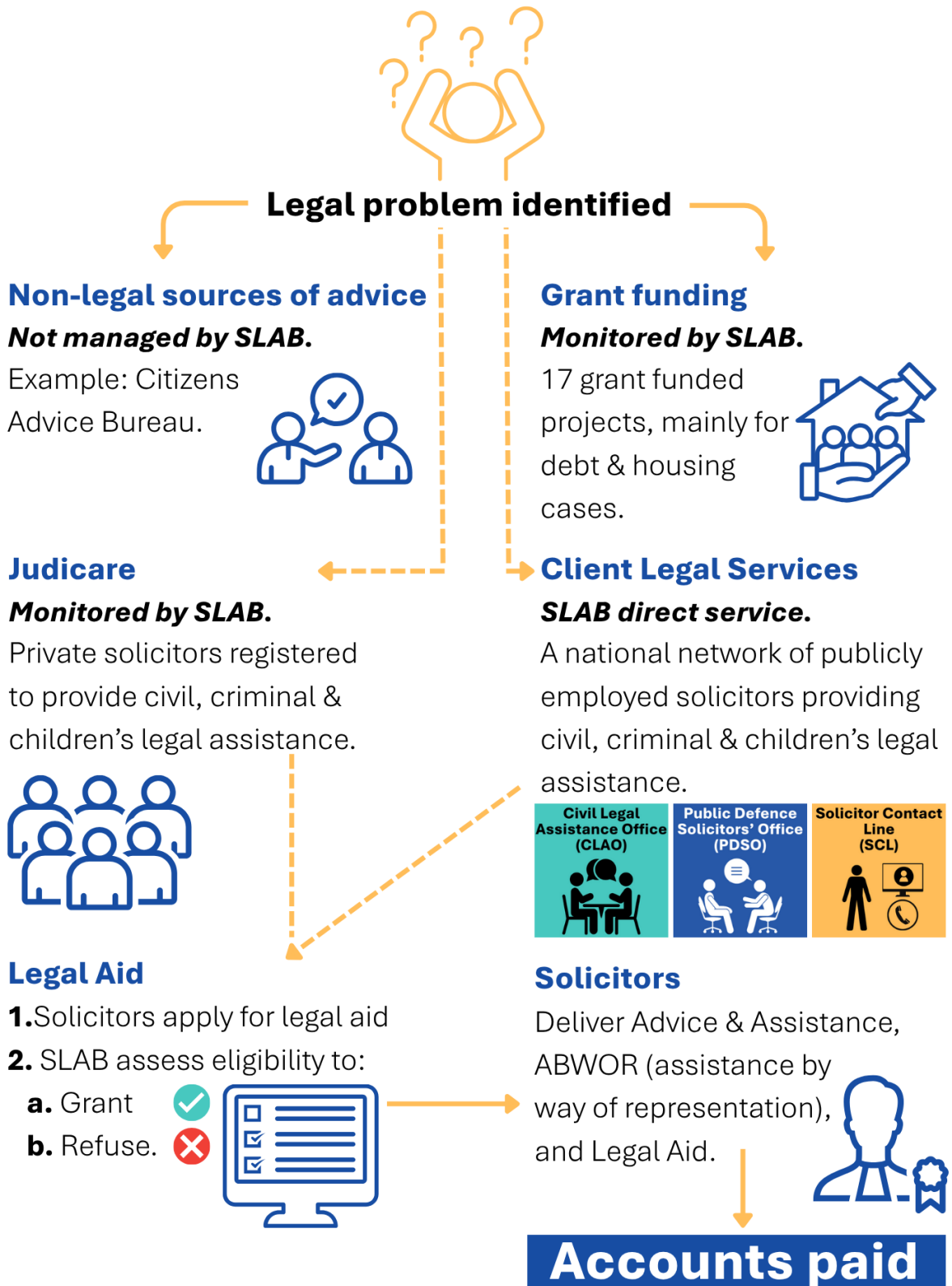
SLAB's primary functions are to assess eligibility for legal aid and check accounts submitted for payment by solicitors and advocates. The rules SLAB applies in doing so are set by the Scottish Parliament. SLAB employs around 350 staff with around 60% of our staff involved in the assessment of legal aid applications and payment of solicitor and advocate accounts.

A small amount of publicly funded assistance is delivered by SLAB employed solicitors in our Client Legal Services Directorate. These are publicly employed solicitors delivering criminal (Public Defence Solicitors' Office (PDSO)) and civil legal services (Civil Legal Assistance Office (CLAO)) across Scotland. SLAB's employed civil solicitors play a dual role in referring people to solicitors in the private sector and providing direct services if this is not possible.

SLAB employed solicitors also manage a 24 hour Solicitor Contact Line (SCL) which provides advice and facilitates access to solicitors for people that require advice in police custody.

SLAB also manages a range of projects delivering legal and other support across the country which are funded through government grants.

Scotland's legal aid model



4. Paying providers of legal advice and services

The majority of legal aid services are carried out by solicitors in the private sector on a case by case basis. There is no contractual relationship with SLAB.

Solicitors charge dependent on the relevant table of fees for each of the legal aid schemes (criminal, civil and children's). Fees are a mix of fixed fees, block fees and detailed fees.

5. Budget and Spend

Funding for legal aid cases is demand led. This means that decisions on eligibility and payment are made irrespective of any budgetary provision and the Scottish Government must make funding available if required to pay for services covered by the legal aid schemes. An application for legal aid will never be refused on the basis that the allocated funding has been reached.

The legal aid budget is split into two categories. The Legal Aid Fund covers payments for legal assistance cases, including the costs of running SLAB's directly employed client-facing services (PDSO, CLAO and SCL). The second is the administrative budget (Admin), this covers all the operational costs of SLAB. Table 1.3 below shows the initially allocated budget for 2023-24 and final cash expenditure.

A significant amount of administrative expenditure is directed at ensuring that all legal aid expenditure is in accordance with prevailing statutory provisions, regulations, fee tables and taxation standards. This is achieved through assessment of solicitors' and advocates' accounts and determination of applications, only granting those that meet the statutory tests.

	2023-24
	£m
Fund (budget)	141.3
Fund (spend)	151.2
Admin	14.8

6. Scope, Caseload and Eligibility:

The scope of civil legal aid in Scotland is wider than in many other jurisdictions. Only a very small number of civil proceedings, e.g. small claims, are not covered by legal aid. All types of criminal proceedings are covered by criminal legal assistance. The table below sets out the eligibility tests.

Type of legal aid	Eligibility testing*		Contributions
	Merits test	Means test	Assisted person pays towards the costs of the case if disposable income or capital over a set threshold
Civil			
A&A	✗	✓	✓
ABWOR	Depends on case type	Depends on case type	Depends on case type
Civil Legal Aid	✓	✓	✓
Children's			
A&A	✗	✓	✓
ABWOR	✓	✓	
Children's Legal Aid	✓	✓	
Criminal			
Police Station Advice (A&A)	✗	✗	✗
A&A	✗	✓	✓
ABWOR	Depends on case type	Depends on case type	Depends on case type
Summary criminal legal aid	✓	✓	✗
Solemn criminal legal aid	✗	✓	✗

In 2023-24 total grants of legal assistance rose by 8.6% to 176,000.

In criminal, grants of ABWOR (assistance by way of representation), primarily used for guilty pleas in summary cases, increased by 19% to 25,300. This was driven by current reforms of the criminal justice system that has facilitated earlier resolution of summary cases.

Grants of summary criminal legal aid increased by 9% to 39,000. The overall level of summary criminal (ABWOR plus legal aid) is now just 4% below the level of the pre-pandemic year of 2019-20.

Grants of solemn criminal legal aid remained level at 12,100, which is 9% higher than the pre pandemic year 2019-20. In civil legal assistance, grants of full civil legal aid increased by 5% to 13,800.

Within civil, grants of 'family' legal aid declined 2.7% to 6,300 whereas non-family legal aid grants rose by 13% to 7,600. Non-family legal aid grants are mostly adults with incapacity cases where grants rose by 13% to 6,500. Housing cases also rose – by 28% to 470 reflecting the increase in actions by some local authorities.

Total grants of civil advice and assistance rose by 6% to 46,200. The largest growing component here was a 29% increase in immigration and asylum cases. The family/relationships grouping decreased by 6%.

The number of children's advice and assistance grants decreased 4% to 2,400 and grants of children's ABWOR, decreased 5% to 3,900. Grants of children's legal aid cases decreased 2% to 1,470.

7. Quality Assurance

The table below sets out the key features of the criminal and civil quality assurance schemes in Scotland.

	Criminal Legal Assistance	Civil Legal Assistance	Children's Legal Assistance
Commenced	The scheme was commenced in February 2012.	The scheme was commenced in 2003.	The Scheme was commenced in 2017
Administered by	Scottish Legal Aid Board (SLAB).	Law Society of Scotland.	Scottish Legal Aid Board (SLAB).
Funding	SLAB funds the QA scheme.	Funding ultimately covered by SLAB. The Law Society initially pays for the costs of the scheme including Peer Reviewers and the scheme's administration costs. These costs are then reimbursed by SLAB.	SLAB funds the QA scheme.
Committee	QA is overseen by a Criminal Quality Assurance Committee (CQAC). This is a Committee of SLAB which comprises: 3 members appointed by SLAB; 3 members appointed by the Law Society of Scotland; 3 independent or lay members appointed in consultation with	QA is overseen by a Quality Assurance Committee. This is a Committee of the Society which comprises: 3 solicitors appointed by the President of the Law Society, including the Convener, who is a member of Council; 3 lay members; 3 employees of or members of SLAB, of whom at least	QA is overseen by a Children's Quality Assurance Committee (CQAC). This is a Committee of SLAB which comprises: 3 members appointed by SLAB; 3 members appointed by the Law Society of Scotland; 3 independent or lay members

	<p>the Law Society of Scotland.</p> <p>The main roles of the Committee are to consider the results of peer reviews and make recommendations for further action e.g. SLAB commencing de-registration proceedings.</p>	<p>two must be solicitors.</p> <p>The main role of the Committee is to consider the results of peer reviews and to determine whether a firm should hold or continue to hold a Law Society Compliance Certificate.</p>	<p>appointed in consultation with the Law Society of Scotland.</p> <p>The main roles of the Committee are to consider the results of peer reviews and make recommendations for further action e.g. SLAB commencing de-registration proceedings.</p>
Peer review cycle	The reviews are carried out over a 6 year cycle.	The reviews are carried out over a 6 year cycle.	The reviews are carried out over a 6 year cycle
Peer review carried out by	Peer reviews are carried out by experienced and currently practising criminal solicitors.	Peer reviewers are carried out by solicitors who practice civil legal assistance.	Peer reviewers are carried out by solicitors who practice children's legal assistance.

Complaints about solicitors are handled in the first instance by the [Scottish Legal Complaints Commission](#) (SLCC). SLCC are a single point of contact for all complaints against lawyers in Scotland (solicitors, advocates, commercial attorneys, licensed conveyancers). They investigate and resolve complaints about service and refer conduct complaints to the relevant professional body for investigation.

In April 2023, the Scottish Government published the Regulation of Legal Services (Scotland) Bill. The Bill completed stage three of the legislative process in the Scottish Parliament in [May 2025](#).

The Bill will improve how legal services are regulated and introduce a more flexible and consumer-focused system that provides clearer and swifter redress for complaints through greater transparency and accountability.

The Bill benefits the legal profession by simplifying regulatory structures and promoting innovation and competition, intended to increase access to justice. Also, by removing restrictions on third sector bodies, it aims to help charities better support the most vulnerable in society.

8. Public Legal Education

The Scottish Government launched the mygov.scot website in 2014 which works with over 150 organisations to deliver an online platform for people in Scotland to access public services that are easy to find and simple to use.

9. Alternative Sources of Legal Aid services

Alternative advice is available through local authorities, national organisations such as Shelter and smaller charities. Advice on welfare benefits, housing, debt, consumer issues, employment and relationships can be sought from one of the 59 Citizens Advice Scotland bureaux. Citizens Advice Scotland, the Extra Help Unit and associated bureaux together form Scotland's largest independent advice network. In 2020-21 the Citizens Advice Service network helped over 171,000 clients in Scotland and dealt with over 647,000 advice issues within the UK.

SLAB are responsible for the administration of [a range of projects across Scotland](#) which have been established to help people with certain civil problems.

Law centres

Law centres also offer cheaper or free legal help to people who might find it difficult to get legal advice. Most Law Centres in Scotland obtain funding in the form of grants from local and central government and other sources, as well as employing solicitors who are registered to carry out legal aid work. There are a number of law centres across Scotland, including:

- [Castlemilk Law Centre](#)
- [Dundee Law Centre](#)
- [Ethnic Minorities Law Centre](#)
- [Fife Law Centre](#)
- [Govan Law Centre](#)
- [Legal Services Agency,](#)
- [Scottish Child Law Centre](#)

10. Holistic legal services

Scottish Government has also recently introduced significant legislative change, such as the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) and the [Children \(Care and Justice\) \(Scotland\) Bill](#) which is currently at Stage 3. These changes and wider reform work have highlighted the need for Client Legal Services to look at how we deliver services to children and young people – with a view to developing a more holistic, child-centred and trauma informed approach – to ensure that children and young people are properly supported to have a voice in all decision-making processes that affect them.

Our Client Legal Services Directorate (CLS) that incorporates SLAB's employed solicitors delivering [criminal](#) and [civil](#) legal aid services is creating opportunities for its solicitors to build their legal knowledge and understanding of the wider justice system to support them to offer an increasingly holistic service to clients.

CLS have also been supporting the development of internal/external stakeholder knowledge to help inform/influence professional practice: