

Corporate Plan 2004-2006

# OPPORTUNITIES FOR ACCESS



## Introduction

This is the second year of our three-year planning period and this plan sets out what we aim to achieve during the period 1 April 2004 to 31 March 2006. It also summarises the Board's progress during the previous year, 2003-2004 and the context of our work.

There are three key themes to our strategy for 2004-2006. We discuss each of these on pages 6-9. We set out in pages 10-14

the main projects and tasks which we will deliver in the coming two years and the approach we will take to delivering these. We will add to these and further define them for the third year of our planning period in 2005-2006, as the outcomes of government policies and reviews become clearer. We have also revised our performance indicators and targets, and these are laid out on pages 18-24.

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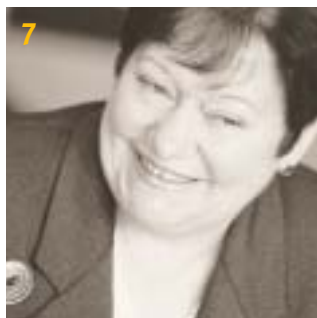
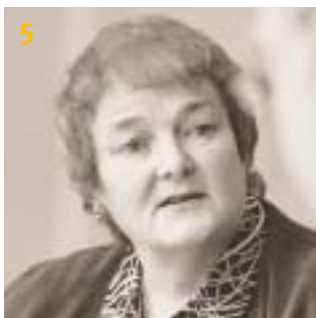
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# MISSION

TO PROMOTE THE DEVELOPMENT AND DELIVERY OF APPROPRIATE ACCESS TO QUALITY LEGAL ASSISTANCE FOR THOSE ELIGIBLE, IN A COST EFFECTIVE MANNER

## Strategic objectives:

- to achieve consistent, timely and sound decision making at all stages of an application for legal assistance
- to achieve consistent, timely and sound decision making at all stages of assessing and paying accounts
- to achieve effective financial management of the Legal Aid Fund
- to improve the effectiveness of the delivery of our service while achieving a reasonable balance between cost and quality
- to communicate effectively with applicants, opponents, their advisors and other stakeholders in a clear, concise, timely, informative and pro-active manner
- to provide sound advice to Scottish Ministers and the Scottish Parliament on the current operation and development of the provision of legal aid



#### Board Members

- 01. Jean Couper, Chairman
- 02. William Gallagher
- 03. Peter Gray QC
- 04. Graeme McKinsty
- 05. Ellen Morton
- 06. David Nicol
- 07. Yvonne Osman
- 08. Professor Ian Percy CBE
- 09. Sheriff Kenneth Ross
- 10. Satnam Singh
- 11. Margaret Scanlan
- 12. Malcolm Thomson QC

#### Executive Team

- 13. Lindsay Montgomery, Chief Executive
- 14. Andrew Menzies, Director of Corporate Services and Accounts
- 15. Ian Middleton, Director of Audit and Compliance
- 16. Tom Murray, Director of Legal Services and Applications

# OUR WORK

Legal aid allows people who would not otherwise be able to afford it to get help for their legal problems.

The Scottish Legal Aid Board was set up in 1987 to manage legal aid in Scotland. We are a non-departmental public body responsible to the Scottish Executive.

The Board is situated in Edinburgh, employing around 300 full-time staff. Twelve Board members, appointed by Scottish Ministers, oversee the work. To provide a balanced range of knowledge and experience, they include people from the wider community as well as solicitors and advocates.

## What we do

The work of the Board includes:

- advising Scottish Ministers on the current operation and development of legal aid provision
- managing the Legal Aid Fund
- investigating different ways of delivering a legal aid service, for example, by running pilot schemes

- developing operational plans and procedures, to improve the delivery and administration of legal aid
- assessing applications for legal aid
- examining solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done
- determining any payments people have to make to the cost of legal assistance and dealing with all collections, refunds and queries
- registering firms and solicitors under the Board's Code of Practice in relation to criminal legal assistance and monitoring their ongoing compliance
- registering firms for civil legal assistance and inspecting each firm's administrative arrangements
- investigating and pursuing abuse of legal aid

Scottish Executive Ministers are responsible for overall legal aid policy and the Scottish Parliament deals with legislation affecting legal aid. The criteria

for granting legal aid and advice and assistance are set down in legislation and fee rates are set by the Scottish Parliament. The Board aims to make consistent, timely and sound decisions on granting applications, and in assessing and paying solicitors' and advocates' accounts. The Board can provide funding to help people who qualify to get legal advice and 'representation,' where a solicitor puts their case in court:

- civil legal assistance helps people to get legal advice and representation in civil cases
- criminal legal assistance helps people who have been charged with a criminal offence to get legal advice and representation

Civil legal assistance includes civil legal aid and advice and assistance, which can cover any matter of Scots law. Similarly, criminal legal assistance is advice and assistance and criminal legal aid.

# PROGRESS

## SUBSTANTIAL PROGRESS AGAINST OUR PLANS WAS ACHIEVED IN 2003-2004

### Key developments

During 2003-2004, we made substantial progress against the objectives for the first year of our three-year planning period including:

- the successful implementation of the most significant reform of civil legal aid in 50 years
- continued improvement of our performance against published targets
- substantial progress towards our target of making all of our services available online by 2005
- redevelopment of several of our major computer systems

### Reform of civil legal assistance

We worked with the Law Society of Scotland and the Scottish Executive to implement major reforms of civil legal aid on 1 October 2003, which included:

- new feeing arrangements for the payment of solicitors
- new application and reporting procedures to allow improved monitoring and control of cases

- the introduction of a quality assurance system
- development of a provisional register of firms providing civil legal assistance

To support the effective implementation we:

- provided guidance information for the profession in advance of the reforms
- held seminars with local faculties of solicitors throughout Scotland
- published new forms and guidance information for the public

We also:

- completed the development of a new civil applications computer system and registration process that will become operational in spring 2004
- started work with the Scottish Executive and the Law Society of Scotland on a major review of the operation of civil advice and assistance so that it is more efficient to operate and works effectively alongside the reformed civil legal aid system. This will be taken forward in the coming year.

### Performance against increased targets

We met or exceeded all of our headline performance indicators, the key measures of the Board's operational performance. Our focus this year has been on maintaining previous improvements in performance on speed of processing, while improving the quality of our decision making. We have increased our focus on completing work on the small number of applications that have failed timeliness targets. All of our headline performance indicators, which balance quality of decision making with speed of processing, were increased compared to the previous year.

### Progress in Legal Aid Online services

All Board services will be available online by 2005. We have:

- made significant progress in developing our system for advice and assistance online services for processing applications and accounts. Following pilots of the system, we will launch the system to the profession in spring 2004.
- begun work on developing criminal and civil legal aid online services, and expect these to be available to the profession in the coming year



### **Expansion of the Public Defence Solicitors' Office (PDSO)**

Following the passing of the Criminal Justice (Scotland) Act 2003 and other regulations, Justice Minister, Cathy Jamieson MSP, announced that two further PDSO offices would open in Inverness and Glasgow. During the year we:

- gave advice to Scottish Ministers on possible locations for the new offices
- commenced work to open these offices in summer 2004
- began piloting a quality assurance scheme for criminal legal assistance in the Edinburgh PDSO office

### **Strategic review**

Justice Minister, Cathy Jamieson MSP, announced a strategic review of the delivery of legal aid, advice and information in October 2003. Information on the strategic review is given on page 6. The Scottish Parliament held a debate on modernising access to legal advice, information and representation in December 2003.

### **Review of criminal legal assistance**

We completed a review of the interests of justice test in criminal legal aid. During the course of the year, we broadened the scope of the review to consider wider aspects of criminal legal assistance. We expect this will contribute to Scottish Ministers' intended reform of the criminal justice system and the strategic review of legal aid.

### **Legal advice and information services**

We have worked in partnership to:

- facilitate, with the Scottish Executive, four pilot advice partnerships: in Argyll and Bute, Edinburgh and Fife; and, in conjunction with the Disability Rights Commission, a thematic partnership for legal advice and information provision for disabled people
- operate four pilot projects under Part V of our governing legislation, in which solicitors employed directly by the Board work within advice organisations in Edinburgh, Glasgow, the Highlands and Islands and West Lothian

### **Improving our information**

In the last year we:

- published a range of guidance for staff and the profession on a variety of issues, including advice and assistance and the non-financial tests we apply to civil legal aid applications
- prepared for publication a more comprehensive version of our Scottish Legal Aid Handbook, which will be the key reference material for the profession
- published six information leaflets for the public, including guidance on 'clawback'
- redeveloped our website to make it a more accessible and comprehensive source of legal aid information for the public and profession

### **Equality**

We made progress in the implementation of our Race Equality Scheme, including:

- revising our application forms
- providing diversity training to all staff
- making our new leaflets available in a number of different languages and formats, including braille, hindi, punjabi, arabic, bengali, urdu, chinese, turkish and gaelic

# PLANS

## THE STRATEGIC REVIEW AND THREE KEY THEMES ARE CENTRAL TO OUR WORK FOR 2004-2006

Legal aid does not stand on its own, but is a key component of the justice system. Scottish Ministers are committed to modernising the justice system, and are taking this forward through new legislation and reviews such as Sheriff Principal McInnes' review of summary justice.

The Justice Minister, Cathy Jamieson MSP, announced a strategic review of the delivery of legal aid, advice and information in October 2003. The review commenced in December 2003, and is being undertaken by a team from the Scottish Executive and the Board. It is expected to make recommendations to Scottish Ministers and the Board by June 2004.

Key aspects of the terms of reference of the review focus on:

- purposes and objectives of publicly funded legal advice, which includes

services provided by non-solicitor advice agencies and local authorities as well as legal aid

- roles and responsibilities of stakeholders and the relationships amongst them
- promotion of best value, particularly in criminal legal assistance
- modernisation of legal aid and delivery of a national framework for legal advice and assistance, including the scope for streamlining legal aid legislation and the development of the Board's operation, role, resourcing and powers

We welcome the review and believe it provides an excellent opportunity to engage with stakeholders and think creatively about how to improve the scope and operation of the legal aid system and the delivery of publicly funded legal advice, benefiting the people of Scotland.

**Within the context of the strategic review, there are three key themes to our work for 2004-2006:**

- **Key theme 1** – increasing access to quality assured legal advice, assistance and representation for those who need it and who qualify for legal aid
- **Key theme 2** – working with others to improve the efficient and effective operation of the legal aid system and its interaction with the justice system
- **Key theme 3** – increasing the Board's efficiency and effectiveness, and providing best value

We discuss each of these themes and the issues surrounding them in the following three pages.



# ACCESS

## KEY THEME 1

### INCREASING ACCESS TO QUALITY ASSURED LEGAL ADVICE, ASSISTANCE AND REPRESENTATION FOR THOSE WHO NEED IT AND WHO QUALIFY FOR LEGAL AID

It is important that those who need legal advice, assistance and representation and cannot afford to pay are able to get this help when they need it. They should also have the confidence that the legal help they receive is appropriate and of a good standard.

#### The main issues are:

- working with the Scottish Executive to meet its published target for increasing access to justice through legal aid and other means by 5% by 2006
- with the Scottish Executive, implementing proposals for the modernisation of legal aid and legal advice and information, following the strategic review of the delivery of legal aid
- to help ensure equality of access, taking forward our equality strategy
- developing and implementing appropriate quality assurance mechanisms for all types of legal assistance



# IMPROVE

## KEY THEME 2

### WORKING WITH OTHERS TO IMPROVE THE EFFICIENT AND EFFECTIVE OPERATION OF THE LEGAL AID SYSTEM AND ITS INTERACTION WITH THE JUSTICE SYSTEM

The Board plays a key role in the administration of justice and believes that by working in partnership with others we can improve the operation of the legal aid system and its interaction with the rest of the justice system.

#### The main issues are:

- reform of criminal legal assistance to improve its efficiency and effectiveness in the context of the wider modernisation of the criminal justice system being undertaken by the Scottish Executive.

Our response includes:

- taking forward recommendations from Sheriff Principal McInnes' review of summary justice
- helping the successful implementation of the reform of the High Court following Lord Bonomy's review
- working with others to achieve maximum efficiency gains through the better integration of systems, processes and data
- implementing the outcomes of our interests of justice review
- introducing appropriate quality assurance mechanisms
- considering and encouraging the use of alternatives to court action for resolving disputes, including mediation, where it offers benefits to the parties involved and the taxpayer

# VALUE

## KEY THEME 3

### INCREASING THE BOARD'S EFFICIENCY AND EFFECTIVENESS AND PROVIDING BEST VALUE

We recognise the need to continually improve the services we provide, and to deliver these services at the best value to the taxpayer.

**The main issues are:**

- ensuring best value by improving our delivery and efficiency, with key elements of our response including:

- continued investment in capital expenditure, especially in information systems and spend to save initiatives

- reducing bureaucracy and improving speed and cost effectiveness by electronically delivering all Board services by 2005

- responding to our customers' needs, as identified through effective communications

- increasing our research and analytical capabilities to help us identify possible improvements, both within legal aid and the wider justice system, and develop robust models for forecasting future demands and expenditure

- managing the planned reduction in staff numbers, as a result of improved computer systems and online services

# DELIVER

WE WILL CONTINUE TO IDENTIFY AND RESPOND TO THE OPPORTUNITIES FOR CHANGE AND THE NEEDS OF OUR STAKEHOLDERS AND CUSTOMERS TO DELIVER OUR PLANS

## APPROACH

**We will adopt a common approach to delivering our objectives. This will include:**

- working in partnership with the Scottish Executive, the Law Society of Scotland, the Faculty of Advocates, the advice sector, local authorities, others in the justice system and representative bodies
- consulting with applicants, assisted persons, opponents, solicitors, advocates and others with an interest in legal aid and access to justice
- communicating directly with applicants, assisted persons and opponents through letters, meetings and consultations, as well as through their solicitors
- sharing with others our policies and practices to achieve greater openness, understanding and effectiveness
- engaging in others' consultations and development processes to play our full part in improving the justice system and the operation of legal aid within it
- continuously improving our policies and systems and implementing changes to achieve efficiency and effectiveness of our operations



## Strategic review and performance

### Strategic review of the delivery of legal aid, advice and information

The Justice Minister has set out that the strategic review team will make recommendations to Scottish Ministers and the Board by June 2004. It is likely that the outcomes will impact on many of the deliverables set out in this plan.

Later this year, we expect to action some of the recommendations, and to plan the implementation of others that will be delivered in the longer term. We set out below some of the major projects that we will deliver this year. We will add to these in the plan for 2005-2006.

### Performance

We expect to achieve the headline performance targets and corporate targets set out on page 21. We have revised our performance indicators and targets and for 2004-2005 we are:

- increasing all six headline performance indicators
- increasing individual accuracy targets considerably in all but one group of accuracy targets
- increasing 12 of the 23 individual timeliness targets
- introducing one new case correspondence target
- announcing the introduction of significantly shorter timescales for Legal Aid Online services compared to paper processing. We have detailed indicative targets which will be revised following pilots and stakeholder consultation

During 2004-2005 we will further review our targets, to set them for the following year.

## Legal Aid Online

### Delivering Legal Aid Online services

All Board services will be available online by the end of 2005, improving the efficiency and effectiveness of the legal aid system and, making it easier, quicker and more cost effective. We plan to:

- launch advice and assistance online services for applications and accounts and encourage uptake by the profession as the service is rolled out during 2004
- start to implement criminal legal aid online and civil legal aid online later in 2004
- continue to enhance our web site to make it the key source for legal aid information that is accessible, easy to use and contains the information our stakeholders need
- generally encourage greater use of electronic communications instead of paper based systems

### Civil legal assistance

#### Reform of civil legal aid

The Scottish Executive, the Law Society of Scotland and the Board implemented wide-ranging reform of civil legal aid in October 2003. We will consider options for further development of civil legal aid and continue to make changes to our operations, systems, processes and forms, including:

- commencing the quality assurance system, including registration of firms undertaking civil work, auditing their administrative procedures, and peer review, which is operated by the Law Society of Scotland
- implementing our new civil applications computer system and document management system
- monitoring the effectiveness of the reforms

#### Reform of civil advice and assistance

We will continue to work with the Scottish Executive and the Law Society of Scotland to:

- complete a major review of the operation of civil advice and assistance so that it is more efficient to operate and works effectively alongside the reformed civil legal aid system

- ensure this review integrates with policy developments to form a national network of legal advice and information, being considered as part of the strategic review

We anticipate that the development and implementation of the reform of civil advice and assistance, following a consultation process, will be in stages:

- incremental improvements to the system, implemented in the short term
- more fundamental reform that will be implemented in the medium to longer term

#### Financial eligibility for civil legal assistance

We will work with the Scottish Executive to:

- review the basis for assessment of financial eligibility to ensure the development of a regime that is fairer, more coherent and simpler to understand
- further streamline financial eligibility and contributions processes

#### Development of proposals for a national network of legal advice and information services

The strategic review of the delivery of legal aid will consider the steps necessary to deliver a national network of legal advice and information services. We will:

- contribute to the review and the work that flows from it
- for the four pilot advice partnerships in Argyll and Bute, Edinburgh, Fife and, in conjunction with the Disability Rights Commission, a partnership focusing on the advice needs of people with a disability, work with the Scottish Executive to facilitate their operation until their conclusion, and participate in the evaluation of the partnership process

#### Part V pilot projects

- we will evaluate the four pilot projects under Part V of our governing legislation, in which solicitors employed directly by the Board work in partnership with advice organisations in Edinburgh, Glasgow, the Highlands and Islands and West Lothian. The evaluation report will be published in 2005.
- experience gained from the projects will contribute to the strategic review and its consideration of a national network of legal advice and information services
- subject to agreement and additional funding by the Scottish Executive, we will develop and implement further projects



## Criminal legal assistance

### Reform of criminal legal aid

We will work with others to implement reform of criminal legal assistance, to improve the efficiency and effectiveness of the system and to fit with the Scottish Executive's modernisation of the criminal justice system. These reforms will take forward:

- the outcomes of our review of the interests of justice test and criminal legal assistance more broadly
- agreed changes as a result of Sheriff Principal McInnes' review of the sheriff court summary justice system
- implementation of changes as a result of the Criminal Procedure (Amendment) (Scotland) Bill, following Lord Bonomy's review of the High Court
- proposals from the strategic review of the delivery of legal aid

### Quality assurance and fees for criminal legal assistance

We will work with the Law Society of Scotland and Scottish Executive to:

- review the feeing regime and structure for criminal legal aid in solemn proceedings

- introduce a quality assurance system for criminal legal assistance

During 2004 we will also:

- review the effectiveness of quality assurance mechanisms for criminal legal aid that we have piloted in the Public Defence Solicitors' Office
- continue to work with the Faculty of Advocates on development of a graduated fee scheme and a quality assurance scheme for counsel employed on legal aid work. This will assist in taking forward recommendations from Lord Bonomy's review of the High Court.

### Opening of further Public Defence Solicitors' Offices

Following the Justice Minister's announcement, we will open two further PDSO offices in Glasgow and Inverness by 30 June 2004.

## Legal aid for children

### Quality assurance and fees

We will work with the Law Society of Scotland and Scottish Executive to:

- review the feeing regime and system
- introduce a quality assurance system for legal aid for children

## Delivering improved services

### Improving our service

We are committed to continuous improvement in our response to the needs of our stakeholders and customers. We will:

- identify further improvements that we can make in our service and operations by using the Business Excellence Model and the results of our customer research and consultation programme
- apply for the new Charter Mark in 2004-2005 to demonstrate our commitment to customer service
- take forward the requirement of the Scottish Executive to introduce 'Best Value,' a performance improvement discipline, in the coming year

### Sanctions review

We will implement changes to the process for granting sanction for expert witnesses and unusual expenditure following our review, for both civil and criminal legal assistance. This will include:

- introducing a system for semi-automatic grants involving certain categories of experts

- consulting with interest groups and professional bodies to establish appropriate and approved levels of expenditure for certain categories of expert witnesses

We will also review our guidelines and practice for considering applications for counsel in criminal cases as part of the implementation of reform following Lord Bonomy's review of the operation of the High Court.

### Research programme

We will continue our programme of research to provide evidence-based advice for the Board and Scottish Ministers on the operation of legal aid and to develop forecasting. Research areas will include:

- legal aid in actions involving children
- the supply of legal aid services
- the operation of the duty solicitor scheme

### Engaging with our customers

Listening to the views of our stakeholders, consulting and working in partnership are key elements to our approach to delivering our objectives. We will:

- continue to undertake research and consultation with our stakeholders including surveys of the legal profession, research with users of the legal aid system and through holding legal aid clinics at which the public can confidentially discuss their legal aid case
- during 2004, set up advisory groups of practitioners, experts and client group representatives to advise on the operation and development of legal assistance

### Improving our communications and information

We will move towards mainly electronic delivery of information and communications, and encourage the transition away from paper through further enhancing the information and ease of use of our website. We will also:

- publish a revised Scottish Legal Aid Handbook, as the key reference material for the legal profession and others on legal aid, and issue regular updates
- increase legal aid training for the profession and others, particularly for the implementation of further reforms
- continue to update and publish new information leaflets for the public, including financial eligibility

### Freedom of Information

The Freedom of Information (Scotland) Act 2002 will introduce important new rights to access information held by public authorities and will require more proactive publication of information. The Board will:

- draft a publication scheme for submission to the Scottish Information Commissioner by 31 August 2004
- develop policies and procedures for records management
- work to meet the requirements for when the Act comes into effect on 1 January 2005

### Equality of access

We will further develop and implement our Race Equality Scheme, under the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002, and consider other diversity schemes to deliver equality of access.

### Investing in systems

We will continue to invest in spend to save initiatives and capital projects, particularly IT systems, to improve efficiency. In addition to our legal aid online services project and new civil legal aid system, we will implement:

- an enhanced criminal applications system
- a document management system
- a review of our debt analysis computer systems

### Staff

The introduction of legal aid online services, new computer systems and policy developments will result in changes to the number and job profiles of our staff. We will:

- manage these changes including continuing to invest in staff training and development
- evaluate our work life balance project, where flexible working arrangements enhance the services we offer as well as the quality of life for our staff

# FORECASTS

## ANALYSIS OF TRENDS IN VOLUMES AND EXPENDITURE GIVES THE CONTEXT FOR RESOURCE PLANNING TO ENABLE US TO ACHIEVE OUR OBJECTIVES

### Forecasts in volumes and expenditure

Overall expenditure from the Legal Aid Fund is likely to increase over the next two years, continuing the trend of the previous two years. The volume of criminal legal aid work is expected to continue to increase but at a slower rate than previously. The volume of civil legal aid cases is expected to continue to fall, although more slowly than previously. However increases in fee rates for solicitors will increase average case costs. We expect the net costs of civil legal aid to increase over the planning period.

### Criminal legal assistance

#### Volumes

The total volume of applications for summary criminal legal aid has increased significantly since 1999-2000. The rate of growth has, however, slowed considerably over the last two years. We expect growth to continue but at a slower rate over the next couple of years.

During the period covered by this corporate plan, it is also likely that the system of summary criminal legal aid and the wider criminal justice system itself will be reformed.

This may have an impact on the number and profile of cases proceeding through the courts and requiring legal aid. Independently of structural reform, the main drivers of volumes in criminal legal assistance come from outwith the legal aid system, stemming primarily from crime rates and detection and, the decisions of the Crown Office and Procurator Fiscal Service on whether to prosecute individual cases and, if so, in which court.

After a number of years during which the volume of grants of solemn criminal legal aid by the courts remained broadly level, there was a marked increase between 2001-2002 and 2002-2003. Recent figures suggest that this increase is likely to be extended further in the current year. The pattern over the next two years is likely to be influenced by knock-on effects from planned reforms to the High Court.

The reduction in criminal advice and assistance seen in 2002-2003 has also continued into the current year and looks set to continue over the next couple of years. Once again, reform to the system of criminal legal assistance may impact on volumes in coming years.

#### Cost

We do not expect the cost of individual summary cases to change a great deal over the planning period, as the system of fixed payment provides a degree of control over costs. The pattern of expenditure will largely be dependent on the trend in volumes. We would, therefore, expect summary criminal expenditure to increase again this year, although the rate of growth should start to slow in line with volume growth. It is unlikely that any reforms to criminal legal assistance will have a major impact on expenditure in the coming year – most of these changes would take at least a year to filter through in expenditure terms.

In contrast to summary legal aid, we have seen significant increases in the cost of solemn cases over the last couple of years. A large proportion of this increase has stemmed from the increased costs of counsel (advocates and solicitor advocates) in these cases. We are also likely to see some increase in cost in the short term as a result of changes flowing from new legislation reforming the High Court. In the medium term, we expect these changes to result in a decrease in overall cost.

### Civil legal assistance

#### Volumes

Volumes of both civil advice and assistance and civil legal aid have again continued their downward trend. For civil legal aid, the reduction that started in 1993-1994 has continued, although the rate of decline has slowed to its lowest level in several years. By contrast, the rate of reduction in civil advice and assistance has increased over the last year, meaning that total volumes for 2003-2004 are likely to be at their lowest level since 1990-1991.

This year has seen the implementation of the most significant reform of civil legal assistance in over 50 years. It is too early to tell what impact this might have on the provision of civil legal assistance. However, further changes to eligibility and contribution arrangements are also likely over the next couple of years, potentially affecting both civil legal aid and civil

advice and assistance. As a result of these reforms and changes to legislation introduced by the Scottish Parliament, it is possible that the decline in civil legal assistance will stop and indeed that more people will start to access these services.

Finally, recent increases in the volume of people receiving assistance by way of representation appear to have been reversed this year. This is due primarily to changes in the Government's policy on asylum and immigration and a slow down in dispersal of asylum seekers around the UK. Whether this reversal is the start of a new downward trend is almost entirely dependent on such wider policies.

#### Cost

As volumes of civil legal aid cases have fallen, the average cost of a case has increased. This is because we receive a higher proportion of complex and difficult to resolve cases, which are likely to be costly.

We expect the gross cost of civil legal aid to increase during 2003-2004 and for this increase to continue into 2004-2005, not least because of the gradual impact of the reform of civil legal aid fees. However, we also expect the level of recoveries we make (from contributions, expenses and property recovered and preserved) to increase, meaning that the net cost of civil legal aid is unlikely to increase significantly.

### Administration resources

We require the appropriate resources to achieve our objectives during 2004-2006 and to further increase the efficiency and effectiveness of our service. This includes adequate funding, through our Grant-in-Aid, of our running costs and capital programme.

The Board's administration costs are funded through the Grant-in-Aid from the Scottish Executive. This meets the costs



of necessary capital investment, paying competitive remuneration to recruit and retain skilled staff, and further improving efficiency and effectiveness. Over the two-year period we expect staff numbers to fall in some administration areas as a

result of our current programme of investment in legal aid online services. There will be more staff in areas such as policy and quality assurance as a result of external policy developments. Our current estimate of our resource requirements is:

ADMINISTRATION COSTS (£m)	2003-2004	2004-2005	2005-2006
Staff, accommodation etc.	9.1	9.4	9.6
Capital	0.2	0.2	0.7
Civil legal aid reform	0.5	0.5	0.5
<b>Total</b>	<b>9.8</b>	<b>10.1</b>	<b>10.8</b>

Note: The figures for 2005-2006 are subject to discussion and agreement by the Scottish Executive.

These figures do not include:

- the ring fenced funding for pilot projects under Part V of our legislation
- any carry forward of Grant-in-Aid between financial years
- any additional operating costs associated with significant changes in policies or legislation

# MEASURE

OUR HEADLINE PERFORMANCE INDICATORS PROVIDE A MEASURE OF OUR PERFORMANCE BY COMBINING INDIVIDUAL TARGETS FOR TIMELINESS OF PROCESSING CASES AND ACCURACY OF DECISION MAKING



### Performance indicators and targets for 2004-2005

During our three year corporate planning period we expect to further increase our performance indicators and targets both in terms of timeliness of processing and the consistency of decisions. We believe that our targets represent an appropriate and balanced way of measuring our performance and expect to achieve these in 2004-2005.

There are six headline performance indicators, which combine individual targets for timeliness of processing cases with measures of the accuracy of decision making. In addition to these key measures of operational performance, we have other corporate indicators and targets that apply to other aspects of our work.

For the coming year, 2004-2005, we reviewed our performance indicators and targets and we are:

- increasing all of the six headline performance indicators
- substantially increasing accuracy targets and improving timeliness targets, reflecting the priorities and views of our stakeholders
- announcing the introduction of significantly shorter timescales for legal aid online services, compared to paper processing
- introducing a new target for civil legal aid correspondence
- piloting efficiency targets
- continuing our focus to prioritise processing of those applications and accounts that do not meet our service standards

During 2004-2005 we will further review our targets, to set them for the following year.

### Our increased headline performance indicators

We have increased all six headline performance indicators:

- civil applications – the headline performance indicator has increased by 2% to 92%
- criminal applications – the headline performance indicator has increased by 4% to 99%
- advice and assistance – the applications headline performance indicator has increased by 1% to 96%
- civil accounts – the headline performance indicator has increased by 4% to 95%
- criminal accounts – the headline performance indicator has increased by 1% to 97%
- advice and assistance accounts – the headline performance indicator has increased by 1% to 96%



### Improved individual targets

We have increased 12 of the 23 individual timeliness targets, and all but one group of accuracy targets, which are set out on pages 21 to 24. Amongst the increased targets are:

- civil applications – we have increased by 4% accuracy targets for all types, and increased by 5% the timeliness target for sanction to 90% and for reviews by 3%
- civil accounts – the targets for timeliness have been increased by 9% to 95%
- criminal applications – timeliness targets have been increased by 2% to 99% and the service standards for reviews and exceptional cases reduced by 2 days to 12 days. Accuracy targets have been increased by 5% to 98%
- criminal accounts – accuracy targets have been increased overall by 2% to 97%
- advice and assistance applications – accuracy targets have been increased by 2% to 98% and the timeliness service standard for transfers reduced by 4 days to 10 days

- advice and assistance accounts – accuracy targets have been increased by 1% to 96%

### Legal Aid Online services – a new standard of service

Legal Aid Online services will allow transactions to be made through the internet for applications and accounts. The introduction of online services during 2004-2005 allows us to substantially improve the speed of service we offer. We have developed indicative service standards for cases that use the new system.

Examples of Legal Aid Online standards are:

- timescales for all applications have been reduced
- initial civil legal aid applications and reviews will be 7 days faster, and extensions and reassessments 15 days quicker than paper applications
- we expect to pay properly prepared civil legal aid accounts within 20 days, rather than 30 days for paper based accounts

- criminal legal aid applications will be 7 days quicker, at 5 days, compared to 12 days for paper based applications

- criminal fixed fees cases will be paid within 15 days, compared to 30 days

- registration of advice and assistance applications will be 3 days, compared to 10 days for paper based applications

- advice and assistance accounts will be paid in 15 days, rather than 30 days

Full details of indicative standards and targets for Legal Aid Online services are set out on the following pages. They will be revised following pilots of our Legal Aid Online services and stakeholder consultation.

# Headline performance indicators

## 2004-2005

The headline performance indicators combine individual timeliness and accuracy targets for each aid type. They are weighted equally so that we achieve an appropriate balance between the measures for speed of processing and the quality of decisions. They are the key measures of the Board's operational performance. They are compiled from individual targets for each aid type which are set out on pages 22-24.

In our continuing drive to further improve our operational performance we will seek to exceed targets, particularly in the quality of decisions. We report on our performance against these targets in our Annual Report. We have also increased our focus on processing promptly those applications or accounts which have not met our standards.

Our six headline performance indicators are:

<b>CIVIL APPLICATIONS</b>			<b>CIVIL ACCOUNTS</b>		
	<b>2003-2004 target</b>	<b>2004-2005 target</b>		<b>2003-2004 target</b>	<b>2004-2005 target</b>
Timeliness	88%	89%	Timeliness	86%	95%
Accuracy/consistency	91%	95%	Accuracy/consistency	95%	95%
<b>Headline</b>	<b>90%</b>	<b>92%</b>	<b>Headline</b>	<b>91%</b>	<b>95%</b>
<b>CRIMINAL APPLICATIONS</b>			<b>CRIMINAL ACCOUNTS</b>		
	<b>2003-2004 target</b>	<b>2004-2005 target</b>		<b>2003-2004 target</b>	<b>2004-2005 target</b>
Timeliness	97%	99%	Timeliness	97%	97%
Accuracy/consistency	93%	98%	Accuracy/consistency	95%	97%
<b>Headline</b>	<b>95%</b>	<b>99%</b>	<b>Headline</b>	<b>96%</b>	<b>97%</b>
<b>ADVICE &amp; ASSISTANCE APPLICATIONS</b>			<b>ADVICE &amp; ASSISTANCE ACCOUNTS</b>		
	<b>2003-2004 target</b>	<b>2004-2005 target</b>		<b>2003-2004 target</b>	<b>2004-2005 target</b>
Timeliness	93%	93%	Timeliness	95%	95%
Accuracy/consistency	96%	98%	Accuracy/consistency	95%	96%
<b>Headline</b>	<b>95%</b>	<b>96%</b>	<b>Headline</b>	<b>95%</b>	<b>96%</b>

Targets and headline performance indicators for criminal legal aid include legal aid for children.

## Corporate targets

	<b>Standard</b>	<b>Target</b>
<b>Complaints handling</b> We aim to deal with complaints within 28 days. However, if the complexity of the case means that we are unable to meet this standard, we will write to the complainant explaining the reasons and when their complaint will be dealt with.	28 days	
<b>Payment for goods and service</b> Compliance with Late Payment of Commercial Debts (Interest) Act 1998 (percentage of debt paid within 30 days). This applies to suppliers of goods and services excluding solicitors and advocates providing legal aid services.	30 days	97%
<b>Collection of contributions</b> Percentage of the amount of assisted persons' contributions payable.		90%

The headline performance indicators have been rounded to the nearest percentage. Outcomes will be similarly rounded.

# Civil legal aid timeliness and accuracy targets

## Applications

<b>TIMELINESS</b> (% of applications actioned within service standard time)			<b>2004-2005</b>		<b>Online services (indicative)</b>	
	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>
Initial applications	42 days	87%	35 days	90%	35 days	90%
Sanction to employ counsel, expert witness or incur unusual costs	14 days	90%	10 days	93%	10 days	93%
Requests to change solicitor	14 days	90%	10 days	92%	10 days	92%
Reviews of refusal of initial application	35 days	85%	28 days	85%	28 days	85%
Requests to extend the scope of the case	35 days	87%	20 days	90%	20 days	90%
Reassessment of financial eligibility	35 days	95%	20 days	97%	20 days	97%
Special urgency cases	5 days	97%	2 days	97%	2 days	97%
<b>All Application Types</b>		<b>89%</b>				<b>91%</b>

<b>ACCURACY OF DECISION MAKING</b> (% of decisions that are free of material errors)			<b>2004-2005</b>		<b>Online services (indicative)</b>	
	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>
<b>All Application types</b>	error free	<b>95%</b>	error free	<b>95%</b>	error free	<b>95%</b>

<b>CORRESPONDENCE</b>			<b>2004-2005</b>		<b>Online services (indicative)</b>	
	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>
Case correspondence <sup>1</sup>	14 days	95%	12 days	97%	12 days	97%

<b>HEADLINE PERFORMANCE INDICATOR</b> (timeliness and accuracy)			<b>2004-2005</b>		<b>Online services (indicative)</b>	
	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>
Civil legal aid applications		92%				93%

## Accounts

	<b>2004-2005</b>		<b>Online services (indicative)</b>	
	<b>Service standard</b>	<b>Target</b>	<b>Service standard</b>	<b>Target</b>
Timeliness	30 days	95%	20 days	98%
Accuracy	error free	95%	error free	95%
<b>Headline performance indicator</b>		<b>95%</b>		<b>97%</b>

Online services will enable applications and accounts to be submitted and transacted through the internet. Targets for online services will be revised during 2004-2005.

- Correspondence which indicates the need for a response to be made, will receive within 14 days either a full response, or information on when it will be dealt with and what factors have prevented us from dealing with it in the target time.

# Criminal legal aid timeliness and accuracy targets

## Applications

<b>TIMELINESS</b> (% of applications actioned within service standard time)			<b>Online services (indicative)</b>	
	<b>2004-2005</b>		<b>Service standard</b>	<b>Target</b>
	<b>Service standard</b>	<b>Target</b>		
Initial applications in summary cases	12 days	99%	5 days	99%
Sanction to employ counsel, expert witness or incur unusual costs	7 days	99%	5 days	99%
Requests to change solicitor	7 days	99%	5 days	99%
Reviews of refusal of initial application	12 days	99%	10 days	99%
Applications to make an appeal in court	7 days	99%	5 days	99%
Requests to reconsider a decision by the Board	12 days	99%	10 days	99%
Special urgency cases (summary first instance and appeals)	3 days	99%	2 days	99%
Exceptional cases	12 days	99%	10 days	99%
<b>All application types</b>		<b>99%</b>		<b>99%</b>

<b>ACCURACY OF DECISION MAKING</b> (% of decisions that are free of material errors)			<b>Online services (indicative)</b>	
	<b>2004-2005</b>		<b>Service standard</b>	<b>Target</b>
	<b>Service standard</b>	<b>Target</b>		
<b>All application types</b>	error free	<b>98%</b>	error free	<b>98%</b>

<b>HEADLINE PERFORMANCE INDICATOR</b>		<b>Online services (indicative)</b>
	<b>2004-2005</b>	
<b>Criminal legal aid applications</b>	<b>99%</b>	<b>99%</b>

## Accounts

<b>TIMELINESS</b> (% of applications actioned within service standard time)			<b>Online services (indicative)</b>	
	<b>2004-2005</b>		<b>Service standard</b>	<b>Target</b>
	<b>Service standard</b>	<b>Target</b>		
Fixed fee	30 days	97%	15 days	98%
Detailed accounts	30 days	97%	22 days	98%
<b>All accounts types</b>		<b>97%</b>		<b>98%</b>

<b>ACCURACY</b> (% of applications actioned within service standard time)			<b>Online services (indicative)</b>	
	<b>2004-2005</b>		<b>Service standard</b>	<b>Target</b>
	<b>Service standard</b>	<b>Target</b>		
Fixed fee	error free	98%	error free	98%
Detailed accounts	error free	96%	error free	96%
<b>All accounts types</b>	error free	<b>97%</b>	error free	<b>97%</b>

<b>HEADLINE PERFORMANCE INDICATOR</b>		<b>Online services (indicative)</b>
	<b>2004-2005</b>	
<b>Criminal legal aid accounts</b>	<b>97%</b>	<b>98%</b>

Online services will enable applications and accounts to be submitted and transacted through the internet. Targets for online services will be revised during 2004-2005.

The individual targets and indicators for all application types include applications or accounts for both criminal legal aid and legal aid for children (except initial applications, exceptional cases and fixed fees targets).

# Advice and assistance timeliness and accuracy targets

## Applications

TIMELINESS (% of applications actioned within service standard time)			Online services (indicative)	
	2004-2005		Service standard	Target
	Service standard	Target		
Registration of intimations of grants of advice and assistance by solicitors	10 days	95%	3 days	98%
Requests for increase in authorised expenditure	7 days	90%	5 days	95%
Requests for change of nominated solicitor <sup>1</sup>	10 days	95%	5 days	98%
Requests to reconsider a decision by the Board	7 days	85%	5 days	89%
<b>All application types</b>		<b>93%</b>		<b>97%</b>

ACCURACY (% of applications actioned within service standard time)			Online services (indicative)	
	2004-2005		Service standard	Target
	Service standard	Target		
<b>All application types</b>	error free	<b>98%</b>	error free	<b>98%</b>

HEADLINE PERFORMANCE INDICATOR		Online services (indicative)	
	2004-2005		
<b>All application types</b>	<b>96%</b>		<b>98%</b>

## Accounts

	2004-2005		Online services (indicative)	
	Service standard	Target	Service standard	Target
Timelines	30 days	95%	15 days	98%
Accuracy	error free	96%	error free	96%
<b>Headline performance indicator</b>		<b>96%</b>		<b>97%</b>

### Notes and definitions:

Online services will enable applications and accounts to be submitted and transacted through the internet. Targets for online services will be revised during 2004-2005.

The targets for all application types such as timeliness, are calculated in proportion to the volumes of each individual legal aid type that the Board receives and the target set for that type. It is not calculated using a standard average.

<sup>1</sup> This applies only to a change in the nominated solicitor where the case remains with the same firm of solicitors.

### Applications:

'Actioned within service standard' is measured from the date of receipt until the date of final decision, excluding any periods where the application has been continued for further information. In the case of an intimation of a grant of advice and assistance, the service standard is met when the Board issues to the solicitor an acknowledgement of the grant.

A final decision on an application is considered to have been taken if we have intimated any of the following:

- (a) a decision to grant legal aid
- (b) a decision to refuse legal aid
- (c) a decision to abandon the application

All timeliness targets are in calendar days and exclude public holidays. Where we do not meet our standard, we aim to contact the applicant and/or solicitor within three days to provide a decision or a status update with an indication of when a decision will be made.

### Accounts:

All timeliness standards are in calendar days, and exclude public holidays. Performance targets are a percentage of the number of accounts actioned within 30 calendar days (excluding public holidays). The 30 day period begins on the day the account is received by the Board when this is before 12 noon. For accounts received after 12 noon, the 30 day period will begin from the next business day. It ends when: a payment is processed to BACS, a letter seeking further information is issued, or an offer is made. This applies to properly prepared and vouched accounts.

Civil and criminal accounts are actioned by way of an offer letter or a request for further information. Where an offer can be made, payment will be made at the time of the offer. Advice and assistance accounts are actioned by way of payment or issuing a letter about abatements or requesting further information. No payments on offer can be made.

# FORWARD

TO PROMOTE THE DEVELOPMENT AND DELIVERY OF APPROPRIATE ACCESS TO QUALITY LEGAL ASSISTANCE FOR THOSE ELIGIBLE, IN A COST EFFECTIVE MANNER

In this document, we have described our key themes for the further development and effective delivery of legal aid over the next two years.

Our Corporate Plan for 2005-2006 will develop these themes and identify further

deliverables and proposals to continue to improve the operation of legal aid in Scotland. This will include taking forward the strategic review of legal aid, advice and information.

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