



INVESTOR IN PEOPLE

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Chairman's Introduction

The last few months have been exceptionally busy for the Board, due to the introduction of the civil legal aid reforms, and making progress on a number of other developments. Elsewhere in this *Recorder*, you will find details of some of the changes that have already taken place: in this article, I want to look ahead to some of the developments that we expect to see over the next year or two.

Modernising the legal aid system

Modernising the justice system, and in particular legal aid, was the theme of a keynote address by Cathy Jamieson, the Minister for Justice, at the joint Law Society and Board Legal Aid Conference on 24 October. It was also the subject of an interesting debate in the Scottish Parliament on 3 December. She stressed that she wanted to build on the good work already done with the Law Society and the Legal Aid Board on improving civil legal aid, and work with practitioners across all sectors to make the system work better.

Some of the key points she made were

- a strategic review of the delivery of legal aid to look at the functions and delivery of legal aid
- better access to legal information, advice and representation, developing a more effective network of advice provision at the local community level and through different delivery methods
- the possibility of further streamlining processes for all parties in the solemn criminal legal aid system
- the development of appropriate systems for quality assurance measures for criminal work
- the best possible value for the public money we invest.

You can read the Minister's speeches to the Conference and the Scottish Parliament debate on our website, www.slab.org.uk.

We very much support the Minister's wish to improve legal aid provision in all its forms. Legal aid provision in Scotland is much better than in many other places, both in terms of the range of legal issues covered by the scheme and the ability of those in need to access it. However, we believe that there is scope for legal aid to be further modernised and developed, both in its operation and its interaction with the justice system, to bring better services for those who need access to legal information, advice and representation, as well as giving good value for the taxpayer.

Strategic review of legal aid

The strategic review of legal aid, mentioned by the Minister, will be done over the next six months. It will take place in the context of Scottish Ministers' commitment to modernise legal aid, streamline criminal justice, pursue an active access to justice agenda for the benefit of the citizen, and taking into account the report of the inquiry on legal aid of the Justice 1 Committee.

The review will focus on:

- the purposes and objectives of legal aid, advice and information in the context of the modernising justice agenda, and the roles, responsibilities of, and relationships between, the various stakeholders
- the steps that are necessary to implement the Minister for Justice's policy to modernise legal aid and deliver a national framework for legal advice and assistance, and the role of the Scottish Legal Aid Board within that
- the respective responsibilities and working arrangements between the Scottish Executive Justice Department and the Scottish Legal Aid Board, focusing on strategic leadership and governance, and financial and other accountability, as well as links to other relevant parts of the Scottish Executive and the wider public sector
- the steps necessary for all parties to promote best value in the delivery of legal aid, with a particular focus on current pressures on criminal legal aid
- the scope for streamlining legal aid legislation
- the development of the Board's operations, and the resourcing and powers of the Board needed to deliver future priorities in the light of Best Value principles.

The review will be conducted by a team from the Scottish Executive Justice Department and the Board; they will consult both internal and external stakeholders at an early stage.

Legal aid is an important public service for many people who do not have the financial resources to assert their legal rights. We look forward to playing our full part with the Executive in undertaking the review, to improve the efficient and effective operation of the legal aid system and the delivery of publicly funded legal advice, benefiting the people of Scotland.

Other areas likely to change

Within the next two years, we hope to see a considerable number of other changes to the legal aid system.

- We are already working with the Scottish Executive and the Law Society on a major review of civil advice and assistance, so that it is more efficient to operate and works effectively alongside the reform of civil legal aid. The review will also help to inform the Scottish Executive's policy on the development of a community legal service for Scotland.
- Review and reform of criminal legal assistance – it is likely that Sheriff Principal McInnes' review of summary justice will lead to proposals for substantial change in the way summary justice operates. These changes, taken together with the implementation of Lord Bonomy's report on the reform of the High Court, and the Board's review of the interests of justice test, will necessitate considerable changes in criminal legal assistance.
- The Society has raised the need to look at solemn criminal fees and the Minister has said that she looks forward to discussing this.

Civil legal aid reform

The Board and the Law Society successfully implemented the civil legal aid reforms on the scheduled date of 1 October. This was a major project, and I am delighted that we were able to work so closely with the Law Society to achieve our objectives. I am grateful to everyone within the Law Society and the Board who worked so hard to put in place all the procedures and documentation that were key to the project.

An article providing an update on the reforms appears later in this *Recorder*.

The past year has seen much activity and significant developments in legal aid, including strong progress towards making the legal aid system available through eBusiness. We have shown that we can make real reform and improve access to justice through working in partnership. We therefore look forward to addressing, with the Law Society and others, the major work necessary including the reform of criminal legal aid and advice and assistance. We will continue to inform and consult the profession on all of these matters.

I wish you a very happy Christmas.

eBusiness

We have now reached an advanced stage in our preparations for making the legal aid system available through eBusiness. We demonstrated some of the benefits of this scheme at the Legal Aid Conference in October, and have also talked to some local Faculties about it. We expect fifteen advice and assistance pilots will go ahead in January. Assuming the pilots are successful, we expect the system to become available to solicitors progressively from early in 2004.

Before we go live, we would like to demonstrate the system more widely, at local Faculty meetings. As well as demonstrating the functionality related to on-line submission and processing of Advice & Assistance Intimations, Increases and Accounts we will be able to answer questions about the technical resources required, the security built into the system, and the business benefits associated with adopting eBusiness.

The project is being developed in partnership with the Law Society of Scotland, the Faculty of Advocates, the Scottish Executive and other stakeholders. The advent of eBusiness offers considerable opportunities to move away from the current paper-based processes for handling legal aid. By using technology to develop innovative operational methods of administering and delivering legal aid, there will be a range of benefits to the key stakeholders involved in legal aid.

The implementation of eBusiness should provide the profession with the following benefits:

- simpler and quicker completion of forms using pick lists, automatic insertion of information, and forms that do not present irrelevant questions
- immediate delivery of information and faster responses - no longer relying on the post office and internal mailing systems
- validation of information on forms as they are submitted, so that correspondence due to errors is eliminated
- application forms will be redesigned to ensure that all relevant and necessary information is provided
- the practitioner will retain a paper copy of the web application signed by the practitioner and the client and will not have to send this to the Board
- re-use of selected data previously communicated, thus avoiding unnecessary input
- paper copy of increases not needed with an account
- faster turnaround of increases and accounts processing
- more information available on a case from initial application to payment, with full information on all decisions and contact made.

In summary, eBusiness will be:

- **faster** – applications and payments can be processed faster
- **efficient** – saving time and improving cash flow
- **easier** - an easier way of giving and getting information – it will
 - improve the quality and accuracy of information received and processed
 - enable the Board to identify and analyse trends in legal aid through improved collection, storage and retrieval of information
- **convenient** – giving you access at any time.

The eBusiness project will be further developed in 2004 through the extension of the system, first, to criminal legal aid by the summer, and to civil legal aid by the autumn. We will be providing the profession with more information about the benefits of eBusiness and getting involved during the coming year.

Our Performance

We are pleased to be able to report that we have met, or exceeded, our target standards for accuracy and timeliness in our processing of applications and accounts for the first six months of the year. Our headline performance indicators combine the individual timeliness and accuracy targets for each aid type. This is so that we achieve an appropriate balance between the measures for speed of processing and the quality of decisions. These headline indicators are shown below.

Headline indicator	Our target	How have we done so far this year?	Target met?
Civil applications	90%	93%	Yes
Criminal applications	95%	99%	Yes
A&A applications	95%	98%	Yes
Civil accounts	91%	97%	Yes
Criminal accounts	96%	99%	Yes
A&A accounts	95%	98%	Yes

PDSO

Two more Public Defence Solicitors' Offices (PDSO) are to be opened in Glasgow and Inverness, the Justice Minister Cathy Jamieson announced on 20 October.

The Minister said: "The Public Defence Solicitors' Office is part of our overall policy in continuing to modernise legal aid by developing more efficiency and choice in the provision of legal services."

"Extending the pilots outwith Edinburgh to bring in Glasgow and Inverness courts, will enable us to make better comparisons between public defence and private solicitors in terms of cost, quality, client satisfaction and the wider impact on the criminal justice system. Comparisons which will allow us to determine whether the PDSO offers an efficient and effective alternative."

"Initial research into the Edinburgh pilot office indicated that the use of public defenders, working alongside private solicitors, shows potential benefits - such as cases being completed in less time. The new pilot offices will provide further information, in different geographical contexts, on how effective access to justice can be provided."

Jean Couper, the Board's Chairman, said: "I welcome the decision to open a new PDSO in Glasgow and another in Inverness and to remove the geographic restrictions on the operation of the Edinburgh office. We are pleased to set up these two further offices in areas which bring different opportunities to consider the future use of public defenders in Scotland."

"Glasgow is the busiest court in Scotland with a diverse advice and community environment, which could allow a more holistic approach to criminal defence work to be explored. The office in Inverness will also serve the surrounding rural areas and courts, from Wick to Elgin. This PDSO will enable lessons to be learned about the challenges of practice in a rural area."

The Board will work in partnership and co-operation with those involved in the justice system in these areas to establish the new offices. We will consult with the local solicitors' faculties in developing our plans for the new offices, and aim to develop constructive relationships between them and the PDSO, just as we have in Edinburgh. Alistair Watson, Director of the PDSO, and Lindsay Montgomery, Chief Executive of the Board, will meet with the local faculties. We will work with the Scottish Executive to plan the opening of the new offices and aim to have them operating by 30 June 2004.

Following the passing of the Criminal Justice Act 2003, the Scottish Executive asked the Board to conduct an analysis of potential locations of additional public defence solicitors' offices, as allowed for in the Act. In assessing possible locations, the Board took into account Ministers' views (set out in the policy memorandum to the (then) Criminal Justice Bill) that additional PDSOs "would provide an opportunity for increasing the workload without severely affecting local businesses; and would enable us to examine whether a public defence service would make sense in a rural setting". The Board assessed several locations, including two rural areas, taking into account the local legal markets, using information on volumes of business, numbers of firms and operation of duty plans.

The first Public Defence Solicitors' Office (PDSO) in the UK opened in 1998 in Edinburgh as a five year pilot to compare the provision of criminal legal aid by private solicitors with salaried solicitors employed by the Board. The legislation that set up the PDSO required that Scottish Ministers had to publish a report into the operation of the PDSO within three years. A substantial and detailed research report was published in 2001 raising issues for the PDSO, private solicitors and the wider justice community. It was considered that the pilot had been worthwhile and had generated a lot of useful information on how the criminal legal aid system was working.

Ministers announced their intention to continue the PDSO Edinburgh office and to create up to two more offices in different areas when the Criminal Justice (Scotland) Bill was introduced in the Scottish Parliament in March 2002. Provisions within the Criminal Justice (Scotland) Act 2003 allowed for the continuation of the PDSO, as well as requiring Scottish Ministers to publish further research on the PDSOs by December 31, 2008.

CIVIL LEGAL AID REFORM – A summary of some key points

The civil legal aid reforms announced by the Scottish Executive in February were successfully implemented by the Board and the Law Society on the scheduled date of 1 October 03. This article summarises what has happened over the past few months, and what changes are still to come during the six month transition period before full implementation on 1 April.

The Board and the Law Society have agreed the component parts of the scheme, including the content of the practice rules, the quality assurance system and criteria, the reporting stages, the fees guidelines and the content of the major forms.

Before October, we sent out a number of mailshots to firms currently practising civil legal aid including

- detailed information on the registration process
- a “starter” pack of new forms, and new guidance for applicants
- guidance on the application and reporting system
- guidance on fees and accounts
- (from the Law Society) the Quality Assurance criteria and guidelines and practice rules.

Since that time we have also

- sent out information responding to frequently asked questions and
- published guidelines on how we assess the merits of applications for civil legal aid, and the evidence that we need from applicants and their solicitors for different types of case, to demonstrate that the tests of reasonableness and probable cause are met. This is the guidance on probable cause referred to in the application forms and guidance for solicitors.

For full details of all these mailshots, please refer to page 12 of this *Recorder*.

All mailshots and guidance and the amended forms have been placed on our website. Telephone and e-mail helplines have been set up to assist solicitors with any additional queries, and have been well used.

Registration

At the beginning of September, we wrote to all firms currently practising civil legal assistance, giving them details of the reforms and provisional arrangements for inclusion on the Civil Legal Assistance Register.

There are around 1000 firms on the Register.

The provisional Register is on our website and publicly available. Since 1 October, only solicitors within firms on the Register can submit applications for civil legal aid or grant civil advice and assistance. By the end of February 2004, firms wishing to continue to provide civil legal assistance must have introduced procedures to conform to the ten requirements laid down by the Law Society, and certify that they have been implemented. Our Compliance staff are available for consultation and assistance. From 1 April 2004, we will only accept applications for civil legal aid or intimations of grants of civil advice and assistance from fully registered firms and the Compliance and Quality Assurance reviews will begin.

Quality assurance

At least once every two years, firms registered to provide civil legal assistance will be subject to a Quality Assurance review, carried out by experienced civil practitioners recruited by the Law Society. They will also undergo a review by a Board compliance auditor to confirm that they are operating within the administrative requirements as laid down by the Society.

In August, the Council of the Law Society approved the Quality Assurance criteria and guidelines. The Society has sent copies of these to its members.

A Quality Assurance Overview Committee is being set up to ensure that the review process is fair and impartial. It will have nine members: three Society representatives, three Board representatives and three lay members. Advertisements have been placed for the lay members, and advertisements for reviewers have been placed in the Law Society Journal.

Applications and reporting

New applications and reporting forms have been introduced – these were designed with advice from usability and plain language experts to make them more “user friendly”.

Solicitors must now report to the Board at various stages of a case, and the new forms include one for completion at the reporting stages. The introduction of the reporting process will

- help solicitors and the Board to review developments in the case
- allow the Board to consider whether legal aid should continue and, where legal aid continues, the solicitor will have the assurance of knowing that the case has been reviewed the Board
- help to keep the assisted person informed about their case at the key stages
- reassure opponents that the case is being regularly reviewed
- provide the mechanism by which solicitors will receive payment throughout the life of the case. Each compulsory report will enable payment of the completed blocks at that stage to be paid. This will improve cash flow.

All these forms and the information for applicants booklet are available on our website. The forms can be printed for hand completion, and details on the forms for completion by the solicitor can be entered on screen (in the same way as the other legal aid forms).

Fees

A new block fee structure, under which solicitors receive payments as cases reach key stages, applies to most cases in the sheriff court. A few exceptions, and Court of Session cases, continue to be paid on a time and line basis, with fee levels increased by 19%. This new fee structure has been in place since 1 October.

A Civil Accounts Assessment Manual, containing full guidance on fees and accounts, has been issued to the profession.

Children’s legal aid

Children’s cases are not subject to quality assurance, or to the fees increases. Discussions have taken place between the Scottish Executive, the Board, and the Society with a view to putting in place practice rules and regulations that will enable quality assurance and fee increases to be introduced.

Seminars and communication

Eight seminars have been held with local Faculties, in Dundee, Greenock, Banff, the Borders, the Highlands, Oban, Dunfermline and Stirling.

A further nine seminars were run in conjunction with the Update Department of the Society, including a video-conference with links to Portree in Skye, Fraserburgh, Wick, Orkney and Shetland. This second group of seminars was used to discuss the more detailed operational aspects of the reforms.

Attendance at the meetings has been good (around 140 solicitors attended the Glasgow seminar, over 60 in Dundee and 70 in Edinburgh, with the smaller venues attracting around 20 on average). By the end of this process, well over 1000 practitioners will have attended. The attitude overall about the reforms has been positive.

Valuing feedback from the profession

The Board is committed to working in partnership and we encourage the profession to provide us with feedback so that we can act on suggestions and together, improve the legal aid system and deliver a better service. We continue to seek input from local Societies and Faculties on the impact of the reforms and value the input of individual practitioners.

We have recently requested feedback from faculties on all aspects of the reforms, from the impact of the changes to the effectiveness of the associated documentation, to help identify any suggestions for refinements to the processes. We will report back to the profession the feedback received and how we will act on suggested improvements. We would welcome any other comments and suggestions any individual practitioners may have to make. Please contact Tom Murray, Director of Legal Services at the Board’s address or by email to civilreform@slab.org.uk.

Coming soon...

A number of other forms are currently being revised, and will be published shortly.

We are continuing to monitor arrangements for the scheme.

At the same time as working on these civil reforms, we have also been working on the introduction of a new civil applications system for dealing with all stages of civil applications. This is being introduced in stages and will be fully implemented early in 2004 and, combined with the other measures introduced as part of the civil reforms, will greatly streamline our processes for dealing with applications.

Telephone helpline

If you have any queries about the registration process, the applications or reporting processes, or fees and accounts under the new system, please telephone our Civil Legal Aid Reform Helpline on 0131 240 2007, or e-mail us on civilreform@slab.org.uk.

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

A quick reminder of some of the more frequently asked questions:

- **You refer to the “Mandate” in section C of the solicitor’s form – what is that?**

This is the document previously referred to as the “pro-forma calculation sheet”.

- **You refer to the “statement” in section H of the solicitor’s form – what is that?**

This is the document previously referred to as the “Memorandum”.

- **Do I continue to use the existing form CIV/INTDOC – Notice to opponent?**

Yes, please continue to use CIV/INTDOC Notice to opponent until further notice. This form should be completed for each opponent and submitted with the solicitor’s application form.

- **Will I receive a reminder that a report is due to be submitted to the Board?**

Yes, 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) and at each expected timed report stage thereafter, a reminder will be sent to you. Of course, no reminders can be sent in respect of ad hoc reports.

- **If I submit a report late will I still be entitled to payment to account?**

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 blocks completed. 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. 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 to account for the blocks covered by the later stages.

However, you will still not be able to receive payment to account for the blocks covered by the report submitted late; this payment will only be made at the conclusion of the case.

- **With the introduction of the new civil block fee regime, how do I charge for motions “in gremio” for interim orders craved for within the body of the writ as opposed to by way of a separate written motion?**

You will receive remuneration for motions for interim orders craved for in the body of the writ on the same basis as those prepared separately by way of written motion. This applies to any account which falls to be charged under either Schedule 6, Chapter 1 Part1(1) (undefended block fee table) or Schedule 6, Chapter 11 (defended block fee table) of the Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2003.

TREASURY UPDATE

Report to the Justice 1 Committee of the Scottish Parliament on the extension of the period for payment of contributions

We recently submitted a report to the Justice 1 Committee on the outcomes to date of the extension to the period for payment of contributions. This article summarises the findings of that report.

Practitioners will be aware that, before June 2000, we collected all income-based contributions over a period of ten months. Some people found it difficult to pay the contribution within this period and it appeared that a number of people eligible for civil legal aid were refusing offers because they could not afford the amount that they were being asked to pay each month. We reported to the Scottish Executive in May 2000 on the outcome of a pilot project where some people had been given longer to pay their contribution. We concluded that a permanent extension of the period for payment of contributions would allow more people to accept offers of legal aid without undue cost to the Fund, and without any material increase in arrears or defaults in payments. As a result, from June 2000 those paying contributions over £1,200 were allowed 20 months to pay and those with contributions between £500 and £1,200 were given 15 months to pay. Since January 2002, all income-based contributions can be paid over 20 months.

We are pleased to be able to report that in the period since we increased the timescales for payment, significantly more people have been able to take up their offers of legal aid. The following table summarises the overall position:

Refusals after offer as a % of offers

	1999	2000	2001	2002
Family/matrimonial	29%	26%	22%	18%
Reparation	24%	21%	21%	17%
Other	35%	32%	31%	31%
Debt	26%	26%	25%	23%
Totals	31%	29%	26%	24%

The most significant improvements are in the higher value contributions. For contributions between £500 and £1,200, there has been a reduction in refusals after offer from 34% to 19%, and for contributions over £1,200 from 48% to 38%.

In summary, we are pleased that the steps we have taken appear to have allowed an increased proportion of applicants to take up their offers of legal aid without financial prejudice to the Fund. However, we remain concerned that refusal rates remain high, particularly in the higher value ranges of contributions. We are continuing to review our arrangements for the collection of contributions and our policy is to be as flexible as possible to encourage optimum uptake of legal aid whilst protecting the financial position of the Fund.

Restriction of contribution to solicitor's estimate of case cost

In issue 34 of the *Recorder* in March 2002 we explained that, if a solicitor believes that the contribution their client has been asked to pay will exceed the likely cost of the case, we can restrict the amount of the contribution that we will collect to the solicitor's estimate. This is on the understanding that if the estimate is too low we will collect the full contribution assessed or the amount at which the solicitor's account is paid, whichever is the lower.

Few practitioners have so far made use of this approach to benefit their clients, and we would encourage all practitioners to consider whether there are cases where they can make use of this provision.

Guidance for applicants for legal aid about property recovered or preserved

People receiving civil legal aid often find the issues surrounding "clawback" difficult to understand and practitioners have raised many queries with us about the principles and application of clawback.

We produced guidance for practitioners in April 2002 that has been well received. We have now produced guidance for applicants for legal aid that will, we believe, allow them to understand better how clawback could affect them and to make informed decisions about whether, in these circumstances, to go ahead with an application for legal aid. We have drafted our guidance after consultation with a number of interested parties, such as the Law Society, practitioners, assisted persons and advice agencies. We have sent copies of this leaflet to all firms registered to carry out legal aid work, and additional copies can be ordered from our printers, Stewarts, tel 0131 659 6010.

ADVICE AND ASSISTANCE

Grants of advice and assistance

We have previously published guidance to the profession on the approach that should be taken to multiple grants of advice and assistance. However, we have continued to receive intimations of grants which we do not consider to have been made in accordance with the legislation. The information in this article therefore updates you on the appropriate approach you should follow.

The Board set out its guidance on what could be construed as an inappropriate use of advice and assistance at page A: 11 of the Scottish Legal Aid Handbook.

For example, a solicitor may be consulted by a client who has lost his job and who is now faced with difficulties about how to meet his financial obligations. While there may be different creditors involved, the problem is one and the same - debt. Some solicitors appear to have disaggregated these matters into issues with the separate creditors. This is not an appropriate approach. In most such circumstances, a solicitor should deal with these under one grant of advice and assistance, by obtaining increases in authorised expenditure if necessary.

Where matters such as breach of probation and community service orders are calling together and will fall to be disposed of together, we consider that a single grant of advice and assistance is appropriate. This is particularly relevant where there is a significant global and repetitious element to the matters in both the nature and content of the work.

The Board continues to monitor advice and assistance intimations to identify trends in firms' and practitioners' grants. For example, the analysis techniques we use can identify instances in which individual clients have received advice on a large number of occasions over a period of days, weeks or months. These are actively followed up by Applications Department staff, and may be referred to our Compliance staff for further investigation.

Another situation that has caused us concern is that in some cases the advice and assistance form is signed by a solicitor other than the nominated solicitor, that is the solicitor acting on behalf of the client and whose details are shown on the form. It is only the nominated solicitor who can sign the form because it is that solicitor from whom the client has sought the advice and who has satisfied himself that the client is eligible to receive it.

The Board can only make payment from the Fund in cases where fees and outlays have been properly incurred. Therefore no payment from the Fund will be made for inappropriate grants of advice and assistance. This has been successfully argued at a taxation, which resulted in a substantial abatement to fees and outlays claimed by the solicitor.

CRIMINAL LEGAL AID

Summary criminal legal aid - interests of justice review

We gave an update on progress of our review of the effectiveness of our approach to the interests of justice test in summary criminal legal aid applications in *Recorder 36*. At that time we indicated that we had sought views from a wide variety of legal agencies and other organisations on the operation of the interests of justice test, and how this could be improved. We had also conducted some internal research on case outcomes, and the factors taken into account in granting legal aid.

It became apparent that our own review into the interests of justice test could not be looked at in isolation from the other current initiatives to review criminal procedures. With this in mind, we have already met with members of Sheriff Principal John McInnes' Review Committee set up to make recommendations for a more efficient and effective system of delivering summary justice in Scotland. Work on our review is continuing and we hope that this will make a key contribution to the Scottish Executive's plans to review and modernise summary justice.

We would still welcome any additional comments or thoughts on this matter. These should be addressed to Kingsley Thomas, Manager of Criminal and Advice and Assistance Applications at the Board's address.

ACCOUNTS

Accounts containing counsel's fees

Where counsel has been employed in a legal aid case, we pay the fees direct to Faculty Services Limited.

Solicitors often include counsel's fees within the body of their account and we welcome this. However, it can lead to difficulties for both the Board and solicitors if counsel's fees are claimed along with solicitors' outlays and simply totalled together at the end of the account as a single cumulative figure representing 'outlays'. It is crucial for us to know the total of the solicitor's actual outlays excluding counsel's fees, with a separate total for counsel's fees. Not providing these separate totals can lead to a number of problems, for example –

- delays in assessing and offering/paying accounts
- a need for more correspondence or telephone conversations between the solicitor, the Board and Faculty Services about amounts paid or offered
- risk of outlays being wrongly calculated where we have to carry out a manual calculation on the solicitor's behalf.
- potential for overpayment meaning that money has to be returned to the Board.

For your own benefit, therefore, and to help our accounts assessment staff deal with your claims quickly and accurately, we would ask you, where counsel's fees are included in an account, to show

- a total of actual outlays excluding counsel's fees, and
- a separate total for counsel's fees.

You do not need to show a combined total for these.

The same applies to the Account Synopsis form, where the amount shown for the value of the solicitor's claim should exclude counsel's fees, which should be shown under the section headed "Advocate's fee notes claimed".

CIVIL LEGAL AID

– Exemption of court fees

The Sheriff Court Fees Order 1997, as amended, provides for the exemption of certain persons from court fees. Article 7(1)(c) exempts any person who is in receipt of civil legal aid. Equally, Article 7(1)(e) exempts any person where the person's solicitor is undertaking work in a matter of special urgency under Regulation 18 of the Civil Legal Aid (Scotland) Regulations 2002.

It has been drawn to the Board's attention by the Scottish Court Service that a number of solicitors seem to be unaware that their client is exempt from court fees when undertaking Regulation 18 work. Some solicitors are apparently paying the fees due at that stage in the proceedings and then seeking reimbursement from the Sheriff Clerk when civil legal aid is made available. This is unnecessary and is becoming an increasing burden on court staff. Solicitors when undertaking Regulation 18 work, as well as work under civil legal aid, should complete a Certificate of Exemption.

The Court of Session etc. Fees Order 1997, as amended, also provides under Articles 5(c) (Civil Legal Aid) and 5(e) (legal aid in the matter of special urgency) for exemption for certain persons, and the same advice applies in these cases.

The relevant regulations are contained in the Sheriff Court Amendment Order 2002 [2002 No.269] and the Court of Session etc. Fees Order Amendment 2002 [2002 No.270] both coming into force on 1 July 2002.

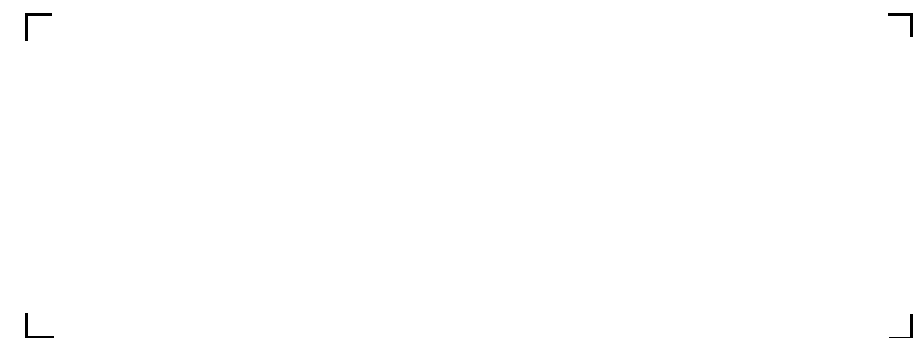
Improving our online information

Making our website the key source for legal aid information that is accessible, easy to use and contains the information the public and profession need, has been the objective behind a redevelopment of the Board's website. Changes will be introduced over the next few months in a number of stages.

The first stage will be in place by the end of December. We are moving the content from our two current sites, slab.org.uk for the public and slabpro.org.uk for the profession, into one comprehensive information site. The redeveloped site will be at the www.slab.org.uk address (you will be redirected from the SLABpro site after the new site has been launched).

The new site will have open access - you will no longer need to use a username and password to access information for the legal profession. We are also making changes to ensure that all firms can access our site, ending the problem a small number of firms have had because of the way their IT systems firewalls have prevented access to SLABpro.

In the second stage in early 2004, we will improve the site design and add to the information we have available online, including an up to date legislation section of the Legal Aid Handbook. We will provide further information on our website in future editions of the *Recorder*. We would welcome your comments and suggestions for additional information or services on our website - please contact Colin Sim on tel. 0131 240 2033 or email general@slab.org.uk with your feedback and ideas.



Have you received this information?

Since the last issue of the *Recorder*, we have issued the following mailshots, containing important information about legal aid, to the profession:

Civil reform mailshots

29 August	Mailshot 1 - Civil registration process - sent to all legal firms
5 September	Mailshot 2 - Applications and reporting - sent to all legal practitioners
19 September	Mailshot 3 - Fees and accounts - sent to all legal practitioners
26 September	Mailshot 4 - new civil legal aid application forms - effective from 1 October 2003 - sent to the managing partner at all firms at the address shown on the provisional civil register
26 September	Mailshot 5 - Civil legal aid - Information for applicants (CIV INFO) booklet - sent to the managing partner at all firms at the address shown on the provisional civil register
7 October	Mailshot 6 - Civil legal aid - Information for applicants (CIV/INFO) booklet - sent to the managing partner at all firms at the address shown on the provisional civil register
13 October	Mailshot 7 - Civil legal aid - Frequently asked questions - sent to all civil legal aid practitioners
20 November	Mailshot 8 - Civil legal aid - Solicitor's application form - sent to all civil legal aid practitioners

Other mailshots

29 October	Civil legal aid merits guidelines - sent to all civil legal aid practitioners
8 December	Christmas payment dates - sent to all firms
December	New information leaflets - sent to all civil firms



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