

Guidelines for the Application for Increase in Authorised Expenditure for Children's Advice and Assistance



Form: AA/INC/CHL

Issued: December 2006

When to use this form

Use this form for all requests for increases in authorised expenditure in children's advice and assistance (cases involving adults and children for matters arising from Part II, Chapters 2 and 3 of the Children (Scotland) Act 1995). For increases in authorised expenditure in relation to any other sections of the Act, please use the existing AA/INC form, as this advice falls under civil advice and assistance.

Completing the form

Read these notes with the explanatory notes on the form itself. More information about advice and assistance procedures is in the *Scottish Legal Assistance Handbook for Children's Hearings and Associated Court Proceedings*, which also includes guidance on levels of increase for particular types of cases.

Unless shown otherwise, you must answer all questions. If you cannot provide an answer to a question, please leave the boxes blank. Please do not mark the box "not applicable" or "not known", or score it out.

As we scan information into our computers, it is important that you

- complete the form clearly in black ink, using capital letters
- enter crosses clearly in the relevant boxes, and write clearly within the white box areas.

Please try to avoid attaching covering letters or additional sheets - there ought to be room on the form for you to provide details of the case, and the work you propose to do if we grant this increase.

You should send us copies of all previous requests, where you ask for a second or subsequent increase.

Section A - Solicitor acting for the applicant

Please complete all the questions in this section. We need the solicitor's and firm's name at question 5 to validate the code numbers.

If you wish, you can use a name and address stamp to complete question 5, but you must complete the codes at questions 1 to 3 in the white box areas.

Section B - Application details

You must enter the applicant's forename, any middle names and surname, then answer:

- question 4, if you have already received an acknowledgement from us of the relative grant of advice and assistance

OR

- question 5, if you are applying for an increase at the same time as you are sending us the advice and assistance application form (AA/APP/CHL) for registration

OR

- question 6, if you have already sent us the advice and assistance application form (AA/APP/CHL) for registration, but you have not heard back from us with a reference number. Enter the date when you signed the declaration admitting your client to advice and assistance. You must also complete Section C.

Section C - The applicant

You only need to complete this section if you selected question 6 in section B. We need this information to match your increase request to the correct grant of advice and assistance. You do not need to complete this section if you selected questions 4 or 5 in Section B.

Section D - Increase urgency

Completing this section allows us to consider the most urgent requests first. Please be realistic in completing this section. If every case is identified as urgent, this prioritisation will not work.

Section E - Case details

Question 1

Enter the main category code.

Question 3 - Summary of work already done in the case

This will help us put into context the work you are now proposing to do, and help us decide on the increase request.

Section F - Template increase

We have introduced "templated" increases for civil advice and assistance which, if you meet certain criteria, allow us to grant one increase to cover your work without you having to come back to us for further authorisation. We do not yet have templates for children's advice and assistance, but we intend to develop these. Until templates are available, you should ignore this section of the form.

Section G - Work now proposed if increase is granted

Question 1 - Work now proposed

Please give us

- a full breakdown of the work you are proposing to carry out
- a breakdown of the costs of each item, including any travel.

In cases being referred to a children's panel, you can only advise your client on how to take steps in instituting, conducting or defending these proceedings, or help them take those steps (as opposed to taking the steps on their behalf). If you are applying for an increase in authorised expenditure for this, you should tell us why this work is necessary by addressing factors such as:

- the importance of the case to the client
- the complexity or novelty of the issues involved
- the ability of the client to undertake this work without help and
- whether they could get help on procedural matters from some other source (for example, the children's reporter or the clerk of court or, in Edinburgh Sheriff Court, the in-court adviser) and, if so, the extent to which they have done so, or why not.

~~Children's advice and assistance increase form AA/INC/CHL - Guidance notes~~
~~It may help you in your approach to increases if you think of us as a private client of modest means. Such a client will want to know why the particular work is needed, what benefit they will get from it, what it is likely to cost them and whether there is a more cost-effective way to do it. We need the same information to satisfy us the request for an increase is reasonable.~~

In dealing with a request for an increase, we will look at each case on its own merits. We do not give a particular category of case a ceiling beyond which we will not go - however, do not always expect to get an increase to the level you ask for.

Question 2 - Increase limits

Give the current authorised expenditure - that is, either the £80 initial limit or any increased limit already authorised - and the total new limit you are applying for.

Question 3 - Confirmation of a grant made by telephone or fax

Complete this section if we have already granted by telephone or fax the increase you are asking for on this form. This will allow us to link this application form to the grant, and to confirm that grant to you.