

5. Children's legal assistance

5.1 Intimations of children's advice and assistance

	2008-2009	2007-2008
Children (Scotland) Act 1995 - part II, chapters 2 & 3	4,841	4,678
Transfer of agency	6	3
Witness citation	1	1
Total	4,848	4,682

5.2 Grants of legal aid by the courts under the Children (Scotland) Act 1995

	2008-2009	2007-2008
Total	4,566	4,199

5.3 Applications to the Board in respect of appeals to the Court of Session and the Sheriff Principal

	Applications received	Applications granted
Total 2008-2009	37	5
Total 2007-2008	21	7

5.4 Accounts paid and average case costs - children's advice and assistance

Subject matter	Number of cases	Solicitor £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total paid 2008-2009 £000	Total paid 2007-2008 £000	Average case cost 2008-2009	Average case cost 2007-2008
								£	£
Children (Scotland) Act 1995 - part II, chapters 2 & 3	3942	381	6	1	7	388	419	99	94
Transfer of agency	2	0	0	0	0	0	0	54	-
Witness citation	1	0	0	0	0	0	0	38	75
Total 2008-2009	3945	381	6	1	7	388	-	98	-
Total 2007-2008	4,473	410	8	1	9	-	419	-	94

Note

1. In this table, payments to advocates and solicitor advocates are included under counsel outlays, as regulation 17(1) of the Advice and Assistance (Scotland) Regulations 1996 only provides for payments to the solicitor, of fees and outlays. In previous years, outlays for the employment of counsel were included with all other solicitor outlays.

5.5 Analysis of accounts paid and average case costs - children's legal aid

Subject matter	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid 2008-2009 £000	Total paid 2007-2008 £000	Average case cost 2008-2009	Average case cost 2007-2008
								£	£
Appeal against warrant by children's hearing for detention	97	61	0	0	8	69	39	709	435
Appeal decision by children's hearing - other than detention	443	210	11	0	34	255	273	576	570
Application for a finding as to the grounds of referral	3,116	2,354	898	0	186	3,438	3,789	1,103	1196
Application for variation/recall of child protection order	42	18	0	0	2	19	9	457	483
Application to the sheriff for a child assessment order	1	0	0	0	0	0	0	313	11
Application to the sheriff for a child protection order	1	0	0	0	0	0	0	0	0
Exclusion order - Children (Scotland) Act 1995 section 76	6	2	0	0	0	3	1	425	334
Total 2008-2009	3706	2,645	909	0	229	3,784	-	1,021	-
Total 2007-2008	3,764	2,641	1,119	1	349	-	4,110	-	1092

5.6 Intimations of children's advice and assistance by gender

	Male applicant		Female Applicant		No gender recorded		Total
Total 2008-2009	1,631	34%	3,216	66%	1	0%	4,848
Total 2007-2008	1,721	37%	2,918	62%	43	1%	4,682

5.7 Increases in limit of authorised expenditure of children's advice and assistance

	Applications for increase		Increases granted		Increases refused	
	2008-2009	2007-2008	2008-2009	2007-2008	2008-2009	2007-2008
Non-templated increase	1,567	1,378	1,482	1,229	71	125
Total	1,567	1,378	1,482	1,229	71	125

Note

1. There are no templated increases in children's advice and assistance.
2. Figures for 2007-2008 have been restated for the new table structure.

5.8 Sanctions in children's legal aid cases

	Applications received	Applications part granted	Applications granted	Applications refused
Children's				
- expert witness	167	6	127	10
- unusual expenditure	37	1	25	5
- counsel	97	2	30	62
Total 2008-2009	301	9	182	77
Total 2007-2008	405	17	231	94

5.9 Sanctions for appeals

	Applications received	Applications part granted	Applications granted	Applications refused
Children's appeals				
- expert witness	0	0	0	0
- unusual expenditure	1	0	1	0
- counsel	6	0	3	2
Total 2008-2009	7	0	4	2
Total 2007-2008	11	0	7	3

Throughout this statistics section

- figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year
- unless otherwise stated, figures for accounts paid include VAT and are prepared on a cash basis and include all accounts passed for payment during the year
- in tables showing accounts paid, unless otherwise stated, outlays include all payments other than fees paid to solicitors and advocates - for example, expert witnesses.