

Legal Services Department
44 Drumsheugh Gardens
Edinburgh EH3 7SW

Hays DX ED555250 EDINBURGH 30
Legal Post LP2 EDINBURGH 7

Telephone (0131) 226 7061
Fax (0131) 225 3705



To: Legal firms

Helpline direct dial number:
0131 240 2007

Email: civilreform@slab.org.uk

Your ref:

Please quote the department above and
our reference: **Civil Registration / 1**

29 August 2003

Dear Sir / Madam

CIVIL LEGAL AID REFORM MAILSHOT 1

CIVIL REGISTRATION

As you I hope you will be aware from the various documents issued by the Board and the Law Society, a package of reform of the civil legal aid system is to implemented on 1 October 2003.

The reforms cover:

- Increase in fees
- Improved applications and reporting process
- Introduction of quality assurance and registration

A summary with information on the various elements is enclosed at appendix 4.

This mailshot covers the civil registration process and is the first in a series of mailshots providing information about the reforms.

Registration requirements

Under the new scheme:

- Any firm providing civil legal assistance (i.e. civil legal aid or civil advice and assistance) will require to be registered for that purpose.
- Registration will require compliance with the ten administrative requirements developed by the Law Society in consultation with the Board and the Scottish Executive. The ten administrative requirements are attached at appendix 1.
- The auditing will take the form of a short review by the Board's compliance staff every two years.
- Separate to the registration process is the Quality Assurance scheme to be operated by the Law Society. Guidance, prepared by the Society, will be issued shortly on this.

We wish to have a smooth and efficient transition to the new system for practitioners, applicants and the Board and, to help facilitate this, there will be a six month transition period from 1 October.

The Board has compiled a list of those firms that have in the recent past undertaken civil advice and assistance or civil legal aid work. These firms will be entered provisionally on the Register at 1 October 2003. The list has been placed on **our website** www.slabpro.org.uk in the "What's new" section. The login details for the site are username: procurator and password: LAACT1986. Please access our website or, if you are unable to do so, telephone our Helpline on 0131 240 2007 to check whether your firm has been included.

If your firm has been included in the list and you do want to provide civil legal assistance after 1 October:

You do not need to do anything at the moment in terms of notifying us about registration. You will automatically be placed on the provisional Register at 1 October 2003.

However, you should determine whether your firm has in place procedures for the ten administrative requirements set out by the Law Society. You may well decide that you meet all ten requirements but, if you feel that some changes are required, please start developing and implementing procedures in relation to the administrative requirements.

You will be asked to confirm to the Board by the end of February 2004 that your procedures comply with the Law Society requirements and that they have been implemented. We will, at a later date, send you a form for this purpose.

If your firm has been included in the list and you do NOT want to provide civil legal assistance after 1 October:

If you do not want your firm to be involved in providing civil legal assistance after 1 October please advise the Board by return, or at least by 26 September 2003, using the enclosed form (appendix 2).

The effect of this will be that, after 1 October 2003, solicitors within the firm will not be permitted to grant civil advice and assistance or submit civil legal aid applications. You will, however, be entitled to see any existing cases under civil legal assistance to a conclusion and to be remunerated as appropriate.

If your firm has NOT been included in the list and you do want to provide civil legal assistance after 1 October 2003:

If your firm has not been included in the list and you do want to provide civil legal assistance after 1 October 2003, please complete and return the enclosed form (appendix 3). We will then include your firm in the provisional Register and you should determine whether your firm has in place procedures for the ten administrative requirements. However, this provisional arrangement will only apply until February 2004.

If your firm has NOT been included in the list and you do NOT want to provide civil legal assistance after 1 October 2003:

You do not need to do anything in terms of notifying us about registration. Your firm will not be included in the provisional Register at 1 October 2003.

If your firm is included in the provisional register and, at any time after 1 October 2003, you decide that you want the firm to be removed from the Register, you should write to the Board. The effect of this will be that, from the date of your letter, solicitors within your firm will no longer be permitted to submit new civil legal aid applications or make new grants of advice and assistance, although they will continue to be entitled to see any existing cases under civil legal assistance to a conclusion and to be remunerated as appropriate.

From 1 April 2004, the new regime will be in full operation, and an unregistered firm will have to apply to the Board to be registered before its solicitors will be allowed to submit applications for civil legal assistance.

Summary of timetable

- August 2003: the Board has prepared a provisional Civil Legal Assistance Register and written to all firms.
- 26 September 2003: any firm NOT wanting to continue to provide civil legal assistance after 1 October 2003 should advise the Board of this. Any firm not on the provisional Register must advise the Board it wishes to be included.
- 1 October 2003: firms only permitted to submit applications if they have been provisionally registered.
- October 2003 to February 2004: firms wishing to continue to provide civil legal assistance will devise their procedures to conform to the ten requirements. Board compliance staff will be available for consultation and assistance.
- 29 February 2004: firms must have certified to the Board that they have introduced procedures which comply with the Law Society requirements
- March 2004: firms will be informed of their registration status—no firm will be registered without having completed the certification above.
- 1 April 2004: the Board will only accept applications for civil legal assistance from fully registered firms. A two year cycle of audits of compliance with the ten administrative requirements will begin.

When the audits of compliance with administrative requirements commence we will, where appropriate and convenient to the firm, endeavour to hold these audits together with the Criminal Legal Assistance Register audits to minimise this impact.

We hope that by phasing in the registration process with a six month transition period we will help firms move to the new system with the minimum of disruption. For the vast majority of firms who wish to provide civil legal assistance after 1 October 2003, all that will initially be required is a check to make sure that you have been identified for inclusion in the provisional Register.

You will then have until the end of February 2004 to certify that by the end of March you will be compliant with the ten administrative requirements. We anticipate that for the majority of firms, little or no change of procedures will be required. However, if you would like some help or guidance in putting the procedures together or advice on the extent of the written documentation required to support them, the Board's civil compliance auditors will be happy to provide advice.

We have set up a **Telephone Helpline on 0131 240 2007** to allow you easy and quick access to members of staff able to assist you with any queries on the main aspects of the reforms: applications and reporting (means, merits and the processing of applications), registration and accounts. Please telephone this number if you have a query about the registration process or want a member of our staff to check for you whether your firm has been identified for inclusion in the provisional Register.

You will receive shortly a further mailshot providing further details about the applications and reporting process.

Yours faithfully



Tom C Murray
Director of Legal Services and Applications

Telephone Helpline

If you have a query about the registration process or whether your firm has been identified for inclusion in the provisional Register please telephone our Civil Legal Aid Reform Helpline on
0131 240 2007

You can also use this number if you have a query about applications or accounts under the new system.

Alternatively, you can e-mail us with any queries - civilreform@slab.org.uk

If you have any queries about the Quality Assurance system please telephone the Law Society on 0131 476 8147.

Attachments

1. List of the 10 administrative requirements
2. Form to be completed by any firm whose name appears on the list of firms, but who does not want to undertake civil legal assistance after 1 October 2003
3. Form to be completed by any firm whose name does not appear on the list of firms, but who does wish to undertake civil legal assistance after 1 October 2003
4. Summary of the reform package.