

Scottish Legal Aid Board



Corporate Plan

2008-2011



Introduction

This plan sets out what we aim to achieve during the period 1 April 2008 to 31 March 2011.

Over the next three years there will be substantial change to the justice system in Scotland. Alongside these changes, legal aid will also see significant development. Scottish Ministers want these two programmes of change to compliment each other, to ensure access to justice and improve the operation of the justice system.

Our vision and corporate aims are set out on page 1. The main projects and tasks that will help us turn this vision into a reality over the coming three years are set out in pages 6 to 15.

During the next three years, we will be working closely with the Scottish Government and other stakeholders to take forward these important initiatives.

We are committed to further improving the delivery of our service. We have a comprehensive suite of performance indicators and targets and we have once again increased these, as set out on pages 20 to 29.

We report on our performance against these targets in our Annual Report.

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Vision

To provide access to justice for those eligible and in need of it, in a cost-effective manner.

Strategic aims – what we aim to achieve

- to deliver efficient, effective and value for money legal assistance services
- to broaden access by exploring new ways of providing and supporting quality assured legal advice services
- to contribute to the improvement and effective operation of the justice system.

Corporate aims – how we will deliver

- 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 carry out research into the operation of legal assistance in Scotland and to consider and pilot new ways of delivering legal assistance, including through projects under Part V of our governing legislation
- to work collaboratively with other stakeholders in the justice system to improve its operation
- to provide sound advice to Scottish Ministers and the Scottish Parliament on the current operation and development of the provision of legal aid and its interaction with the wider justice system.

What we do

We run the Scottish legal aid system which is paid for by taxpayers. We monitor it, ensure good value for money and advise Scottish Ministers on how it can be improved. Each year we deal with over 900,000 applications and accounts.



About legal aid

Legal aid is help towards the costs of legal advice and representation, for those who qualify, paid for out of public funds. It is designed to help individuals on low and modest incomes gain access to the legal system.

Legal aid may be free, or someone may have to pay towards the cost of their case, for example through paying a contribution or from the money or property that they win or keep as a result of their legal action. Legal aid is accessed through a solicitor.

There are two main types of legal aid help: advice and assistance and legal aid. Together these are called **legal assistance**.

- **advice and assistance** covers a wide range of matters, so long as they are matters of Scots law. It pays for advice from a solicitor, but apart from a few exceptions under assistance by way of representation (ABWOR), it will not cover “representation” – that is, putting the case in court.
- **legal aid** provides funding for a solicitor to put the case in court and some tribunals. It covers the preparation work, as well as the hearing itself, and can provide funding for advocates, experts and other costs. (Cases often begin with advice and assistance, and legal aid may be the next step if necessary).
- **civil cases** – such as divorce and other matters affecting family and children, or actions for compensation after an accident or medical negligence
- **criminal cases** – help, advice and representation for someone charged with a criminal offence or needing advice about a criminal matter
- **children’s cases** – under the Children (Scotland) Act 1995, which helps to make sure children are protected and supervised. Legal aid also funds appeals against decisions of children’s hearings.

The main types of case that advice and assistance and legal aid can help with are:



About us

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 Government.

Our work is overseen by Board Members, who are appointed by Scottish Ministers. The number of Members can vary from 11 to 15. To give a balanced range of knowledge and experience, they include people with backgrounds in business, the advice sector and the wider community, as well as solicitors and advocates and a person with knowledge of court procedure and practice.

Ministers in the Scottish Government decide legal aid policy. Ministers propose the legislation to set the rules for legal aid, and the fees to be paid to the legal profession. The Scottish Parliament makes and changes legislation – including the tests for granting legal assistance. These tests are then applied to every single case. In advice and assistance and some special urgency cases, solicitors apply the tests. For civil and criminal legal aid we apply the tests, except in some criminal and children’s cases, where the courts decide.

The budget for legal aid is different from many other public services: it is not a set amount. The Scottish Government gives the Board the necessary funds to meet the cost of cases. This means we never have to refuse someone legal aid simply because there is no money left to pay for their case.

Our work

A large part of our job is to decide who should get legal aid. If it is granted, legal aid is used to pay solicitors, counsel – advocates and solicitor advocates – and other costs of the case. The solicitor could be in private practice, employed by the Board or in a law centre.

Our work includes:

- advising Scottish Ministers on how legal aid is working, and ways to develop it
- managing the Legal Aid Fund and deciding whether to grant applications for legal aid
- deciding if people have to pay towards the cost of legal assistance, then collecting these amounts
- assessing solicitors’ and advocates’ accounts for legal aid work, and paying them for the work they have done
- registering firms and solicitors who do legal assistance work and making sure these firms and solicitors maintain high standards, including funding civil quality assurance which is run by the Law Society of Scotland
- investigating and tackling fraud and abuse of legal aid

More than

900,000

applications and accounts are dealt with by the Board each year.

- developing a network of Board employed solicitors who offer criminal legal advice and representation, and also under Part V of our legislation, developing advice services on civil matters using Board employed solicitors
- exploring new ways of delivering legal aid services.

If provisions in the Legal Profession and Legal Aid (Scotland) Act 2007 are commenced, and subject to decisions by Scottish Ministers, our work will include:

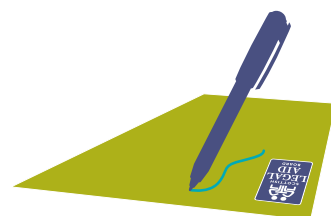
- assessing applications for legal aid in serious criminal cases, a job currently done by the courts
- registering agencies and their specialist advisers who are not lawyers to provide advice and assistance and making sure they meet standards set out in a Code of Practice
- grant funding advice services.

About our approach

We will adopt a consistent approach to delivering our objectives. These will include:

- **working in partnership** with the Scottish Government, the legal profession, 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** through investment in our people, processes and systems, and implementing changes to achieve efficiency and effectiveness of our operations.

Legal aid is important. Without it, many people would not be able to get the legal help and advice they need.



Deliver

Our priorities for delivery in 2008-2011 are outlined in this section. We set out how we are going to implement our strategic and corporate aims.



There are two key, related priorities for the Board over the next three years:

First, we will work to further improve the efficiency and effectiveness of the delivery of our own functions, the operation of the legal aid system and its interaction with the rest of the justice system.

Second, we want to ensure that there are sufficient providers of legal aid services to meet the needs of the public across Scotland for high quality, good value legal aid services.

By removing unnecessary bureaucracy and streamlining as far as possible, we can help the system work better. This will benefit applicants, opponents and solicitors. It will also reduce the administration costs of the system that is paid by the taxpayer.

We can further improve the cost-effectiveness of the legal aid system by continuing our joint programme with the Scottish Government to review and reform the structure of individual parts of the system. This includes how we pay solicitors, counsel and others, such as experts, who provide services funded by legal aid. We will also work with others in the justice system to identify any improvements that can be made in the way legal aid interacts with and supports the wider justice system.

We are increasingly working with the legal aid organisations in England and Wales, Northern Ireland and the Republic of Ireland in sharing experiences and approaches to improving the delivery of legal aid. This includes seeking opportunities to share the benefits of our investments in systems and processes.

In 2007 the Scottish Government published its strategic objectives. During 2008 we will work with the Scottish Government to consider how legal aid and the Board can best contribute to the delivery of the government's objectives in a way which is compatible with our statutory obligations.

In this section we detail a number of the specific projects that will help us address these priorities.

A number of these projects flow from or are dependent upon Scottish Ministers' decisions. There may be some change in what we will deliver and when, as the Scottish Government determines its priorities for access to justice, including legal aid. This will also reflect the spending decisions flowing from the Scottish Budget spending review 2007.



Our main projects

- reform of summary criminal legal assistance in summer 2008, to support the reform of the summary justice system
- implementation in late 2008 of a wide range of major changes designed to simplify the operation and administration of civil legal assistance
- substantial further expansion of Legal Aid Online, our service which allows solicitors to submit legal aid applications and accounts through the internet. Most aspects of our business will be available online in late 2008. We expect almost all legal aid transactions with solicitors will be online by the end of 2010.
- promoting the value to the public of legal aid and the work done by providers of legal aid services
- reform of the feeing arrangements for solicitors in solemn criminal cases, in summer 2008
- introduction of quality assurance for criminal legal assistance practitioners, in late 2008
- transfer from the courts to the Board of the power to grant solemn criminal legal aid in late 2008
- advising Scottish Ministers on the legal aid implications of the outcome of Lord Gill's review of the civil courts, due to report in early 2009, and implementing any associated changes to the legal aid system
- providing Board employed solicitors to fill gaps in private sector provision, where this is the best way to ensure access
- continue to work with the Scottish Government to develop and deliver changes to legal aid to further increase value for money as part of the drive for efficient government.

by the end of

2010

we expect most legal aid transactions with solicitors will be made online.

Reforming criminal legal assistance

Reform of summary justice and criminal legal assistance

Major changes to the operation of summary justice are being introduced throughout 2008. Following an extensive consultation process, summary criminal legal assistance will also be substantially reformed to ensure that it supports and facilitates the effective working of the new summary justice system. The changes will be made in June 2008.

The operation of these reforms will be closely monitored to ensure that they are working as intended and ensure any changes for further improvement are identified and implemented as early as possible.

Reform of solemn criminal legal aid

Building on our work with the legal profession and the Scottish Government, we will introduce reformed fee arrangements for solicitors for solemn criminal legal aid work by summer 2008.

Quality assurance for criminal legal assistance

We expect the new peer review based quality assurance system for solicitors providing criminal legal assistance to be introduced in autumn 2008.

We will also continue to work with the Faculty of Advocates and Law Society of Scotland to develop an appropriate system for quality assurance of advocate and solicitor advocate services.

Counsel's fees

We expect to introduce a new table of fees for counsel in criminal appeal cases during 2008, building on discussions between the Scottish Government, the Board and the Faculty of Advocates.

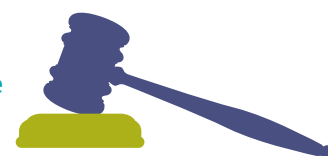
Granting solemn criminal legal aid

The Legal Profession and Legal Aid (Scotland) Act 2007 transfers the granting of solemn criminal legal aid from the courts to the Board. We will consult on the financial eligibility test to be applied and expect to begin granting solemn criminal legal aid in late 2008.

PDSO – Public Defence Solicitors' Offices

We will work with the Scottish Government to contribute to a report to the Scottish Parliament by the end of 2008 on the operation of the Public Defence Solicitors' Office network.

Summary criminal legal assistance reform in summer 2008 will support and facilitate the effective working of the new summary justice system.



Improving civil legal assistance

Simplification of civil legal assistance

Solicitors, applicants and opponents can find the rules, operation and administration of civil legal assistance complex.

We have identified ways we can further reduce bureaucracy and make the system more effective and efficient for all who use it.

We will implement the first changes in late 2008. This will include the launch of Civil Legal Aid Online and major changes to our application forms and processes.

We will also work with solicitors providing civil legal assistance to help them operate the system in the most efficient and effective way.

Solicitor's fees for civil legal aid

We will work with the Scottish Government to implement any changes to solicitor's fees for civil legal aid, depending on Scottish Ministers' decisions, following the Board's review of civil legal aid fees which was concluded in the final quarter of 2007-2008.

Counsel's fees

We will work with the Scottish Government and Faculty of Advocates to develop and implement a new table of fees for work in the civil courts during 2008.

Extending eligibility for civil legal aid

Subject to decisions by Scottish Ministers, we plan to develop and implement a system of extended and tapered eligibility for civil legal aid to increase access to justice.

Monitoring supply of civil legal assistance services

We will continue to monitor the volume of civil legal aid applications and grants of civil advice and assistance made by solicitors, as well as the number and location of solicitors submitting them.

We will publish information on supply and continue to improve the information we give the public about where they can seek advice, including through an enhanced telephone helpline service.

Contribute to tackling poverty

We will work with the Scottish Government to identify ways in which improvements in civil legal assistance can contribute to the Government's policy framework to tackle poverty, inequality and deprivation.



Further reductions in bureaucracy through our simplification project will help improve the civil legal assistance system for all who use it.

Improving access to justice

Lord Gill's review of the civil courts

We will contribute to the work of Lord Gill's review of the civil courts during 2008. Following submission of Lord Gill's report in early 2009, we will advise Scottish Ministers on any legal aid or access to justice implications of the recommendations.

We will develop and implement any changes to legal aid flowing from the review.

Advice and assistance by advisers other than lawyers

Subject to Scottish Ministers' decisions on implementation of parts of the Legal Profession and Legal Aid (Scotland) Act 2007, the Board will be able to fund some advice and assistance provided by advisers other than lawyers, as well as solicitors as at present.

Quality assured services

Any advice agencies wanting to provide advice and assistance will have to be registered with the Board. Depending on implementation of advice and assistance funding, the Board will develop a Code of Practice, to be approved by Scottish Ministers, for registered organisations.

Grant funding

Also flowing from the Legal Profession and Legal Aid (Scotland) Act 2007 and subject to Scottish Ministers' decisions on implementation and the overall funds to be made available, the Board will be able to provide grants to fund provision of advice services. Before providing any grants, we will consult with stakeholders on the development of the scheme.

New ways of providing civil legal assistance

Through Part V of the Legal Aid (Scotland) Act 1986, the Board can employ solicitors to provide legal advice in innovative ways, testing new methods of delivering legal advice and improving access to legal services.

The Board will start a new programme of work in 2008, providing direct casework services and delivering second tier support and training for local advisers.

Ensuring access to civil legal assistance

If our monitoring of supply suggests that there are access to justice problems in any area of law or geography, we will consider how best to meet any otherwise unmet need. Depending on Scottish Ministers' wishes, this may include employing solicitors directly to provide casework services, building on the service already operating across the Highlands and Islands. However, we will also consider whether remote delivery by private solicitors would be a better option, perhaps using contracts for delivery of specific services.

Legal Aid Online

We will substantially expand Legal Aid Online, our system which allows solicitors to submit legal aid applications and accounts through the internet. By 2010 we expect virtually all legal aid business to be online.

At the start of 2008, over 300 firms were using Advice and Assistance Online and over 50% of all new civil cases were started online. We expect to see a further significant increase in these numbers over the next year.

We will roll-out the Civil Legal Aid Online system as part of our simplification of civil legal assistance in late 2008.

Criminal Legal Aid Online will also be launched in late 2008 to follow the reform of summary criminal legal assistance and the introduction of a major new computer system for the administration of criminal legal assistance.

We will also be promoting the ability for solicitors to submit online accounts for all types of legal aid.

over
50%

of civil advice and assistance cases were being started online in 2008.



Value for money

Investing in systems

By the end of 2008 we will have moved all of our major computer operating systems onto a single, modern platform, making our systems more efficient and improving cross-system compatibility.

Efficient Government

The Board will work with the Scottish Government to develop and deliver changes to legal aid that will increase value for money as part of the Efficient Government initiative.

The Government has set efficiency gains targets of 2% for the next three years for both the Legal Aid Fund (the services we pay for) and our administrative costs.

Achievement of these targets will involve joint identification of possible changes – from within the legal aid system and elsewhere in the justice system – together with the introduction of regulatory change where necessary by the Scottish Government.

We will also continue to reduce our staff and associated costs as our processes become more efficient, particularly as a result of our investment in new technology.

We will also seek further opportunities to share services with other public bodies to help reduce the cost of administration, as well as to achieve efficiency savings through increased use of centralised government procurement.

Procurement of third party services

Following consultation already conducted, we will work with relevant professional bodies to develop changes to the way we pay for work carried out by third parties, such as accountants, doctors, psychologists, reporters and curators in legal aid cases to help ensure that we achieve value for money.

Management of high cost cases

A small number of high cost cases can have a significant impact on legal aid expenditure. We will develop new processes for working with solicitors and counsel to manage such cases to ensure that work is carried out in the most cost-effective way.

Minimising fraud and abuse in legal aid

We will further develop and enhance our approach to minimising fraud and abuse in legal aid. We will expand our verification of checks on applicants' financial information. This will include setting up direct links from May 2008 with the Department for Work and Pensions' systems to enable us to verify benefits information. We will also continue our trends analysis and review of firms of solicitors to identify potential areas for investigation.

Corporate governance

We will complete our review of our corporate governance arrangements in the first half of 2008. This will ensure that the arrangements in place for overseeing the operation of the Board continues to meet best practice.

We will also work with the Scottish Government to agree how its current work on developing an outcome – based relationship with public bodies can be applied to the work of the Board.

2%

is the target efficiency gain for the next three years for both the services we pay for and administration costs.

Improving the legal aid system for users

Promoting legal aid

We will work with providers to promote the value to service users and the general public of services funded through legal aid. This will build on Board analysis work already carried out into the outcomes of legal aid cases, and acknowledge the significant contribution made by dedicated service providers to improving the lives of their clients.

Research and analysis

We will continue to develop our research capacity to enable us to conduct or commission high quality research to provide a strong evidence base for policy development.

We will continue to work closely with the Scottish Government and Law Society of Scotland to deliver the final stages of a programme of research into the future supply of solicitors providing legal aid services.

We will also develop research tools to assess need for legal aid services.

Engaging with our customers and stakeholders

Over the next three years we will continue and further develop our programme of:

- surveys of the legal profession and users of the legal aid system
- legal aid clinics where the public can discuss confidentially their case with our staff
- meetings with local faculties of solicitors to discuss legal aid issues.

Equality

Over the next three years we will:

- work with other justice system agencies to develop a co-ordinated approach to our statutory responsibilities on race, gender and disability equality
- continue our rolling programme of customer involvement to inform the development of action plans on equalities, as well as broader service delivery issues
- keep our gender, race and disability equalities schemes under review.

Access to Justice

We will also identify opportunities for increasing or improving access to justice for those who cannot otherwise afford the cost of legal assistance by making proposals and providing advice to Scottish Ministers on how this may be achieved.

We will work with providers to promote legal aid and acknowledge the significant contribution by them to improve the lives of their clients.



Forecast

Analysis of trends in case volumes and expenditure gives the context for resource planning to enable us to achieve our strategic objectives.

Forecasts in volumes and expenditure

Estimating the cost of legal aid is complex. Legal aid is not cash limited and can be affected by numerous factors. The Board has developed a model to estimate future legal aid spend. It relies very heavily on making assumptions about the number of cases that will go through the justice system. We rely on information from other justice system organisations to make informed assumptions.



Criminal legal assistance

Volumes

Overall volumes of criminal legal aid applications are affected by many factors, such as crime levels, police clear up rates and the decisions of the Crown Office and Procurator Fiscal Service as to whether to prosecute individual cases. Changes in the volume of applications for legal aid have a direct effect on spending. Our current estimates of volumes and expenditure are based on recent trends and latest indications of likely future trends.

The total volume of applications for summary criminal legal aid increased steadily between 1999-2000 and 2004-2005. Since then it has fluctuated, falling in 2005-2006, rising again in 2006-2007 and then falling once more in 2007-2008.

An additional complication for 2008-2009 is that major reforms of the summary criminal justice system, and of summary criminal legal assistance, are likely to change the number and nature of cases going through the system and the type of legal aid under which they will proceed.

Our forecast assumes that volumes will remain flat until the reforms impact, when we expect to see reductions in volumes of legally aided cases as a result of the reduced number of criminal cases going through the courts.

In 2004-2005 we saw a reduction in the volume of grants of solemn criminal legal aid by the courts. However, this reduction was reversed in 2005-2006 and 2006-2007, with a large increase in the volume of grants of solemn criminal legal aid by the courts. These volumes have been maintained in 2007-2008. This volatility in volumes makes forecasting difficult.

Overall expenditure can also be affected significantly by small numbers of very expensive solemn cases. For planning purposes we have assumed that the volumes of solemn cases will remain at the same level in 2008-2009, and for the following two years.

Cost

The fixed payment system continues to inform the prediction of costs in individual summary cases from year to year. The main influence on overall expenditure will be the number of cases – with reductions expected as a result of summary justice reform.

Solemn criminal legal aid costs will increase as a result of increases in fee levels announced by Scottish Ministers and upcoming changes to the fee structures.

Overall, we expect the cost of criminal legal assistance to be around £108 million in 2008-2009. We expect expenditure to be lower in the next year at £102 million and £103 million in 2010-2011.



Civil legal assistance

Volumes

The number of applications for both civil advice and assistance and civil legal aid received by the Board have fallen substantially over the last few years. Advice and assistance continues to fall and we expect this trend to continue. The reduction in civil legal aid applications was 3% in 2006-2007 but there was only a very slight reduction in 2007-2008.

Within this broadly stable volume, the nature of civil legal aid cases is changing, with fewer reparation cases (where compensation is sought) and more cases relating to housing and adults with incapacity. As a result, we can expect to receive less income from expenses and damages awarded in successful cases.

Cost

Changes to solicitor fees made during 2007 are expected to increase the cost of civil cases. Also Scottish Ministers are currently considering whether further changes are needed, following a review of civil legal aid fees by the Board. We expect the average cost of civil legal aid cases to continue to increase in 2007-2008 as the impact of recent – and any future – changes take full effect.

Children's legal assistance

We expect expenditure on children's legal assistance to be around £5 million in 2008-2009.

This total is particularly susceptible to the impact of a small number of very expensive cases. The forecast expenditure for 2008-2009 includes provision for two ongoing very high cost cases.

Legal aid expenditure forecast

Our current estimate of the likely level of Legal Aid Fund expenditure over the next three years is:

Legal Aid Fund expenditure (£million)	2008-2009	2009-2010	2010-2011
Criminal legal assistance	108	102	102
Civil legal assistance (gross)	52	51	52
Children's legal assistance	5	4	4
Total gross expenditure	165	157	158
Less income from contributions and recoveries	-12	-11	-11
Total net expenditure	153	146	147

Administration resources

We require the appropriate resources to achieve our objectives and deliver our services effectively and efficiently.

The Board's administration costs are funded through Grant-In-Aid from the Scottish Government. This meets the costs of necessary capital investment, paying competitive remuneration to recruit and retain skilled staff, and further improving efficiency and effectiveness.

The funding available to the Board will remain constant over the next three years. In order to meet the costs associated with pay progression for staff and specific major projects, the Board will be implementing an efficiency programme to reduce our costs.

Over the next year we expect staff numbers to fall in a number of administration areas as a result of our current programme of investment in Legal Aid Online services, document management systems and a new computer system for criminal legal aid. This is part of a three-year programme of efficiency savings.

Additional resources have been allocated for new activities such as criminal quality assurance, the reform of summary criminal legal assistance and the simplification of civil legal assistance.

Legal aid administration expenditure forecast

The level of funding provided by the Scottish Government for the next three years is:

Administration costs (£million)	2008-2009	2009-2010	2010-2011
Staff, accommodation etc	12.9	12.9	12.9
Capital (gross)	0.2	0.2	0.2
Total	13.1	13.1	13.1

The Legal Aid Fund and administration figures do not include:

- any carry forward of Grant-In-Aid between financial years
- any additional operating costs associated with any, as yet unknown, significant changes in policies or legislation.

Targets

Our targets enable us to measure our performance to deliver ever higher service levels for applicants and their advisors.



Continuing to increase our service levels

For 2007-2008 we set a number of significantly higher targets and service standards. This followed a review of our approach to performance indicators and targets. This had included consulting our stakeholders for their views, with very positive feedback received. For 2008-2009, we have continued to increase our service levels.

The Board's performance measurement process consists of both timeliness and accuracy targets for each type of legal assistance. For timeliness, we set a **service standard** – for example, that we will assess a civil legal aid application within 32 days. We also set a **target** – for example, to assess 96% of applications within the service standard.

There are eight headline performance indicators covering each of the main types of legal assistance. These 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.

Individual service standards and targets

We have continued to significantly reduce the timescale for processing many types of legal aid applications, in some cases by up to 40%. We have also increased the percentage of cases to meet the target for five application types.

For civil cases

Most civil legal aid applications have been set shorter service standard timescales:

- for initial applications, the service standard is shortened from 35 days to 32 days
- for sanction to employ counsel, expert witnesses or to incur unusual costs, the service standard is shortened by 30%, from 10 days to 7 days.

Criminal cases

- major changes to summary criminal legal assistance will be made in 2008. New service standards and targets will be developed and introduced for the reformed system. The existing targets will remain until then.

Children's cases

Most service standards have been set shorter timescales:

- for consideration of applications to make an appeal in court, the service standard is shortened by 40% from 10 days to 6 days.

Advice and assistance cases

We have introduced a new target for requests in authorised expenditure where templates are used.

Accounts

Targets for accuracy for all accounts in all types of cases are increased by 1% to 97%.

Legal Aid Online

We have set separate and significantly better service standards for our online services. Those who use Legal Aid Online have timescales that include shorter than half the time of paper applications. This is a major benefit for using our online service.

Headline performance indicators

Our headline performance indicators combine individual timeliness and accuracy targets for each legal 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 23-29.

Our eight headline performance indicators are:

Advice and assistance applications			Advice and assistance accounts		
	2007-2008 Target	2008-2009 Target		2007-2008 Target	2008-2009 Target
Timeliness	96%	96%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	96%	97%
Headline	97%	97%	Headline	97%	97%
Civil legal aid applications			Civil legal aid accounts		
	2007-2008 Target	2008-2009 Target		2007-2008 Target	2008-2009 Target
Timeliness	94%	95%	Timeliness	97%	97%
Accuracy/consistency	96%	96%	Accuracy/consistency	96%	97%
Headline	95%	95%	Headline	97%	97%
Criminal legal aid applications			Criminal legal aid accounts		
	2007-2008 Target	2008-2009 Target		2007-2008 Target	2008-2009 Target
Timeliness	99%	99%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	97%	97%
Headline	99%	99%	Headline	97%	97%
Children's legal aid applications			Children's legal aid accounts		
	2007-2008 Target	2008-2009 Target		2007-2008 Target	2008-2009 Target
Timeliness	99%	99%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	96%	97%
Headline	99%	99%	Headline	97%	97%

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

Advice and assistance timeliness and accuracy targets

Applications

Timeliness (percentage of applications actioned within service standard time)						
	2007-2008			2008-2009		
	Paper application service standard	Online application service standard	Target	Paper application service standard	Online application service standard	Target
Registration of grants of advice and assistance by solicitors and issue of accounts synopsis forms by the Board	7 days	3 days	97%	7 days	3 days	97%
Requests for increase in authorised expenditure using a template	n/a	n/a	n/a	5 days	2 days	95%
Requests for increase in authorised expenditure not using a template	7 days	4 days	95%	7 days	4 days	95%
Requests to reconsider a decision by the Board	7 days	5 days	94%	7 days	5 days	94%
All application types			96%			96%

Accuracy of decision making (percentage of decisions that are free of material errors)			
	Service standard	Target	
		2007-2008	2008-2009
All applications types	error free	98%	98%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Advice and assistance applications	97%	97%

Accounts

	Service standard		Target	
	Paper account	Online account	2007-2008	2008-2009
Timeliness – all accounts	30 days	15 days	97%	97%
Accuracy – all accounts	error free		97%	97%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Advice and assistance accounts	97%	97%

Online services enable applications and accounts to be submitted and transacted through the internet. Service standards are based on calendar days and not working days.

Civil legal aid timeliness and accuracy targets

Applications

Timeliness (percentage of applications actioned within service standard time)					
	2007-2008		2008-2009		
	Paper application service standard	Target	Paper application service standard	Online application service standard	Target
Initial application	35 days	94%	32 days	30 days	96%
Reviews of refusal of initial application	30 days	90%	29 days	25 days	91%
Special urgency cases received Monday – Thursday	2 days	97%	2 days	2 days	97%
Special urgency cases received Friday – Sunday	4 days	97%	4 days	2 days	97%
Sanction to employ counsel, expert witnesses or incur unusual costs	10 days	94%	7 days	5 days	96%
Requests to change solicitor	10 days	94%	9 days	7 days	96%
Requests to extend the scope of the case with 14 day intimation period	25 days	93%	25 days	20 days	93%
Requests to extend the scope of the case with 28 day intimation period	33 days	93%	32 days	28 days	93%
Reassessment of financial eligibility	28 days	95%	28 days	20 days	95%
Stage reports	20 days	93%	16 days	12 days	96%
All application types		94%			95%

Accuracy of decision making (percentage of decisions that are free of material errors)			
	Service standard	Target	
		2007-2008	2008-2009
All applications types	error free	96%	96%

Correspondence					
	2007-2008		2008-2009		
	Service standard Paper	Target	Service standard Paper	Service standard Online	Target
Case correspondence ¹	14 days	95%	14 days	12 days	95%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Civil legal aid applications	95%	95%

Accounts

	2007-2008		2008-2009		
	Service standard	Target	Paper account	Service standard Online account	Target
Timeliness – Judicial expenses accounts	17 days	97%	17 days	17 days	97%
All other accounts	30 days	97%	30 days	20 days	97%
Accuracy – all types	error free	96%	error free		97%

Headline indicator (timeliness and accuracy)

	2007-2008	2008-2009
Civil legal aid accounts	97%	97%

Online services will enable applications and accounts to be submitted and transacted through the internet. Online targets shown are indicative and will be revised when online services are fully available. Service standards are based on calendar days and not working days.

¹Correspondence 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.

Criminal legal aid timeliness and accuracy targets

Applications

Timeliness (percentage of applications actioned within service standard time)					
	2007-2008		2008-2009		
	Service standard	Target	Paper application service standard	Online application service standard	Target
Initial application in summary cases	10 days	99%	10 days	5 days	99%
Reviews of refusal of initial application	9 days	99%	9 days	5 days	99%
Special urgency cases (summary first instance and appeals)	3 days	99%	3 days	2 days	99%
Applications to make an appeal in court	7 days	99%	7 days	5 days	99%
Sanction to employ counsel, expert witnesses or incur unusual costs	6 days	99%	6 days	5 days	99%
Requests to change solicitor	6 days	99%	6 days	5 days	99%
Requests to reconsider a decision by the Board	9 days	99%	9 days	5 days	99%
Exceptional cases	5 days	99%	5 days	5 days	99%
All application types		99%			99%

Accuracy of decision making (percentage of decisions that are free of material errors)			
	Service standard	Target	
		2007-2008	2008-2009
All applications types	error free	98%	98%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Criminal legal aid applications	99%	99 %

Accounts

Timeliness (percentage of applications actioned within service standard time)					
	2007-2008		2008-2009		
	Service standard	Target	Paper account	Online account	Target
Fixed fee	30 days	97%	30 days	15 days	97%
Detailed accounts	30 days	97%	30 days	20 days	97%
All accounts types		97%			97%

Accuracy of decision making (percentage of accounts actioned within service standard time)			
	Service standard	Target	
		2007-2008	2008-2009
Fixed fee	error free	98%	98%
Detailed accounts	error free	96%	96%
All applications types		97%	97%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Criminal legal aid accounts	97%	97%

Online services will enable applications and accounts to be submitted and transacted through the internet. Online targets shown are indicative and will be revised when online services are fully available. Service standards are based on calendar days and not working days.

Children's legal aid timeliness and accuracy targets

Applications

Timeliness (percentage of applications actioned within service standard time)					
	2007-2008		2008-2009		
	Paper application	Service standard Target	Paper	Online	Target
Special urgency	3 days	99%	2 days	2 days	99%
Applications to make an appeal in court	10 days	99%	6 days	4 days	99%
Sanction to employ counsel, expert witnesses or incur unusual costs	6 days	99%	5 days	4 days	99%
Requests to change solicitor	6 days	99%	5 days	4 days	99%
Requests to reconsider a decision by the Board	9 days	99%	9 days	4 days	99%
All application types		99%			99%

Accuracy of decision making (percentage of decisions that are free of material errors)			
	Service standard	Target	
		2007-2008	2008-2009
All applications types	error free	98%	98%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Children's legal aid applications	99%	99%

Accounts

	Service standard		Target	
	Paper account	Online account	2007-2008	2008-2009
Timeliness	30 days	20 days	97%	97%
Accuracy	error free		96%	97%

Headline indicator (timeliness and accuracy)		
	2007-2008	2008-2009
Children's legal aid accounts	97%	97%

Online services will enable applications and accounts to be submitted and transacted through the internet. Online targets shown are indicative and will be revised when online services are fully available. Service standards are based on calendar days and not working days.

Corporate targets

	Standard	Target
Complaints handling We aim to deal with complaints as soon as possible, and in any event 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	–
Payments for goods and service 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	98%
Collection of contributions Percentage of the amount of assisted persons' contributions payable.	–	90%

Notes and definitions

Targets and outcomes are rounded to the nearest percentage. 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. They are not calculated using a simple arithmetic average.

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 observed by the Board.

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.

If you need legal help, you need our number

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