

**Summary Criminal Legal Aid Monitoring and Evaluation
Meeting with Law Society 29 May 2008
Key Points**

Present:

LSS: (*Representatives attending from the legal profession were participating in an individual capacity and not as representatives of any law faculty*): Oliver Adair, Ken Dalling, Vincent McGovern, John Scott, Ian Bryce, Gerry Considine (by audio conference) and Stuart Drummond.

SLAB: Lindsay Montgomery, Colin Lancaster and Kingsley Thomas.

SG: Colin McKay, Diane Machin, Craig Flunkert, Chris Graham and Rosemary Pollard.

Purpose:

1. To inform the planned review of summary criminal legal assistance reform by:
 - 1.1 establishing the availability of robust, meaningful data on the impact of the summary justice reforms on the volume of court business,
 - 1.2 to test assumptions used in the SJR System Model and their impact on costings,
 - 1.3 to consider what adjustment might be recommended to enhance the workings of the criminal legal assistance system after the reform.

Approach

2. Evaluation of the reforms as a whole will be a lengthy and complex process and will benefit from the participation of the legal profession throughout. For the purposes of this group and to contribute towards an initial review by December 2008, the focus will have to be on monitoring data, rather than evaluation research. Such data as will be available by December will provide a snapshot of the early days of summary justice reform and particularly of the operation of the legal aid changes. Subsequent data capture will inform further development of the new system.

3. There is existing management information on courts business already published in courts statistics. However to enable an initial assessment to be made of the implementation and impact of the reforms, it was suggested that there was a need to:

- 3.1 Look at hard evidence rather than rely on anecdotes.
- 3.2 Collect early reliable data.
- 3.3 Provide clarity on what can be provided about business volumes, and when.
- 3.4 Consider the best form of appropriate engagement with the legal profession to provide effective representation, including where appropriate through membership of research advisory groups that may be established.

Data: Starting Point

4. Initial work would involve:
 - 4.1 Looking at changes in business volumes since the 10/3 implementation and comparing data against that available from last year.
 - 4.2 Identifying regional variations by comparing the 11 local criminal justice board areas.
 - 4.3 Considering jurisdictional variations through collection of interim local data.

Supply

5. What will be available:
 - 5.1 COPFS should be able to supply information on direct measures quarterly in arrears (so that April – June 2008 figures will be received in October 2008).
 - 5.2 The Police are able to monitor the issue rate for Anti-social Behaviour fixed penalty notices. Precise timescales for data supply would have to be agreed with ACPOS.
 - 5.3 Following some technical changes to their IT system the Scottish Court Service should be able to supply aggregated figures showing a detailed breakdown on the outcome of cases at first calling, intermediate diet and trial diet.
 - 5.4 There are some difficulties associated with the supply of figures on challenge rate to Fiscal DMs. It was agreed to clarify the position with SCS and COPFS.
6. Future supply would include:
 - 6.1 Information on case volumes (monthly).
 - 6.2 More comprehensive sets of information (every 3 months).
 - 6.3 SLAB will be regularly collecting information on the volume of criminal legal aid and ABWOR applications, monitoring and drawing out trends.
7. There was also a need to commission research to inform the evaluation programme to get at behavioural trends. This would be a long term process which might involve:
 - 7.1 Agreeing scope and drawing up a spec on summary disclosure and summary criminal legal assistance research.
 - 7.2 Asking the profession to gather indicative data.
 - 7.3 Getting feed back from Local Criminal Justice Boards.

Action

8. The following action points were agreed:
 - 8.1 A COPFS representative is to be invited to the next and subsequent meetings – also agreed that representation from the Sheriff Association was not required at this point.
 - 8.2 Next meeting to be held within few days of the National Criminal Justice Board Meeting on 26 June.
 - 8.3 SG to provide detailed timescales of what data would be available when.
 - 8.4 SG to consider an appropriate form of representation for profession's input.
 - 8.5 SG to issue a brief note of this meeting, attaching the Cab Sec's 8 April commitment setting out Government's position,
 - 8.6 SLAB to send out letter about the June road shows and about operation of the reform.

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