

Criminal Justice Committee

7th Meeting, 2021 (Session 6), Wednesday 6 October 2021

Pre-budget scrutiny

Written submissions from witnesses and from other organisations and individuals

1. The Criminal Justice Committee is holding an evidence session today as part of its pre-budget scrutiny of the Scottish Government's forthcoming Budget for 2022/23.
2. Written submissions have been provided by the following organisations who will be attending the meeting—
 - Police Scotland and the Scottish Police Authority (two submissions);
 - Scottish Legal Aid Board.
3. These submissions are attached.
4. The Committee's [call for views](#) and the responses to date from other organisations and individuals are available [online](#). The organisations that have made a submission to date are:
 - Families Outside
 - Association of Scottish Police Superintendents
 - Apex Scotland
 - PCS, COPFS Branch
 - Scottish Justices Association
 - Victim Support Scotland
 - Her Majesty's Inspectorate of Prisons for Scotland
 - Scottish Fire and Rescue Service
 - HM Inspectorate of Constabulary in Scotland
 - Criminal Justice Voluntary Sector Forum
5. Submissions from other organisations are due to be received in w/c 4 October.
6. The Committee thanks all of those who have taken the time to respond to our call for views.

Police Scotland/The Scottish Police Authority

Submission 1

Deputy Chief Officer David Page, Police Scotland / Chris Brown, Deputy Chief Executive, Resources, SPA

The impact of COVID

1 Whether the Scottish Government is providing enough budget for the criminal justice sector to recover from COVID-19?

The Scottish Government provided an additional £15m funding in 2021/22 to support the in-year impact of COVID-19: £10m income threat, £3m additional for PPE and £2m for enhanced cleaning. Based on our current assessment, this funding is sufficient to manage the financial impact of COVID in this financial year.

Future uncertainties and pressures include airport income which is expected to be suppressed for a number of years following the pandemic. We will continue to work closely with Scottish Government to quantify the ongoing financial impact of COVID-19 and monitor the impact on the future revenue budget. If we continue to see pressures on our income budget into 2022/23 as a direct consequence of the pandemic then without government funding to meet this shortfall, we would have to reduce service levels to make savings.

2 What the cost will be of making permanent some of the temporary changes brought in because of the pandemic (if these are to become permanent)?

Permanent changes include enhanced cleaning and additional PPE requirements that are currently being assessed as part of the 2022/23 budget build. As noted above, £5.0m additional funding was provided for these areas in 2021/22.

3 Whether organisations in the criminal justice sector have enough budget and staff to be able to cope with a return to pre-pandemic levels of working (e.g. expected growth in the number of court trials)?

The Scottish Government has awarded an additional £1.0m funding in 2021/22 to support the recovery of the justice system as a result of COVID-19. An additional 16 FTE Officers are required to support this increased activity, as well as the use of overtime in some of the smaller divisions.

Given the additional court delivery it is expected that there will also be wider challenges regarding court coordination / witness scheduling / summary justice reform etc. The expectation is that Police Scotland can bid for additional funding in the next 2-3 financial years to support this programme.

4 Whether there have been any savings and efficiencies because of the different way of working during the pandemic, what these savings have been used for elsewhere, and could they be kept once the pandemic is over?

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Transport and utility savings were recognised in the 2021/22 budget to reflect the new ways of working during the pandemic. These savings were used to offset other cost pressures identified as part of the 2021/22 budget development.

Going forward, any permanent savings as a result of changed behaviour will be continue to offset the significant cost pressures across the organisation, particularly in these areas which are currently subject to significant price increases.

5 Where are the opportunities for future reform and savings?

The five year financial plan has recognised potential savings from our Fleet and Estates strategies, however, this is dependent on receiving funding allocations to meet our total capital requirement over this period – see next response.

The Authority will continue to make a strong case for additional funding to Scottish Government, including proposals for borrowing or up-front funding for long term disposals/ bridging finance.

Police and fire and rescue

1 Whether the Scottish Government is providing enough budget for Police Scotland and the Scottish Fire and Rescue Service?

The Scottish Government's 2021/22 resource budget included a significant uplift to core policing funding allowing the Authority to eliminate the structural deficit and set a balanced budget without the requirement for workforce reductions. Despite this additional funding the service can only remain financially stable in future years if subsequent funding is in line with the commitment to real terms protection.

Our understanding of "real terms protection" is that funding will increase in line with unavoidable pay pressures, including pay award, national insurance increases, the impact of SPRM and reduced income directly associated with funded officers. It is also assumed that the financial implications of key legislation changes will be funded in full.

The 5 year capital investment plan we have produced shows a total requirement of £466m with major and essential investment in the DDICT strategy, consolidating and improving the Estate and modernising the Fleet through embracing greener technologies.

This investment would improve conditions and equipment for the wellbeing of officers and staff, enable a better service to be provided to the public and create time saving efficiencies through the use of newer technologies. These investments would contribute towards ambitions and targets set out within the Programme for Government and would align with the outcomes in the National Performance Framework. However, the Scottish Government's recent capital spending review published in January 2021 suggests a level of funding that is approximately £218m short over a 5 year period, of the funding required to deliver the ambitions of the organisation.

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A lower settlement would require prioritisation to meet health and safety needs, legislative requirements and replacement of core equipment. This would substantially eliminate our ability to deliver estates transformation or public sector co-location projects. Our transition to electric vehicles would top-out at approximately 40% of the fleet and only a small portion of the DDICT projects would be able to be taken forward.

2 In particular, is there enough budget to modernise the services, their buildings, vehicles and equipment etc?

As noted above, a lower settlement would require prioritisation to meet health and safety needs, legislative requirements and replacement of core equipment. This would substantially eliminate our ability to deliver estates transformation or public sector co-location projects. Our transition to electric vehicles would top-out at approximately 40% of the fleet and only a small portion of the DDICT projects would be able to be taken forward.

In conclusion, without an increased level of capital funding, we will not be able to modernise our asset base to the minimum levels set out in our strategies.

The support for victims of crime

1 Whether the Scottish Government is providing enough budget to enable organisations to support victims of crime?

We know communities and their policing needs are always changing and we are committed to constant improvement to protect the people of Scotland from threat, harm and risk in the public, private and virtual spaces. Upholding the law, protecting victims of crime and bringing offenders to justice is critical to maintaining the respect with which policing is held in Scotland. It is the challenge of all public services to ensure that, in a rapidly changing world, when people need help, they get it at the right time from the right people and, where required, on an ongoing basis.

Legal aid

1 Whether the Scottish Government is providing enough budget to enable people to access justice through the support provided by legal aid in criminal cases?

We know communities and their policing needs are always changing and we are committed to constant improvement to protect the people of Scotland from threat, harm and risk in the public, private and virtual spaces. Upholding the law, protecting victims of crime and bringing offenders to justice is critical to maintaining the respect with which policing is held in Scotland. It is the challenge of all public services to ensure that, in a rapidly changing world, when people need help, they get it at the right time from the right people and, where required, on an ongoing basis.

The Scottish Government's Programme for Government

1 What money will be required to finance the different criminal justice policies set out in the new Programme for Government and whether any new and extra finance has been allocated for the various initiatives?

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As noted above, the 5 year capital investment plan we have produced shows a total requirement of £466m with major and essential investment in the DDICT strategy, consolidating and improving the Estate and modernising the Fleet through embracing greener technologies.

This investment would improve conditions and equipment for the wellbeing of officers and staff, enable a better service to be provided to the public and create time saving efficiencies through the use of newer technologies. These investments would contribute towards ambitions and targets set out within the Programme for Government and would align with the outcomes in the National Performance Framework. However, the Scottish Government's recent capital spending review published in January 2021 suggests a level of funding that is approximately £218m short over a 5 year period, of the funding required to deliver the ambitions of the organisation.

A lower settlement would require prioritisation to meet health and safety needs, legislative requirements and replacement of core equipment. This would substantially eliminate our ability to deliver estates transformation or public sector co-location projects. Our transition to electric vehicles would top-out at approximately 40% of the fleet and only a small portion of the DDICT projects would be able to be taken forward.

The Authority will continue to make a strong case for additional funding to Scottish Government, including proposals for borrowing or up-front funding for long term disposals/ bridging finance.

Submission 2 (additional)

Background

Police Scotland and the Scottish Police Authority (SPA) continue to work closely with Scottish Government to articulate the current financial position and the capital and revenue requirements over the medium term.

Since its creation the SPA has undergone significant change, delivering financial and operational benefits of police reform. Despite all that has been achieved to date, significant additional investment is needed to enable the implementation of key investment strategies and to progress the transformation programmes required to deliver a police service for the 21st century.

Since 2016, the organisation has developed a number of medium and long-term financial strategies that set out a path to financial sustainability. The May 2018 financial plan provided a route to balancing the SPA budget by 2020/21 through significant officer and staff reductions enabled by capital investment in transformational change.

Although officer capacity and productivity benefits have been delivered through transformation investment, policing numbers have been retained at current levels in response to acute operational demands, including Brexit, COP 26 and latterly the operational response to COVID-19. This delayed the achievement of financial balance into future years.

The Scottish Government's 2021/22 budget included a significant uplift to core policing funding allowing a balanced budget to be set without the requirement for significant workforce reductions. A revised five year financial plan was approved at the Authority meeting on 29 September 2021. The key purpose of which is to reset the baseline financial position in the context of a balanced budget ahead of the Scottish Government's Spending Review, and to set out the broad financial parameters that need to be considered to maintain financial sustainability over the medium and longer term.

Question 1

In tabular form, details of the budgets for the current Financial Year (FY) and the previous two FYs for comparator/recent trend

BUDGET ALLOCATION	2019/20 Budget £m	2020/21 Budget £m	2021/22 Budget £m
Total budget allocation	1,204.8	1,266.0	1,299.0

Question 2

Broken down by capital and resource

BUDGET ALLOCATION	2019/20 Budget £m	2020/21 Budget £m	2021/22 Budget £m
Resource budget	1,136.7	1,189.3	1,220.3
Capital budget	43.1	51.7	53.7
Reform budget	25.0	25.0	25.0
Total budget allocation	1,204.8	1,266.0	1,299.0

Question 3

Broken down into main areas of spend beyond top line budget

RESOURCE BUDGET	2019/20 Budget £m	2020/21 Budget £m	2021/22 Budget £m
Police Officer Costs	818.1	817.8	827.3
Police Staff Costs	209.5	235.8	249.4
Non-pay Costs	151.0	168.2	174.0
Income	-41.9	-32.5	-30.4
Net expenditure	1,136.7	1,189.3	1,220.3
Funding allocation	1,095.1	1,145.3	1,220.3
(Surplus)/ deficit	41.6	44.0	-

CAPITAL BUDGET	2019/20 Budget £m	2020/21 Budget £m	2021/22 Budget £m
Business as usual	19.9	34.3	35.3
Transformation Capital	25.2	20.7	20.8
Slippage management	-2.0	-3.3	-2.4
Total expenditure	43.1	51.7	53.7
GIA funding	39.6	49.6	50.1
Other funding	3.5	2.1	3.6
Total funding	43.1	51.7	53.7

REFORM BUDGET	2019/20 Budget £m	2020/21 Budget £m	2021/22 Budget £m
Total expenditure	25.0	25.0	25.0
Total funding	25.0	25.0	25.0

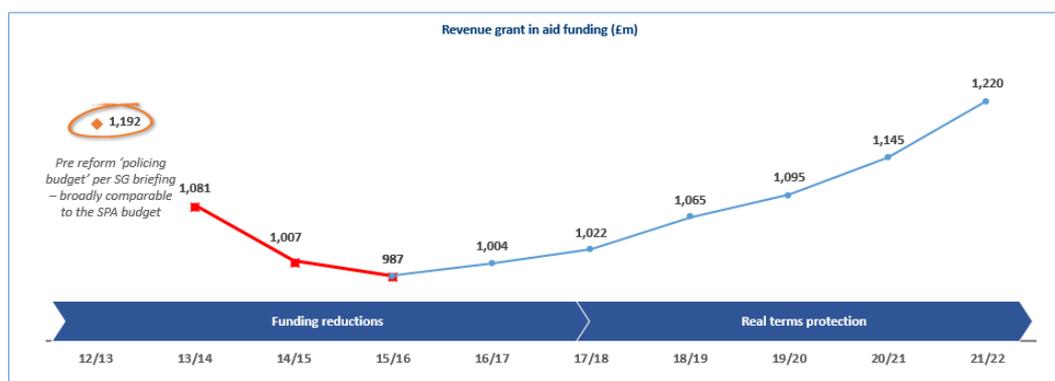
Question 4

Showing annual budget allocated, any in-year changes and outturn figures
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RESOURCE BUDGET	2019/20 Budget £m	2019/20 Outturn £m	2020/21 Budget £m	2020/21 Outturn £m	2021/22 Budget £m	2021/22 Forecast £m
Police Officer Costs	818.1	818.2	817.8	817.0	827.3	832.8
Police Staff Costs	209.5	210.1	235.8	240.8	249.4	252.0
Non-pay Costs	151.0	158.4	168.2	163.6	174.0	176.0
Income	-41.9	-45.3	-32.5	-29.1	-30.4	-31.4
Net expenditure	1,136.7	1,141.4	1,189.3	1,192.3	1,220.3	1,229.4
Funding allocation	1,095.1	1,097.6	1,145.3	1,156.3	*1,220.3	1,229.4
(Surplus)/ deficit	41.6	43.8	44.0	36.0	-	-

*2021/22 funding includes £15m of one-off additional funding to support the in-year impact of COVID.

- 4.1 Revenue expenditure in 2019/20 was £4.7m over budget. This overspend was partially offset by £2.5m additional Grant in Aid funding received in-year for pay award and other funded initiatives (including; Domestic Abuse Bill, ViSOR for Criminal Justice, wildlife crime, drug driving, ESMCP assurance work), leaving a £2.2m net overspend primarily driven by COVID-19 related costs.
- 4.2 Revenue expenditure in 2021/22 was £3.0m over budget, however, this was fully compensated by an additional £3.0m Grant in Aid funded for various funded initiatives (including; ViSOR for Criminal Justice, mental health pathway, transitional costs for post mortem toxicology, drug driving, ESMCP assurance work). ~£8.0m of additional funding was also received from Scottish Government to compensate the Police Authority for the in-year impact of COVID-19, and as a result the outturn deficit has reduced to £36.0m.
- 4.3 The revenue expenditure forecast to be £9.1m over budget, however, this is fully compensated by an additional £9.1m Grant in Aid funding which has been committed for updated PSPP (£7.5m) and transitional revenue costs for the transfer of post mortem toxicology services from the University of Glasgow to the Police Authority (£1.6m).
- 4.4 The table above shows that the resource budget for policing has increased significantly over the medium term, however, the diagram below has been included for some additional context. This shows that that revenue budget for policing in the current financial year (2021/22) has now reached the levels last seen in 2011/12 in cash terms.
- 4.5 In real terms (2021 prices) the Scottish policing revenue budget is over £200m lower today compared to a decade ago and we now have a balanced budget in the current financial year. On a cumulative basis the savings delivered will total £2.2bn by 2026, nearly double the level targeted in the outline business case for police reform (£1.1bn).



CAPITAL BUDGET	2019/20 Budget £m	2019/20 Outturn £m	2020/21 Budget £m	2020/21 Outturn £m	2021/22 Budget £m	2021/22 Forecast £m
Business as usual	19.9	22.7	34.3	47.9	35.3	35.8
Transformation Capital	25.2	22.5	20.7	15.8	20.8	24.7
Slippage management	-2.0	0.0	-3.3	0.0	-2.4	-2.0
Total expenditure	43.1	45.2	51.7	63.7	53.7	58.5
GIA funding	39.6	40.4	49.6	50.0	50.1	54.7
Other funding	3.5	4.9	2.1	1.4	3.6	3.8
Total funding	43.1	45.3	51.7	51.4	53.7	58.5

- 4.6 Capital Expenditure in 2019/20 resulted in a slight underspend against confirmed funding by £0.1m due the slippage of a small percentage of orders in light of challenges with timing of orders and deliveries. However, capital expenditure was £2.1m higher than the original budget but offset by compensating increased funding, primarily from property disposals and successful bids to the SG Justice Transformation fund.
- 4.7 The full year capital outturn spend for 2020/21 was £63.7m which was comprised of £51.4m of funding and an agreed overspend of up to £12.5m. Of the £12.5m, (£2.5m transfer from reform funding and up to £10.0m capital following consultation with the Scottish Government), £12.3m was spent on the modernisation and renewal of the police fleet and further remote working to support the COVID-19 response.
- 4.8 The capital forecast at quarter one of 2021/22 is £4.8m above the budget position of £53.7m. This forecast overspend is fully funded and primarily compensated by additional forecast grant-in-aid funding (£4.6m) committed by the Scottish Government to support transitional capital costs (laboratory fit out and instruments) for the transfer of post mortem toxicology services to the Police Authority.

REFORM BUDGET	2019/20 Budget £m	2019/20 Outturn £m	2020/21 Budget £m	2020/21 Outturn £m	2021/22 Budget £m	2021/22 Forecast £m
Total expenditure	25.0	24.0	25.0	22.5	25.0	25.6
Total funding	25.0	24.0	25.0	25.0	25.0	25.6

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- 4.9 Funding in 2019/20 was reduced from £25.0m to £24.0m, reflecting the SPA's contribution to the overall Scottish Government package for Brexit-related measures.
- 4.10 The full year outturn for 2020/21 is £2.5m under budget mainly driven by lower costs associated with SPRM appeals. Scottish Government approval was received to utilise £2.5m of reform funding to support capital expenditure.
- 4.11 The reform forecast at quarter one of 2021/22 is £0.6m above the budget but is compensated by additional grant in aid funding.

Question 5

Commentary and figures on efficiency targets/savings set and realised, plus a note on what any savings were used for

- 5.1 Efficiency and capacity benefits have been delivered through transformation investment, however, policing numbers have been retained at current levels in response to the acute operational demand that exists across the organisation, including Brexit, COP 26 and latterly the operational response to COVID-19.
- 5.2 The 2019/20 budget included a £4.8m central savings challenge and a £2.0m central income target which were used to offset cost pressures identified in other areas.
- 5.3 Budget setting in 2020/21 was largely carried out prior to understanding the full impact of COVID-19 on Scotland. The budget paper acknowledged that the operational and financial impact of COVID-19 was highly uncertain and largely unquantifiable at that point in time. Various management actions were taken throughout the financial year to mitigate the in-year impact of COVID-19, together with one-off in-year benefits and the additional funding from the Scottish Government.
- 5.4 Similar to the above, budget setting for 2021/22 was undertaken without a detailed understanding of the ongoing impact of COVID-19. Transport and utility savings were recognised in the 2021/22 budget to reflect the new ways of working during the pandemic and these savings were used to offset other cost pressures identified as part of the 2021/22 budget development. Going forward, any permanent savings as a result of changed behaviour will be continue to offset the significant cost pressures across the organisation, particularly in these areas which are currently subject to significant price increases.

Question 6

Commentary on any specific budgets allocated or required in the next FY for COVID recovery

- 6.1 Specific COVID funding was provided in 2020/21 and 2021/22 as it was recognised that the additional cost and income pressures could not be absorbed within the core revenue budget.

6.2 Our five year financial plan highlights a £4.5m income pressure for 2022/23 as a direct result of operating in a COVID-19 environment. Future uncertainties include airport income which is expected to be suppressed for a number of years following the pandemic. We will continue to work closely with Scottish Government to quantify the ongoing financial impact of COVID-19 and monitor the impact on the future revenue budget.

Additional information – financial outlook

Financial Sustainability and Real Terms Protection

The uplift to core policing funding in 2021/22 allowed the Authority to eliminate the structural deficit and set a balanced without the requirement for significant workforce reductions. The key focus of our current five year financial plan is how we maintain financial sustainability over the medium and longer term.

The financial plan was developed based on the total cost of the existing workforce, adjusted for pay award and staff pay and rewards modernisation (SPRM), the revenue impact of our current investment plans and a significant reduction in income, mainly as a result of COVID-19.

The financial plan indicates that maintaining current levels of policing, whilst continuing to achieve financial balance over the longer term, is dependent on a number of key factors including:

- receiving funding increases in line with the commitment to real terms protection;
- managing the workforce size and mix within current pay budgets;
- managing non-pay pressures with corresponding savings across the organisation; and
- receiving compensatory funding to support lost income as a result of COVID-19.

Our understanding of “real terms protection” is that funding will increase in line with unavoidable pay pressures, including pay award, national insurance increases, the impact of SPRM and reduced income directly associated with funded officers. It is also assumed that the financial implications of key legislation changes will be funded in full.

Even with the necessary funding to protect the workforce, the five year financial plan indicates that savings are required over the medium term to maintain financial balance. This is mainly to support the additional revenue costs associated with DDICT as new technology is introduced, however this investment will enable the organisation to become more efficient and create greater capacity to meet changing demand.

Capital Investment

The 5 year capital investment plan we have produced shows a total requirement of £466m with major and essential investment in the DDICT strategy, consolidating and improving the Estate and modernising the Fleet through embracing greener technologies.

This investment would improve conditions and equipment for the wellbeing of officers and staff, enable a better service to be provided to the public and create time saving efficiencies through the use of newer technologies. These investments would contribute

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towards ambitions and targets set out within the Programme for Government and would align with the outcomes in the National Performance Framework. However, the Scottish Government's recent capital spending review published in January 2021 suggests a level of funding that is approximately £218m short over a 5 year period, of the funding required to deliver the ambitions of the organisation.

A lower settlement would require prioritisation to meet health and safety needs, legislative requirements and replacement of core equipment. This would substantially eliminate our ability to deliver our estates transformation or public sector co-location projects. Our transition to electric vehicles would top-out at approximately 40% of the fleet and only a small portion of the DDICT projects would be able to be taken forward.

The Authority will continue to make a strong case for additional funding to Scottish Government, including proposals for borrowing or up-front funding for long term disposals/ bridging finance.

Scottish Legal Aid Board*Provision of budget to enable people to access justice through legal aid*

The budget for legal aid cases is demand led. The Scottish Government allocates a budget to the Legal Aid Fund. However, Ministers are obliged by law to meet any costs of legal aid in within a financial year even if they exceed that budget.

How much is spent in any given year depends on the number and value of accounts SLAB receives from solicitors and advocates. This in turn depends on the number of cases that have been granted legal aid in both the current and earlier years, how those cases have progressed, whether they have concluded, and the amount costs incurred in delivering services to clients. There is no restriction on grants or payments of legal aid simply because the budget has been or will be exceeded.

SLAB does not hold a budget to distribute. We draw down funds from the Scottish Government on a monthly basis to be able to pay the accounts received and assessed. In doing so we confirm to the Scottish Government that the accounts we will pay have been properly assessed according to the rules set for us in the relevant statute.

*Budget vs Expenditure***LEGAL AID FUND**

£'m

Financial Year	Original SG Budget	Final SG Budget	Legal Aid Fund Expenditure	Variance on final budget	Variance on original budget
2020-21	125.8	100.5	99.2	-1.3	-26.6
2019-20	125.8	127.4	130.9	3.5	5.1
2018-19	126.1	127.3	123.7	-3.6	-2.4
2017-18	126.1	126.9	124.5	-2.4	-1.6
2016-17	126.1	127.2	135.7	8.5	9.6

The table above shows, for the last five years, the Legal Aid Fund cash expenditure against the (a) the budget allocation at the start of the year and (b) the final budget position following any in-year budget changes. The budget that is set, and any in-year changes to that budget are a matter for the Scottish Government. The table also details the variance against the original and final budgets.

As an example of how variances can arise, in the most recently completed financial year, the Scottish Government allocated £125.8m to the Legal Aid Fund. Due to a combination of reduced new case volumes and delays in progressing cases due to covid, we received fewer and lower value accounts than was forecast, meaning that we did not need to draw down the full budget. Scottish Government was therefore able to reallocate the remaining budget to other priorities. The reallocation of remaining budget is not something that SLAB is involved in. A variance does not

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equate to a SLAB saving and the money could not have been used for any purpose other than paying for legal aid cases.

Where the number of value of cases ends up costing more than the budgeted amount, the Scottish Government also has to reallocate funding from elsewhere. In previous years this has been as much as £20m. In many other jurisdictions, access to legal aid, and payment for legal aid work is halted when the budget cap is met.

Future expenditure

Most legal aid work is billed at the conclusion of a case. Various schemes for the interim payment of fees and reimbursement of outlays (costs incurred by solicitors in delivering their service, such as expert reports) have been in place for many years, and while these are fairly well used by counsel and by solicitors in civil cases, they have not been widely used by solicitors in criminal legal aid. At the outset of the pandemic, the availability of interim payments was extended significantly.

We saw peak usage of interim payments in summary cases during April, May and June 2020 and a smaller peak during the second lockdown in early 2021. Most firms undertaking summary criminal work made at least some use of the interim schemes to assist with cashflow. For solemn work, almost half of active firms made at least some use of the interim payment scheme, but not to the same extent as the summary scheme.

The net effect of this, combined with the delays in progressing in cases, is that a substantial amount of the work we had expected to pay for in 2020-21 was either not undertaken during that period (but has been deferred into a later period), or was undertaken but not billed or paid for. Both of these effects are expected to result in a bulge of payments as work is undertaken, cases conclude and accounts are submitted and paid. In other words, much of the 2020-21 variance is actually a timing issue. Funding will still be required to pay for this work over 2021-22 and coming years as ongoing workloads return to pre-covid levels and backlogs begin to be cleared.

Budget provision for accessing legal aid in remote and rural areas of Scotland

We appreciate that people may have problems accessing solicitors for a range of reasons. Our evidence at the session on 29 September set out how the one size fits all judicare system makes it difficult to respond to any such problems as there are few levers to ensure services are available in any given place, in relation to specific problem types or for particular communities. Having said that, we have not seen evidence of widespread or systemic problems with accessing criminal legal aid, either generally or in remote and rural areas. Our last survey of those that had applied for criminal legal aid, conducted in 2018, suggested that few had experienced any difficulty in finding a solicitor to act for them. Of 388 respondents, 5% indicated that it had been difficult to find a solicitor, and of these only 5 individuals suggested that this was because there were not many lawyers in their area. We are running a further round of this survey during October/November 2021.

We have not been made aware of problems either generally or in specific locations, although we are aware that some courts are highly dependent on a small core of

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local solicitors providing a service, augmented by solicitors from other areas. This combination appears to be working as we receive very few reports of potential applicants being unable to find a solicitor or appearing unrepresented as a result (there are many reasons that an accused may appear unrepresented, even in areas with lots of criminal legal aid practitioners).

For those appearing unrepresented from custody, SLAB arranges for duty solicitors to be available. All local plans appear to be functioning well, although the number of cases handled by duty solicitors has reduced in line with general court volumes over recent years. Where a duty solicitor enters a plea of not guilty on the accused's behalf, the accused is then free either to instruct them to act for the remainder of the case or to select another solicitor. We are not aware of any difficulties with accused being able either to remain with the duty solicitor or find alternative representation.

For those seeking advice when detained by the police, we run a Solicitor Contact Line (SCL), which is available 24 hours a day, 365 days a year, to provide telephone advice and to arrange for a duty solicitor to attend in person where a suspect is to be questioned and they request a solicitor to be present. Where no duty solicitor is available, a solicitor from the SCL can attend. The numbers of arrested persons seeking advice was expected to increase very significantly following the extension of their rights in early 2018. While volumes of police station advice did increase, they have not done so to the extent initially anticipated, despite the ready availability of advice. While the SCL continues to provide a steady stream of advice and also attends where need be, the pattern of demand does not suggest a widespread difficulty in finding private solicitors willing to act either as a solicitor of choice or a duty solicitor.