

GUIDANCE NOTES

REPORTING FORM

Reporting stages

There are two types of reports:

- compulsory – which arise in two circumstances:
 - procedural – because the case has reached a key stage
 - timed – because a period of 6 or 12 months has elapsed since the grant of legal aid or last report
- ad hoc or unprompted – where there has been a material change in circumstances

Compulsory Reporting Stages

Compulsory reports must be submitted

- when a proof or debate has been assigned or 12 months after the grant of civil legal aid – whichever is the earlier
- in family cases, involving a child welfare hearing, when a proof or debate has been assigned or six months after the date of grant of civil legal aid – whichever is the earlier
- each subsequent 12 months after the initial report
- final report at conclusion of proceedings (not the submission of the account)

Ad hoc or Unprompted Reporting Stages

Ad hoc reports should be submitted in circumstances where there has been a material change affecting the assumptions on which the grant of legal aid has been made. As a result of these changes, the statutory tests of probable cause and reasonableness may no longer continue to be met, the assisted person may no longer be financially eligible to receive legal aid or there may be a need change to the contribution. The report will enable us to take the appropriate action. Such circumstances could include

- where the case is sisted (not however where sisted for legal aid)
- to advise the outcome of a debate
- where a proof diet is adjourned
- where a minute of tender is lodged but rejected
- where the prospects of success or recovery change
- where there has been a significant increase in the likely total cost of the case
- where a case is transferred to you and your view about any aspect of the application, particularly in relation to questions 18 – 24, is significantly different from that of the solicitor who made the application
- where you become aware of the following changes in the assisted person's financial circumstances:

- a change in the assisted person's income or capital within the 12 month computation period (even where legal aid may have been terminated beforehand or the case concluded) or
- a change in the assisted person's capital during the life of the case (even where legal aid may have been terminated beforehand)

(However, please bear in mind that we need to be advised of changes only where the assisted person's disposable income increases by £500 or decreases by £200 or his/her capital income increases by £500)

This list is not exhaustive – the key is to use the ad hoc reporting process to advise us of any changes that you think might affect the Board's view about whether legal aid should continue to be made available.

If a case is transferred to you, a copy of the original application form and any Reports should be on the file but, if they are not, please contact the Board immediately to request copies.

General

These notes are to be read in conjunction with the explanatory notes to be found on the form itself.

Unless indicated otherwise, please assume that all questions are mandatory. If you cannot provide an answer to a question, please mark the box "not applicable" or "not known". Do not leave any of the boxes blank unless the form directs you not to answer a particular question.

We may photocopy or scan the completed form and it will help us if you use typescript or black ink. Where typescript is not used please write legibly.

The reporting form must be completed and signed by the solicitor acting directly for the client.

You must send a copy of the form to the assisted person at the same time the form is sent to the Board.

Note that where we are considering withdrawing legal aid on the basis of a report, we will not do so until we have sought the applicant's and the nominated solicitor's comments.

Section C – Reporting information

Question 2 – Do you have a copy of the solicitor's section of the application form and all previous reports on you file?

You will need a copy of the solicitor's section of the application form (and, if applicable, any previous reports) to be able to complete the reporting form.

A copy of the application form and any previous reports should be on the file. If this is not the case, sign the reporting form, but do not complete it further; instead contact the Board with an explanation and a request for a copy.

Question 3 – What stage has the litigation now reached

Please supply a basic description of the stage reached, e.g. "Pleadings being adjusted", "Tender lodged" or "Proof set".

Questions 4 – 10

Questions 4 to 10 are designed to help us assess whether there are any material changes that might cause us to revise the decision to grant legal aid.

The questions only require you to provide supplementary information where you have changed your opinion since the application /last report.

Where your view has not changed, please make sure you tick the relevant “no” box; do not simply leave the section blank.

Where your view has changed since the application /last report, please provide us with details, including your current view and, if applicable, what caused you to alter your opinion.

Question 10 allows you to include any other substantial matter not covered elsewhere that you think might cause the Board to revise the original decision to grant legal aid. For example if any party has made an offer to settle (covered in question 17b of the original application) or some other additional step to avoid proceedings has been made (question 17a of the original application) please include details here, including why any offer was rejected.

Question 11 – Are you claiming an interim payment with this report

The submission of a compulsory (but not an ad hoc) report entitles you to claim payment on account for the blocks completed up to the point the report is submitted.

Before a case reaches the 6 or 12 month stage after the grant of legal aid (depending on whether a child welfare hearing is likely to be involved), a reminder will be sent to you.

All reports should be submitted when they become due. If, however, a compulsory report is slightly late, but submitted within 28 days of the date it was due, you will still be entitled to claim payment for the completed blocks. If a report is submitted outwith the 28 day period, no such payment can be made and you will receive this payment at the conclusion of the case. However, should any further compulsory reporting stages arise in the case you will, if the reports are submitted within the 28 day period, be entitled to payment on account for the blocks covered by the later stages.