



# *Advice and assistance reforms update- criminal*

Issued to criminal legal aid solicitors

Issue 8  
27 April 2007

## Criminal advice and assistance/ ABWOR changes

This update mailshot contains information and guidance about changes in *criminal* advice and assistance coming into force on 1 May 2007.

Please ensure that all staff involved in providing criminal advice and assistance are made aware of its contents.

## Update contents and enclosures

- Update letter - this letter includes:
  1. Key points about the changes and the new criminal advice and assistance/ABWOR form - this pages provides you with the essential information about the changes
  2. Using the new forms and the Category Codes Card
  3. Getting the new forms - including what to do if you have not received a starter pack and how to order more forms including an order form for our printers
  4. Legal Aid Online
  5. Information for solicitors who provide civil or children's advice and assistance
  6. What's next and who to contact with questions
- One copy of the new form: Application for criminal advice and assistance/ ABWOR - AA/APP/CRIM. You have been sent separately starter packs containing the new forms.
- How to complete the criminal advice and assistance/ ABWOR application form - containing key points, question by question guidance notes for completing the form and 3 model applications
- Category Codes Card - use this card to identify the correct code to use
- Equality Card - you should provide this card to the applicant to enable completion of Section H of the advice and assistance application forms.

# 1. Criminal advice and assistance - key points

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*This section provides you with the essential information about the changes*

## Summary of changes

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- The new green AA/APP/CRIM form must be used for all criminal advice and assistance/ ABWOR intimations from 1<sup>st</sup> May 2007.
- There are not equivalent changes to criminal advice and assistance/ ABWOR as are being made to civil advice and assistance. For criminal advice and assistance/ABWOR, there are no changes to the initial limits of authorised expenditure, no new types of advice and assistance, and the minimum fee remains.
- **No change yet to criminal increases but there will be in May** - We will not issue until later in May the new increase form: *Application for increase in authorised expenditure for criminal advice and assistance / ABWOR - form AA/INC/CRIM*. Until you receive the new criminal increase form, you should continue to use the existing increase form AA/INC for criminal increases only. We will advise you when we send you the new increase forms when you should stop using the existing increase form.

## Key points to remember

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- Legal Aid Online offers you a quicker and easier way of doing advice and assistance work rather than paper. If you are interested in using Legal Aid Online please visit our website [www.slab.org.uk](http://www.slab.org.uk) or contact us on 0131 240 2013.
- You cannot use pdf forms, photocopies or your own versions of our forms from 1 May 2007. You must use the new AA/APP/CRIM - Application for criminal advice and assistance/ ABWOR form only, or use Legal Aid Online.
- When filling out the new form, please use black ink only and when completing the single white boxes, write in capitals. Use the check boxes and write within the white boxes/space only.
- Do not send covering letters with the application form unless you require to tell us something that cannot be written on the form.
- **Financial verification:** It is still your responsibility to be satisfied on financial eligibility. You should see documentary evidence of your client's financial circumstances such as a wage slip or a bank statement. You need to include details of this verification on the AA/APP/CRIM form and keep a copy of evidence seen on file.
- Income support, income based job seeker's allowance, or disregarded benefit payments should not be included as income in Section G of the form.
- All our guidance on criminal advice and assistance is available online at [www.slab.org.uk](http://www.slab.org.uk)

## 2. Using the new forms

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The new criminal advice and assistance application form must be used for all grants of criminal advice and assistance made from 1 May 2007 onwards.

From 1 May 2007, any criminal advice and assistance application received which is not on the new form will be returned.

### Criminal increase form

We will not issue until May the new increase form: *Application for increase in authorised expenditure for criminal advice and assistance / ABWOR - form AA/INC/CRIM.*

Until you receive the new criminal increase form, you should **continue to use the existing increase form AA/INC for criminal increases only.**

We will advise you when we send you the new increase forms when you should stop using the existing increase form.

### What to do if you have not received a starter pack or need more forms urgently

We have sent you under separate cover starter packs with the new criminal advice and assistance application form. We previously advised the number of forms that would be sent to you. All packs were issued by Friday 26 April. If you do civil work, the criminal forms have been sent separately to civil starter packs.

If you have not received your starter pack of criminal advice and assistance application forms by Monday 30 April or do not have enough and require them urgently, your should:

- continue to use the existing form AA/APP until you have received your supply
- contact us to arrange to be sent a supply by phoning the advice and assistance department on 0131 240 2066 or communications department on 0131 240 1985.

### Destroying the old forms

If you only undertake civil or children's advice and assistance work - you should now destroy stocks that you hold of the current advice and assistance application form (AA/APP) and the increase form (AA/INC). You may wish to consider using a local paper recycling service to do this.

If you undertake criminal advice and assistance work - please destroy these forms once you have received the new criminal advice and assistance application and increase form.

### Using the new Category Codes Card

Our new Category Codes Card provides a list of current category codes to help you correctly select the correct code for the subject matter of your client's case.

If you undertake civil advice and assistance work, a number of additions have been made to the category codes. Details of the changes to be made are set out in our Update 7 mailing which including civil advice and assistance guidance.

## 3. Getting the new forms

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### Only printed forms and Legal Aid Online applications accepted

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With this change in forms, we will only be able to deal with forms that are in the supplied printed format or are made using Legal Aid Online.

You should note that we will not be providing pdf versions of the new advice and assistance forms, which have previously enabled the forms to be completed on computer. We will also no longer accept photocopied forms or forms produced in your own format such as from your own case management system.

The main reason for this change is that if forms are printed on a normal desktop printer or on a photocopier, the layout will not match that of the printed forms we supply you, and will not be read by our computer systems.

However, by using Legal Aid Online, you can make applications on computer and then send them to us securely through the internet, making it faster and easier for you. Therefore, if you currently use pdf or your own versions of our forms for completion on computer, you will need to move on to Legal Aid Online service - see section 4 for details.

### How to order more printed forms or guidance

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#### Starter packs

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If you wish to request another starter pack of the criminal advice and assistance application forms, please contact the Board's communications department on tel 0131 240 1985, or email [general@slab.org.uk](mailto:general@slab.org.uk)

We would prefer that you order a further starter pack if you believe you will need more new forms at an early stage.

#### Ongoing supplies

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You can now order the new form for ongoing use in the usual way from our printers, Stewarts. Forms are supplied to you within one working week.

**Attached to this update is a new order form, which you should now use.** The order form is also included with all orders supplied by Stewarts, and is also available on our website.

To place an order you can call Stewarts on 0131 659 6010 or return the order form by fax or mail (if faxing an order, you do not need to also send as confirmation your order form by mail).

When placing an order, you **must** give your firm code and/or practitioner number.

You should ensure you maintain an adequate stock of the printed forms. Remember you cannot photocopy the new forms.

#### Ordering guidance publications

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Copies of Board publications, including the attached guidance, are available on our website, [www.slab.org.uk](http://www.slab.org.uk) in the legal profession section.

You can also order printed copies from our Communications Department by calling 0131 240 1985 or email [general@slab.org.uk](mailto:general@slab.org.uk)

## 4. Legal Aid Online

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The introduction of the new advice and assistance forms is an ideal time to consider trying Legal Aid Online.

Legal Aid Online is a free, quick, easy and secure way to process legal aid. Legal Aid Online allows you to make applications and create accounts using the internet, help your clients and get paid faster.

Legal Aid Online is available for advice and assistance applications, increases and accounts. Both solicitors and administration staff can use the system. All you need is access to the internet from your computer.

Many practitioners have seen benefits in using Legal Aid Online.

### New to Legal Aid Online

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You can find out more about Legal Aid Online on our website [www.slab.org.uk](http://www.slab.org.uk) in the legal profession section.

To start using Legal Aid Online, please register your details with us. Registration is free, quick and easy. We will then be in touch to discuss setting you up for our online service. Your move to Legal Aid Online will be supported with help and training to get you up and running.

You can register your details:

- online, by going to the legal profession section of our website and following the links to Legal Aid Online
- or contact our Legal Aid Online team on 0131 240 2013 or [online@slab.org.uk](mailto:online@slab.org.uk)

### Already using Legal Aid Online

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Current users of our Legal Aid Online service will receive an email update before 1 May about changes to our online service that are linked to the advice and assistance reforms.

## 5. Information for solicitors who provide civil or children's advice and assistance

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### Civil advice and assistance

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Solicitors who undertake civil advice and assistance work will have received starter packs with new civil application and increase forms. We have also issued update mailing about the civil advice and assistance reforms, including a wide range of guidance on using the new application and increase forms.

A number of changes to civil advice and assistance are effective on 1 May 2007. The new civil advice and assistance forms must also be used from 1 May 2007.

If you undertake civil advice and assistance work and have not received:

- a starter pack with new civil forms, please contact us by phoning the advice and assistance department on 0131 240 2066 or communications department on 0131 240 1985
- our guidance mailing - please visit our website [www.slab.org.uk](http://www.slab.org.uk) or call our communications department on 0131 240 1985 to receive a printed pack of guidance.

### Children's advice and assistance

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**From 1 May 2007 the initial limit of authorised expenditure for children's advice and assistance cases (which are made on form AA/APP/CHL) will increase from £80 to £95.**

On the current children's advice and assistance application form, AA/APP/CHL, issued in January 2007, at section J question 1 the initial limit of authorised expenditure is shown as £80. You should continue to put a cross in this box and we will automatically revise the amount to £95.

We intend to issue revised children's advice and assistance application and increase forms in the summer. The revised forms will also incorporate a number of changes to make them more consistent with questions on the new civil and criminal advice and assistance forms.

Please also remember that you do not use the children's advice and assistance forms just because the matter involves a child. **The children's forms should only be used for advice and assistance for adults and children in relation to proceedings under Part II Chapters 2 and 3 of the Children (Scotland) Act 1995.** If for example, your case is for a child about a reparation matter, this application should be made on the civil advice and assistance form.

## 6. What's next and who to contact with questions

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We will be sending criminal practitioners in the next weeks further mailings about:

- new criminal advice and assistance/ ABWOR increase form together with guidance on how to complete it
- new accounts forms for advice and assistance and guidance on how to complete them.

We welcome any questions you may have about this guidance and how to use the forms. We also welcome your comments on the new forms. We are continuing to review the forms and your feedback can assist us identify where improvements could be made when we next change our forms.

Our contact details are:

For questions about:	Name	Telephone number
Any information about the advice and assistance changes and using the new forms	Kingsley Thomas, Manager of Criminal Legal Assistance	0131 240 2085
	Advice and assistance - applications department	0131 240 2066
Legal Aid Online	Diane Ireland, Legal Aid Online	0131 240 2013 or email <a href="mailto:online@slab.org.uk">online@slab.org.uk</a>
You have not received your starter pack of civil advice and assistance forms by Monday 30 April or do not have enough and require them urgently	Advice and assistance - applications department	0131 240 2066
	Communications Department	0131 240 1985
Ordering starter packs, Handbook and guidance publications, or information seminars	Communications Department	0131 240 1985
Ordering ongoing supplies of forms	Stewarts	0131 659 6010
If the firm or address details we have used are incorrect	Notify our Receipts and Payments Department in writing of any changes in address or practitioner details	<i>0131 240 2080</i>

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