



# SERVICE SATISFACTION SURVEY

## - OUR PROGRESS TO DATE

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In 1997 we issued a questionnaire to 1,000 solicitors asking for your views about the Board's performance across the spectrum of our work. We then reported the outcomes in *The Recorder*, along with details of some of the ways in which we would be working to improve the areas where you felt we did not perform so well.

Since then we have been working on different projects to ensure we address the concerns you raised, and below we report on the progress we have made.

### ACCOUNTS

As you are aware, we have been experiencing a slow down in the processing of accounts, particularly criminal accounts, in recent months. As explained in our letter of 14 September we will clear the backlog of cases by 25 October and from then criminal legal aid accounts will be paid within 30 calendar days (excluding public holidays). This is on the basis that we receive an account supported by the appropriate vouching and narrative. Where accounts are unabated or the amount is within mandate a final payment will be made. Where abatements are made the account will be paid on offer. Once we have resolved the current difficulties we will be looking at the accounts assessment process to see where improvements can be made.

**You asked for more guidance on preparing accounts for both civil and criminal cases.**

We have provided seminars for individual solicitors' firms and law accountants, as well as for the Society of Law Accountants, to improve understanding of the accounts procedure. Once we have resolved our current difficulties in accounts assessment, we would be happy to provide further seminars for firms or faculties. We have also issued a number of notes for guidance in *The Recorder* about specific issues that have caused problems, and we will continue to do this.

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**You asked for more details on our reasons for abatements.**

Criminal accounts are now being returned showing the proposed abatements, and we are working to ensure that the explanation provided in support of abatements is consistent and provides solicitors with guidance for the future. We are particularly highlighting this issue with new staff, and ensuring they receive the appropriate training. In addition, we intend to publish the internal guidance notes on the assessment of criminal legal aid accounts which we have issued to our accounts assessment staff. We hope that this will clarify the approach we take to accounts assessment.

**You said that the turnaround time for some larger accounts, particularly in civil cases, could be improved.**

Up to March this year, the turnaround of larger accounts was improving. We deal with accounts as they are received so larger accounts should not be delayed, unless there are lengthy negotiations about abatements.

## APPLICATIONS

**You said that some advice and assistance cases and a minority of civil applications were taking too long to be assessed, and the consistency of decision making could be improved.**

We have set up a Considerations Unit to improve the speed, quality and consistency of decisions in civil cases. Staff in the advice and assistance area have recently received additional training from our Legal Services Department. This is backed up by comprehensive guidelines which are being produced to provide staff with advice on all areas of advice and assistance work. We will shortly be installing a new computer server, which should speed up the processing of advice and assistance intimations.

**You said that our approach to reparation, interdict and sanction requests was inconsistent, and the time taken for decisions in these areas could be improved.** The new Considerations Unit now deals with interdict cases, and it

routinely monitors the consistency and error rate of decisions. We are also introducing further quality checks in sanction and reparation cases. We prioritise all requests for sanction, providing solicitors with a decision by telephone in urgent cases. We are planning refresher training for staff dealing with reparation cases.

**You said that we could improve our consistency in decisions on district court and minor sheriff court complaints.**

We have carried out a survey of more than 2,000 cases over a three month period to monitor the decisions taken. This showed that correct decisions were reached in the vast majority of cases. We have also provided training for staff to improve their knowledge of court procedures, and a number of staff have completed paralegal training.

**You suggested that we could provide more information on reasons for refusal of applications.**

In advice and assistance cases, we are providing more detailed reasons for refusal, and we are also giving reasons for refusing criminal transfers as well as more details on refusals of sanction in criminal cases. We have given staff in criminal applications training on providing clearer details of our reasons for refusal. In civil reviews, if there is any change in the reason for refusal from the situation at first instance we will provide the additional reasons.

**Some solicitors felt that we could provide more information on means assessment and calculation of contributions.**

As always, you can ask at any time for a full breakdown of the applicant's means assessment and calculation of contribution. We are now providing a more detailed explanation of the breakdown, if required.

## TREASURY

**You said we should provide more information for applicants on 'clawback' in civil cases.**

Our Treasury Division has produced a series of leaflets which explain the possible outcomes of civil actions and what assisted persons may have to pay. There are also leaflets

explaining the taxation process, and these are issued to assisted persons at the appropriate time in their case. We are currently preparing guidance for solicitors on 'clawback' and this will be published in *The Recorder*.

## COMMUNICATIONS

**You said that *The Recorder* should be published on a more regular basis.**

We are now meeting the publication dates for *The Recorder* of January, May and September and these dates have been publicised in the newsletter itself. If there is information that needs to be issued between these regular publication dates, we will produce additional issues as necessary. Recent back issues of *The Recorder* are available on the Board's web sites (see page 7). Copies of all back issues are available from our Communications Office.

In *The Recorder*, we regularly publish a Who's Who guide to the Board so that you can find the right person to speak to quickly. We also publish a list of any information issued to solicitors between issues of *The Recorder*, to allow you to check if you have received all relevant information from us.

**You were generally satisfied with the Scottish Legal Aid Handbook but made some suggestions for improvement.**

In the new edition of the Handbook, the Notes for Guidance section has been incorporated into the Commentary section to make it easier for solicitors to find the advice on a specific subject. We have issued a CD-ROM containing a digital version of the Handbook free to each firm, as an alternative way of utilising the Handbook. This provides a range of new facilities and makes it easier to locate the information you need. It can also be accessed on our web site for the profession, SLABPro (see page 7).

**You suggested that a copy of the Annual Report be sent out to every firm rather than every solicitor, as well as other suggestions for improvement.**

The 1998/99 Annual Report is being issued on a one per firm basis, with a

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summary being placed on our public web site for the first time. We have reviewed the statistics section and made this simpler to read and extract the relevant information.

## GENERAL

**You said the clarity of correspondence, both computerised and personalised, could be improved.**

We have run plain English training for staff at team leader level and above. This has been reinforced through our own internal style manual and other practical assistance to staff. However, this is an area where we need to improve further and more training and guidance will be provided to staff.

**You said that you would like more details of seminars that the Board was running or involved in.**

For seminars run in conjunction with any of the universities, we publish a notice in the *Journal of the Law Society of Scotland*. We publicise forthcoming seminars in *The Recorder*, where possible, although these tend to be for a specific faculty. If any solicitors are interested in the Board providing a seminar or speaker for your firm, local faculty or other group, you should contact our Legal Services Department who would be happy to arrange this. ●

# FIXED PAYMENTS

**A list of questions and answers about fixed payments for summary criminal legal aid work was issued to all practitioners on 30 June. If you did not receive a copy, please contact our Communications Office or access our web site for the legal profession, SLABPro, at [www.slabpro.org.uk](http://www.slabpro.org.uk) .**

**The two articles below give further information on specific issues relating to fixed payments.**

## DEFERRED SENTENCES

Schedule 1, paragraph 6 of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 provides a fixed payment for representation in court at a diet of deferred sentence. Initially there was some doubt as to what constituted a "deferred sentence". This has been resolved and it has been agreed, following a meeting of the Tripartite Group (the Scottish Executive, the Law Society and the Board), that the fixed payment is applicable to all cases which are deferred, for one reason or another, in terms of sections 201 (power of court to adjourn case before sentence), 202 (deferred sentence) and 203 (requirement of court to obtain a report on an offender who is subject to statutory supervision). The reference in the Account Synopsis form restricting this fixed payment to section 202 deferred sentences only will be changed as soon as possible.

### Payment

This interpretation will be applied with effect from 1 April 1999, the commencement date of the fixed payment regulations. This means that the fixed payment will be available for any section 201, 202 or 203 diet. Some solicitors may not have submitted a claim for payment in cases involving a section 201 or 203 diet as a result of the Board's earlier advice. Alternatively such a claim may have been rejected. In this situation, the solicitor is now entitled to payment for these deferred diets, as more broadly defined. To claim payment, the solicitor should submit a supplementary claim in the form of a letter to the Accounts Division, together with the details which would have been supplied on the Account Synopsis form.

The Board's existing guidance on submission of accounts in cases involving a deferred sentence remains. Where sentence is deferred for a period exceeding six months the solicitor may lodge a claim for work carried out to date immediately. Where the sentence is deferred for a period of six months or less, the solicitor should delay submitting his account until the conclusion of the deferred sentence. Thereafter the solicitor should lodge a supplementary claim by way of a letter clearly identifying the case, claiming the fixed payment and reporting the sentence passed on each charge, either within the letter or on a photocopy of the "Report on Proceedings" form, the principal of which will have already been lodged with the original claim for payment.

## CLAIMS FOR PAYMENT

We introduced a new Account Synopsis form in April which makes it more straightforward for solicitors to claim payment in fixed payment cases. The form itself was introduced and explained in issue 26 of *The Recorder*. There are a number of circumstances in which we are currently issuing forms which

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are not appropriate to the case in question. We are in the process of fixing these problems. This article details our interim measures and provides advice both on what to do if the wrong form is issued and how to complete the form in particular circumstances.

**S23(1)(b)** Where legal aid is granted by the court under s23(1)(b), our computer system automatically issues the form which was previously used for all criminal cases. However, we will send out a replacement form in all cases where the incorrect form has already been issued and we have not received an account. The correct forms may be issued up to a week after the original. When the new form is received, please discard the original and submit your claim on the new form. Most of the questions on Part B are not relevant in s23(1)(b) cases. However, we still require completion of the questions on previous convictions and the sentence for each charge on which the accused is convicted (there is no need to complete the columns relating to initial plea, final result etc.).

**Solemn reduced to summary** As the fixed payments regulations do not apply in these cases, the solicitor should complete the appropriate sections of the synopsis form and submit it along with a time and line account, together with supporting paperwork, indicating that the case

has been reduced from solemn. Details of court attendances, previously provided on the reverse of Part A, should be included in the body of the account, as should any claims for outlays and any fees to be paid to a local agent (details of whom should also be noted in the account). Part B should be completed in full.

**Stipendiary cases** Where a case is **set down** to proceed before a Stipendiary Magistrate, a higher fee is available. We indicate this on the account synopsis form, based on the information supplied by solicitors in the application for legal aid. There is no space on the application form specifically for this information and we will be amending the form as soon as possible. In the meantime, it would be helpful if solicitors could enter "Glasgow Stipendiary" in the space provided after "District Court at" in Part E, Question 6. This should help ensure that the correct details are entered on the synopsis form in the first place.

However, we recognise that there will already be cases where a district court form has been issued for a case set down for the stipendiary. In such a case, the solicitor should claim payment using the form issued, marking a cross in the top right hand box on the reverse of Part A of the form. This indicates that the payments listed on the form are not applicable to the case. The relevant claim boxes should then be crossed.

Where the solicitor is asked to enter the amounts claimed, the amounts applicable to a stipendiary case should be used, as listed in Issue 26 of *The Recorder*. The solicitor should also include some means of verification: in most cases the copy complaint should suffice as "S" or "J" should appear alongside the PF number in the top left hand corner (please ensure that this number is not obscured on the copy submitted).

**Transfers** Where a case has been transferred to another solicitor, the original solicitor submits Part A of the form, marking the "T" box on the upper left of the first side and claiming any outlays as applicable. We do not, at present, issue an additional form to the 'incoming' solicitor, although we hope to be able to do so shortly. In the interim, we will issue a new form for all cases where a transfer has taken place and we have not yet received a claim for payment. ●

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# PAYMENT REMITTANCE ADVICE

**E**ach week we issue a notice to firms setting out the amount to be paid in settlement of accounts later that week. This includes a breakdown of the account for each assisted person, including the amount of VAT. In early September this summary sheet was changed to include a description of the payment being made e.g. part payment, final account, duty solicitor payment, minimum fee etc. Our Accounts Assessment department receives a number of telephone enquiries from firms asking for this information, so we hope that including details on the summary sheet will be helpful to firms and save the Board time in answering enquiries. ●

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# CODE OF PRACTICE CONSULTATION

**T**hank you to everyone who responded to our recent consultation paper on the Code of Practice in relation to criminal legal assistance. In drafting the revisions to the Code, we have considered all the responses and taken into account the possible implications from the European Convention on Human Rights. When the revised Code has been approved by the Scottish Executive, we will issue it to the profession and provide information and advice on the practical implications. ●

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# LEGAL AID FORMS UPDATE

## **SCOTTISH CRIMINAL CASES REVIEW COMMISSION**

The application form for legal aid in criminal proceedings (CRIM/APPL/APP) covered cases referred to the High Court of Justiciary by the Secretary of State under section 124 of the Criminal Procedure (Scotland) Act 1995. The functions of the Secretary of State in this respect have now been transferred to the Scottish Criminal Cases Review Commission under section 194B of that Act. An amended version of the form CRIM/APPL/APP is in preparation, but you can continue to use existing stocks of the present form, suitably amended. The digital version of the form will also be amended and will be made available on our web site for the legal profession at [www.slabpro.org.uk](http://www.slabpro.org.uk).

## **INTIMATION OF CIVIL LEGAL AID APPLICATIONS**

Occasionally the legal offices or headquarters of large organisations which have received intimation of civil legal aid applications contact the Board because they have been unable to respond. Often the document has been sent to a regional office that cannot deal with it appropriately. This usually occurs where the organisation is the opponent in a reparation action and the intimation document has been addressed to the office in the area where the accident occurred. This can result in delays in the processing of the application. Please ensure that the opponents are correctly designed and the intimation document is addressed to the appropriate legal office or headquarters. ●

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# FOURTH EDITION OF THE HANDBOOK

## AVAILABLE

**T**he fourth edition of the Scottish Legal Aid Handbook is now available from George Stewart and Co. Ltd. in Edinburgh. It appears on the Stewarts order form for application forms and you should send a cheque for £12.50 made payable to George Stewart and Co. Ltd. along with the order form.

## DIGITAL HANDBOOK

We have also produced a digital version of the Handbook, which has been distributed on CD-ROM free of charge to firms with a legal aid code. The digital Handbook has a range of facilities, including a sophisticated search capability, which will provide a practical, easy to use tool for solicitors' firms. The software necessary to operate the Handbook is provided on the CD-ROM, along with copies of the digital legal aid application forms, access to our web site for profession, SLABPro, and other information for solicitors carrying out legal aid work.

As this is the first time we have produced the Handbook in this format, we would welcome your feedback on its effectiveness. We have included a feedback form on the CD-ROM which can be returned to us by fax, post or e-mail. ●

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# SENDING MAIL TO THE BOARD

**T**he majority of all mail – both Hays DX and Royal Mail – received by the Board is opened, date stamped and sorted centrally before being delivered to each department. DX 250A and Royal Mail Post Office Box 12650 mail is sorted first and delivered as early as possible. Our target time for delivery of all mail is 9.30am.

We often receive numerous envelopes from the same firm each containing one application form or individual envelopes addressed to a particular member of staff. These could all be sent in the one envelope, as all mail is opened centrally.

If you send correspondence to us in the one envelope, please ensure that papers relating to each other are securely fixed together.

## NEW DX ADDRESS

From 1 October, the Board will have new DX addresses.

All mail, apart from applications mail, should be sent to

**Scottish Legal Aid Board**

**DX 555250**

**General Mail**

**Edinburgh 30**

**Scottish Legal Aid Board**

**DX 555251**

**Applications only**

**Edinburgh 30**

**should only be used for**

- ▶ applications for all types of legal aid
- ▶ special urgency applications or notifications
- ▶ notification of grants of advice and assistance
- ▶ requests for increases in authorised expenditure. ●

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## MISDIRECTED MAIL

The Board daily receives large amounts of misdirected mail, sent both via Royal Mail and Hays DX. Often the covering letter has become detached from the other papers or files, which makes it very difficult to send the items to the correct recipient or the sender. Please ensure that all enclosures are firmly attached to the covering letter. ●

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## FIND US ON THE WEB

Remember that you will find a range of information on our two web sites, SLABOnLine and SLABPro.

[www.slab.org.uk](http://www.slab.org.uk) – contains information for both the public and the legal profession.

[www.slabpro.org.uk](http://www.slabpro.org.uk) – is specifically designed for use by solicitors and advocates who carry out legal aid work and requires a password to access the site.

Please Note: The username and password have changed

- ▶ *username* - **solicitor**
- ▶ *password* - **4439v2**

We would welcome your views on these internet resources, so please send your comments via the feedback options on each site. ●

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## HAVE YOU RECEIVED THIS INFORMATION?

Since issue 27 of *The Recorder* was published in May, the following mailshots, containing important information about legal aid, have been sent to practitioners. If you did not receive these, contact our Communications Office for a copy.

*Issues arising from the Scotland Act 1998 – letter issued on 17 May.*

*Letter from the Chairman and Chief Executive about the slow down in the turnaround of accounts – issued 19 May.*

*Details of a help line for solicitors facing financial problems as a result of the slowdown in the turnaround of accounts – letter issued 30 June.*

*Questions and answers about fixed payments, plus order form for the May 1999 edition of the Scottish Legal Aid Handbook – issued 30 June.*

*Letter from Tom Murray, Director of Legal Services, updating the profession on the assessment of criminal legal aid accounts – issued 11 August.*

*Letter from Tom Murray, Director of Legal Services, about the assessment of criminal legal aid accounts - issued 14 September.*

*Letter and keycard giving changes to advice and assistance eligibility - issued 15 September.*

*CD-ROM issued to every firm containing the new Legal Aid Digital Handbook - issued 16 September. ●*



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## PUBLICATION OF *THE RECORDER*

**W**e aim to publish *The Recorder* at least three times a year – in January, May and September. If there is important news in between these dates, we will produce a special issue as required.

If any solicitor in your firm does not receive *The Recorder*, please ask them to contact our Communications Office, quoting the firm's code and their practitioner code, to be included on the mailing list.

You can find back copies of *The Recorder* from January 1998 on our public web site at [www.slab.org.uk](http://www.slab.org.uk) or on our web site for the legal profession at [www.slabpro.org.uk](http://www.slabpro.org.uk) ●

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## CHECK YOUR DETAILS

**T**o ensure that correspondence, *The Recorder* and other important information from the Board reaches you, please make sure that you tell us immediately if you move address or firm. You should notify our Finance department in writing of any change in address or practitioner details. If you are registered on the Criminal Legal Assistance Register, you should also notify our Criminal Legal Assistance Registration Unit on ext. 444 if you change firm or address. ●



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