

Grant funding programme 2012-2015



# Guidance notes for applicants to our grant funding programme 2012- 2015

This document contains background information, priorities and criteria for the programme, as well as guidance and frequently asked questions to help you to complete the grant funding application form.

All information is available at [www.slab.org.uk](http://www.slab.org.uk)

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# 1. Timescales and key contacts

## Timescales

Please send us completed application forms to arrive by midnight on Sunday 10<sup>th</sup> June 2012.

We will assess applications over the period to Friday 29<sup>th</sup> June 2012. We may ask the main contact for further information during the two weeks between Monday 18<sup>th</sup> June and Friday 29<sup>th</sup> June, if necessary.

Terms and conditions, including the schedule of payments and monitoring arrangements, will be finalised over August 2012.

If we award you a grant, we will tell you by letter within seven days of reaching a decision.

Projects should be running by October 2012.

## Who to contact

If you wish to discuss how to complete your application form, please contact:

Alison Pringle  
Policy and Development  
0131 240 2015  
[pringleal@slab.org.uk](mailto:pringleal@slab.org.uk)

## 2. The Scottish Legal Aid Board's grants programme 2012-2015

### Background to the programme

The Scottish Government has made £4.8 million available between 2012 and 2015 to provide access to legal advice and representation for people dealing with a range of civil legal issues.

In addition to the expenditure approved by Scottish Government, the Board has received an additional £2.2 million from the Money Advice Service for projects relating to debt advice.

These combined resources are to be used during the period for two main purposes:

- up to £0.9m is to be allocated to the approved extension of the Board's existing programme of projects, to conclude in September 2012
- the remaining funds are to be allocated to projects in a new programme, the purpose and priorities of which are set out below

### Programme Aims

The Scottish Government's Making Justice Work (MJW) Programme provides an overarching framework for all justice-system related policy development and activity. Part of the Making Justice Work Programme relates to improving access to justice. It is concerned with the development of mechanisms which will support and empower citizens to avoid or resolve informally disputes and problems wherever possible, and to ensure they have access to appropriate and proportionate advice, and to a full range of methods of dispute resolution,

including courts and tribunals where necessary, and appropriate alternatives.

Our grants programme has two funding streams (Stream 1 and Stream 2) which are designed to contribute towards the achievement of the Scottish Government's National Outcomes and to the benefits set out for the Making Justice Work Programme.

The strategic aims of our grants programme are to:

#### Aim 1

Enable people to have access to direct assistance to avoid/resolve problems formally or informally.

#### Aim 2

Support people to use the full range of formal dispute resolution mechanisms with direct assistance where appropriate and proportionate.

Scottish Ministers have agreed that Stream 1 of our 2012-2015 funding programme will best meet the Board's first strategic aim by prioritising projects that provide:

- direct assistance and representation focused on the resolution of mortgage repossession, tenancy repossession and related debt matters
- pre and post-court follow-up work and advice services that tackle multiple and serious debt.

Approximately 80% of the funding available will be allocated to Stream 1.

Scottish Ministers have agreed that **Stream 2** of our 2012-2015 funding programme will best meet the Board's second strategic aim by prioritising projects that provide:

- information, one-off advice and signposting to people with small claims and other civil court matters to increase people's ability to navigate the court process themselves or to seek further assistance
- casework assistance to people with small claims-level cases enabling them to resolve matters pre-action or settle them early in the court process.

Approximately 20% of the funding available will be allocated to this stream

The funding priorities for the grants programme are fully explained below.

A detailed assessment of all the individual applications will be carried out against our criteria and priorities. In reaching final decisions, as well as considering each application on individual merit, we will consider how to best build a programme of projects that together will achieve the aims agreed with Ministers.

## **Stream 1**

### **Context**

We know that, in repossession matters, many people still do not turn up at court or do attend and are unrepresented. We also know that unresolved debt issues are often the trigger for the court action that can lead to people losing their homes and that debt advice is vital to tackle these associated and underlying issues.

As repossession matters continue to be dealt with in the courts in large

numbers, we anticipate that many people will continue to face these types of court actions over the period to March 2015. Given the impact on a person's life of the loss of their home (whether owned or rented), we believe that those attending their heritable or mortgage repossession hearing should be able to access help at the court.

Following the introduction of the Homeowner and Debtor Protection (Scotland) Act 2010, all mortgage repossession actions now call at court. As a result, in addition to heritable court days, many courts now have identifiable days for mortgage repossession cases. Lay representation in mortgage repossession actions is now possible if lay advisers have the requisite approval as defined under the Act and Guidance. A wider range of advice providers can therefore now assist homeowners facing mortgage repossession as well as eviction.

The Housing (Scotland) Act 2010 introduced a pre-action requirement of council and other social landlords to take all possible steps to ensure that repossession action is a last resort when dealing with rent arrears. It is hoped that this will reduce the number of matters coming to court and promote greater consistency between social landlords. The pre-action requirement is expected to come into force during 2012.

We wish to see people gaining greater access to the advice services that could enable them to deal with their debt issues and improve and sustain their financial situation and financial resilience and reduce the risk of losing their homes.

Under Stream 1, we expect to fund projects that provide up to Type III assistance and representation in repossession actions against homeowners and tenants (and others entitled to enter

defences in those actions) and Type I or II assistance-related debt matters.

### ***Priority outcomes***

The difference we want projects to make are:

- Unrepresented people who are facing court action for eviction or mortgage repossession or people should have access to:
  - Advice about what is likely to happen during their court hearing and afterwards so that they are able to participate effectively, with or without representation
  - Advice about their options, choices and likely consequences of these, so that they can make informed choices about defending or not defending actions.
  - Where appropriate and proportionate, access to representation in court to assist in resolution of the formal court action
- People have the option to access direct assistance to achieve sustainable resolution of the underlying debt issues which have led to the formal court action, or which could lead to a repeat of court action in the future if left unresolved
- People facing court action remain housed wherever possible, whether in their current homes or elsewhere.
- The project should contribute to the overall policy objective of preventing homelessness.

The project's advice services will be available and accessible to all communities and groups living within the project's area facing these priority legal actions, and will reflect their needs

### ***Priority services***

The priority services for funding in Stream 1 are:

- representation at court on heritable and mortgage repossession days
- other advice services at court on heritable and mortgage repossession days
- projects that provide assistance to people facing court action before the day of the court hearing itself
- projects that provide post-court follow-up work and advice services that tackle multiple and serious debt
- projects which will work with other existing agencies and do not duplicate locally available services

### ***Priority court coverage***

Our aim is to fund projects that will lead to national court coverage of these areas of assistance (taking into account other court projects that the Board does not fund). We are looking to fund projects that can provide a service across multiple courts in a Sheriffdom or other geographical area.

### ***Application assessment criteria***

We will assess project applications for Stream 1 funding against the following criteria:

1. The project will provide access to legal advice and representation for

- people (homeowners and tenants) who are facing court action for repossession of their homes due to debt problems.
2. The application can show how the project will provide advice services to tackle the debt issues of clients at risk of or facing repossession actions.
  3. The project will provide a service that is appropriate and proportionate to the need in their project's geographical area.
  4. Applicants can show how the project will identify and meet the particular and differing needs of people living in their project area
  5. The project complements and builds on existing provision by advice organisations and solicitors, whether working in private practice, law centres or directly employed by the Board.
  6. The project's timescale is realistic and includes measurable indicators of progress towards achieving its aims. Projects must be able to deliver outputs which will help deliver the priority outcomes.
  7. The applicant can demonstrate relevant experience and expertise.
  8. The project plan will detail how the project will deliver its service at court and alongside other local provision:
    - a. identify the practical steps involved in operating in the court and tell us how you plan to operate within the court.
    - b. agreements with other agencies and relevant local authorities as to how the

project will work with existing local provision.

9. The budget is appropriate and relevant financial controls are in place.
10. Applicants can demonstrate that they are working in compliance with, have commitment to achieving or have membership of, one of the recognised, national, quality standard marks. For example:
  - a) Scottish National Standards for Information and Advice Providers
  - b) Regulation by the Law Society of Scotland.
11. Applicants must demonstrate a commitment to promote equality, accessibility and diversity.
12. Applicants must demonstrate a commitment to self-evaluation and willingness to participate in a community of practice as appropriate.

## **Stream 2**

### **Context**

While our last grant-funding programme prioritised legal issues relating to the economic downturn, we also funded the pre-existing in-court advice projects. Most of these projects had a wider remit than economic downturn-related issues and dealt with small claims work and general advice about the civil court process.

We have learnt from these projects how advice either before court action begins, or soon after, can help unrepresented people settle their disputes and cases and avoid any or further court action.

Advice can also help people navigate their way through the small claims court process where such early settlement is not possible, and provide information and signposting to people involved in other civil court matters. We believe that this not only assists court-users but helps make the courts more efficient and effective and helps meet the aims of the Making Justice Work programme.

Our priorities for funding are set out below. Preference will be given to projects which meet more than one priority.

Under Stream 2, we expect to fund projects that provide up to Type II assistance in small claims matters with occasional Type III assistance when required and Type I assistance in other general civil court matters.

### ***Priority outcomes***

The differences we want to projects to make are:

- People using the project will better understand the civil court process and be better able to participate in their civil court actions
- People using the project will resolve and settle civil disputes and court actions with minimal intervention from the court
- Courts will work more effectively due to cases being settled without court intervention
- People's ability to gain access to the civil courts and to resolve civil disputes will be improved
- People making use of the project will have access to consistent high levels of service throughout the project's lifetime.

### ***Priority services***

The priority services for funding are:

- projects that provide a regular presence in the small claims court including the provision of representation where it is appropriate and proportional
- projects that assist other unrepresented litigants to navigate their way through the general civil court process themselves or signpost them to other appropriate assistance
- projects that provide casework assistance to potential unrepresented small claims litigants to resolve disputes before court action starts
- projects that provide casework assistance to unrepresented small claims litigants to negotiate and settle court actions.

### ***Priority court coverage***

We are looking to fund projects that can provide a service across multiple courts.

### ***Application assessment criteria***

We will assess applications for Stream 2 applications against the following criteria:

1. The project can provide effective advice and information resources that will enable potential or actual court-users to deal with cases/settle matters on their own.
2. The project can provide services, including representation when appropriate and proportionate, to assist unrepresented potential or actual small claims litigants to settle disputes before or after action.

3. Applicants can show that their project will provide a service that is appropriate and proportionate to the need in their project's geographical area.
4. The project complements and builds on existing provision by advice organisations and solicitors, whether working in private practice, law centres or directly employed by the Board.
5. The project's timescale is realistic and includes measurable indicators of progress towards achieving its aims. Projects must be able to deliver outputs which will help deliver the priority outcomes.
6. The applicant can demonstrate relevant experience and expertise.
7. The project plan will provide the following evidence showing how the project will deliver its service at court and alongside other local provision:
  - a. identify the practical steps involved in operating in the court and tell us how you plan to operate within the court.
  - b. agreements with other agencies and relevant local authorities as to how the project will work with existing local provision.
8. The budget is appropriate and relevant financial controls are in place.
9. The applicant can demonstrate that they are working in compliance with, are committed to achieving, or have membership of, one of the recognised,

national, quality standard marks.  
For example:

a) Scottish National Standards for Information and Advice Providers.

b) Regulation by the Law Society of Scotland.

10. Applicants must demonstrate a commitment to promote equality, accessibility and diversity.

11. Applicants must demonstrate a commitment to self-evaluation and willingness to participate in a community of practice as appropriate.

## 3. More detail on the application process

### Funding available and eligibility of projects

The total amount available for the new grants programme is expected to be £6 million during the period from October 2012 to the end of March 2015. Stream 1 will account for 80% of the programme funding, with stream 2 comprising 20%.

We encourage all applicants to follow a full cost recovery (FCR) approach in deciding how much funding to apply for. Please see section D1 for details on this.

We will accept applications from those involved in advice giving including the third sector, local authorities, law centres, housing associations and firms of solicitors.

Organisations can make multiple bids for funding under a single stream but we encourage you to make a single bid, either on your own or as a lead organisation in a partnership, where this will cover a broad geographical area or multiple sites as part of a single project.

If you want to bid for funding from both streams, you can make a single bid for funding. If you do this, please be aware that we will assess the application against the criteria for each stream separately.

#### Budget

If you are bidding for a project to cover both Stream 1 and Stream 2, please only fill in one budget sheet showing how you will allocate costs against the two streams.

### Specific guidance for bids by a single organisation

If you are making a bid involving only one organisation, you need only complete the 'Grant application form: Lead organisation'.

### Specific guidance for collaborative bids

Collaborative bids involving a number of organisations can be made. Only the lead organisation needs to complete the whole application form, entitled 'Grant application form: Lead organisation'. Each partner organisation should complete the shortened version of the application form, entitled 'Grant application form: Partner organisations'. This set of guidance notes covers both versions of the application form.

Please ensure that the same project name is entered at section C1 on the lead and partner application forms.

Where possible, please send us documentation relating to the lead organisation and all partners together.

As a lead organisation, you will be responsible for ensuring that:

- all partner organisations are financially viable
- you inform us if the financial status of any of the partner organisations deteriorates over the time of the project
- costs related to partner organisations are fair and reasonable, avoiding double charging of overheads
- partners have adequate systems in place for collection of monitoring data

- partners abide by the terms and conditions which we agree with you as the lead organisation, including auditing arrangements
- the Board receives any grant repayments which might be necessary
- you are responsible for the financial management and monitoring of the project as a whole.

All communications between the Board and the project applicant will be made to the lead organisation. We will only communicate with the contact named in the application form although we may also wish to speak to lead contacts in any partner organisations.

## **Who to contact**

If you wish to discuss how to complete your application form, please contact:

Alison Pringle, Policy and Development  
0131 240 2015  
pringleal@slab.org.uk

If you are getting in touch by e-mail, the subject heading should include 'Grant funding'.

Please note that we will publish on our website further questions and guidance based on commonly asked queries - please refer to it from time to time for any updated FAQs.

## **Decision-making process and timetable**

Our deadline for receiving completed applications is midnight on Sunday 10<sup>th</sup> June 2012.

We would prefer applications by e-mail. Where you apply by e-mail, you must also send us, separately, a printed copy of section G which you have signed. We must receive the signed Section G of an emailed application by 5pm on Wednesday 13<sup>th</sup> June 2012. Applications sent by e-mail should be saved in Microsoft Word format.

Please get in touch with us if you would like the application form in a different format.

Send completed forms and accompanying documents, with a subject heading which includes 'Grant funding' to:

[grantfunding@slab.org.uk](mailto:grantfunding@slab.org.uk)

or:

Grant Funding Programme  
Policy and Development  
Department  
The Scottish Legal Aid Board  
44 Drumsheugh Gardens  
Edinburgh  
EH3 7SW

If you apply by e-mail, we will acknowledge the application by e-mail. If you send us a hard copy of your application, we will acknowledge it by post. If you have not received an

acknowledgement within 7 working days of sending an application, please get in touch with us.

We will assess applications over the period to Friday 29<sup>th</sup> June. A team of assessors will consider applications in-house using a clear marking scale which reflects the criteria set out in Section 3.

During the assessment period, between Monday 18<sup>th</sup> June and Friday 29<sup>th</sup> June, we may ask the main contact for more information by telephone, e-mail or at a meeting. If the main contact is not available during the assessment period, someone else should be able to talk about your project in depth and have access to relevant personnel and information, if required. We may also seek to verify that the project has been correctly authorised.

If your application is successful, we will ask you to complete a more detailed budget application to be used during budget negotiations. We may also need other details, including your bank details.

During negotiations on the final offer of grant, we may make recommendations to applicants to help us achieve our overall purposes. For instance, we may ask that a project targets a specific group of people or changes its geographical coverage.

If you are unsuccessful, we will send you a letter telling you this.

## **Freedom of information**

The Board is a Scottish public authority for the purposes of the Freedom of Information (Scotland) Act 2002, and is subject to the requirements of that Act. People seeking information (including information about grant applications, contracts and tenders) are entitled to receive that information unless it is exempt from disclosure. In accordance with our Freedom of Information Publication Scheme, we will publish information regarding successful bids on our website.

When you apply for a grant, please let us know if there are any elements of it which would prejudice substantially your commercial or other interests if they were made public. However, if we consider there is a public interest in publishing the information, we may do so nonetheless.

## **If you are awarded a grant**

### **Monitoring**

Terms and conditions, including the schedule of payments and monitoring arrangements, will be finalised during August 2012.

The precise monitoring and evaluation framework will be agreed between the Board and your organisation after the offer of grant is made.

We expect:

- the monitoring and evaluation of the project to be based on the information you supply in section C of the application form along with a number of generic indicators which will allow us to measure the achievement of the programme's objectives
- monitoring data including a full report of activity and a case

monitoring database as provided to you by the Board is to be submitted on a quarterly basis, with a fuller end-of-project report.

We will undertake an evaluation of the programme, which may include case studies of particular projects, so we may ask you to contribute additional information for an independent evaluation of your service. You should not, therefore, include evaluation costs in your bid, as we will bear this cost. If you are successful, we will send you an explanation of the purpose and methods of any evaluation and you will have the opportunity to comment on how the project is represented in the evaluation.

You must make all necessary equipment, premises and paperwork available for inspection by the Board's internal auditors and external auditors.

We will offer you a grant by letter within seven days of the decision being made. You must sign and return the grant offer to us.

We will publicise successful bids on our website and in a press release, including the names of the organisations involved, the name of the project and the amount of funding awarded.

You must send us agreed monitoring data before we will pay each instalment of the grant. We will normally pay money electronically into your organisation's bank account.

### **Quality Requirements**

We expect that all successful projects will adhere to the standards required to maintain a high quality of assistance and representation for clients. This includes the provision of adequate supervision of advisers for review of case files and adhering to the National Standards.

We also anticipate that projects adequately address equalities issues, collect client feedback on a regular basis and maintain key relationships with stakeholders which underpin the success of the project.

## **Grant payments**

The grant will normally be paid quarterly, on a calendar quarter basis. The quarters therefore normally run from:

- January to March
- April to June
- July to September and
- October to December.

We will make the first payment at the start of the grant term and make all subsequent payments quarterly after we have received the previous quarter's financial return and current quarter's estimate of expenditure. You should send us this information 15 business days after the end of the calendar quarter. We will make the payment 10 business days after we receive the information, provided it is satisfactory.

We will consider making an advance payment for start-up expenses and capital items once the signed agreement is in place.

This is the Board's proposed payment plan. In exceptional circumstances, we may agree an alternative payment plan. If you have any specific payment scheduling requirements, please let us know here.

## 4. Guidance for filling in the application form

### SECTION A - INFORMATION ABOUT YOUR ORGANISATION

#### Main contact details (A1a and b)

This person must be able to talk about your project in depth and have access to relevant personnel and information, if required. This may include financial information. Please let us know if the main contact has any specific communication needs.

Please also include the contact information for the person who will be responsible for financial reporting.

If you are a lead organisation applying on behalf of a group of organisations, please make sure that all partner application forms are submitted at the same time as your lead application form.

#### Status of your organisation (A3)

The firm code refers only to firms of solicitors who are registered with the Board to provide civil legal assistance.

#### Quality standards (A4)

Please provide details of the quality assurance arrangements in place in your organisation. For instance, this may be any memberships, accreditations, quality standards, or regulation by the Law Society.

Please also tell us if you have any staff who are approved representatives under the HODPA and how many and if your organisation has approval under the Debt Arrangement Scheme (DAS).

### SECTION B - ABOUT YOUR ORGANISATION'S WORK

#### Overview (B1)

We would like to have an overview of your organisation and how giving advice and information fits within your overall purpose and activities.

#### Current advice and information services (B2)

This is the place to provide a detailed description of your current advice and information services. Where your organisation provides representation (a Type III service), please tell us whether this includes representation by solicitors or not. You should also tell us about any work which is done at court or tribunal. See Appendix 5 for details of types of service (related to information and advice giving).

#### How your organisation currently works with others (B3)

We expect applicants to demonstrate a commitment to working with other organisations that provide advice and/or representation to clients, as such partnerships, referral processes or established and effective links, will benefit clients.

Please give examples of relevant organisations that you currently work with and explain how the partnership operates. For instance, tell us whether there is a written partnership agreement or more informal working agreements. If you have existing referral agreements with other organisations, give details of these agreements.

**Staff providing advice and information in your organisation (B4)**

Include people who provide Type I, Type II or Type III services.

**Equalities in your organisation (B5)**

Set out how you promote equal opportunities in relation to age, gender, religion/belief, ethnicity, transgender or trans-sexual people and disabled people within your organisation.

Send us your equalities policy with your application.

**SECTION C - THE APPLICATION**

**About your project (C1)**

Ensure that the same project name is entered on the lead and partner application forms where you are entering into a collaborative bid.

List all partner organisations. This will help us to make sure that we have received all the necessary documentation relating to your bid.

Please tell us the name and contact details of the project manager if your application is successful. This may be different to the contact listed in section A1.

**Service priorities that your project will deliver (C2)**

Select the funding stream you are applying for and the service priorities you believe your project can deliver.

**Geographical areas covered (C3)**

Which courts and local authority areas will your project cover? We will prioritise bids that cover several courts or other large geographical area. Under Stream 1, we aim to ensure national court coverage for this type of work.

**Project Summary (C4)**

This section should include:

- the aims and objectives of the project. Please use the objectives suggested in the application form. Describe how your project will achieve the objectives and priority outcomes we are seeking for the programme
- description of the area(s) of work the project will do and to what level of advice e.g. Type I, II or III.
- the main beneficiaries: which groups of people you are targeting.
- how the service will be delivered, advertised and developed.
- how this project fits in with the current work of the organisation and any future plans (up to the end of March 2015).
- what steps you will take to ensure that your service is delivered to people in a non-discriminatory way. This must be in relation to age, gender, religion/belief, ethnicity, transgender or trans-sexual people and disabled people.

**Appropriate and proportionate service (C5)**

Please describe how your service will be appropriate and proportionate to the need in the areas you wish to work.

Projects should be appropriate for our funding and proportionate to the local need.

We expect applicants to be aware of the local context of advice services already available; be able to show how the

project proposal will combine with local advice services and avoid duplication of services that are currently available. Proposals should show why the project structure is the best way to meet our identified outcomes.

This should include details of how the project will meet the needs of vulnerable people who experience these types of problems and how you will tackle barriers to improve access to the project services for these people.

This is what we mean by ‘appropriate’:

Proposals should be realistic in the scale and scope of the project. For example, whilst an adviser may be at court to assist clients at a repossessions hearing, it may not be possible for all last minute clients to be represented. We will therefore expect projects to be able to identify when they think clients will require representation and how they will go about achieving this level of service across their chosen courts area. This is what we mean by ‘proportionate’

Give details of the need for provision, by geographic area, type of service, area of law and/or particular groups of people. See Appendix 5 for details on types of service.

### **Management of the project (C6)**

Tell us how the project will be managed.

## **Stream 1 applications only**

### **Project description (C7)**

We expect projects assisting people facing repossession, to be able to provide representation as a last resort if required at court, whether by lay representatives or by solicitors. We would expect proof hearings to be conducted by solicitors.

We are looking for information about:

- how you propose to provide services across your selected geographical area.
- the kind of court presence to be provided and how you envisage the project will provide assistance to people who come to court seeking help on days when the project is not at the court.
- how you will provide representation as a last resort or what arrangements you will make with another agency or agencies to provide this representation if required up to, and including, proof hearings.
- how your project will provide or link to timely money advice to provide sustainable solutions to clients’ complex debt problems.
- whether the project includes representation by solicitors or not.
- the balance between reactive and preventative work.
- how you will work with court staff on the project.
- the relationship between the at-court service and pre- or post-court advice and support services.
- what facilities might be required for the project to operate at court and what steps have been taken to identify and source these.

If you plan to try and help people before the date of the case calling, we will be looking for information about:

- how the project proposes to access people facing eviction or mortgage repossession or debt issues in court

before their court date.

- how the project will identify and make contact with people experiencing problems.
- the service to be provided.
- the relationship between your project and other advice services, including solicitors.
- details of other services that you work with and how your project will complement and enhance those services. We are looking for evidence of either existing, or potential, partnership work or effective inter-agency referral mechanisms, whether formal or informal. Where the links are not yet in place, we would expect to see evidence that other agencies are willing to work with your project. Please note that this type of evidence is a priority.
- how you would work with the Civil Legal Assistance Office if there is one in your area.
- how you have considered the impact of developments in the field of housing support, including section 11 of the Homelessness (Scotland) Act 2003 the Home Owners' Support Fund, the Home Owner and Debtor Protection (Scotland) Act and the Pre-Action Requirement for eviction matters.

Where your project relates to post-court follow up work and advice support services, we will be looking for information about:

- how referral processes to money advisers and other relevant services will operate.

- how you have considered the impact of developments in the field of housing support, including help under the Home Owners' Support Fund to enable clients to access the Mortgage to Rent scheme or Mortgage to Shared Equity Scheme where appropriate.
- how the project will ensure that it self-evaluates the quality of the service it will provide.

### **Meeting our objectives in Stream 1 (C8)**

Projects will be expected to share the objectives as set by the programme and work towards achieving those. The objectives are:

**Objective 1:** to provide representation and other advice services to people from all communities who are facing court action for mortgage repossession or repossession of a tenancy

**Objective 2:** to provide sustainable resolutions for people from all communities with debt - where these debts have or will put them at risk of losing their homes.

**Objective 3:** to provide a co-ordinated service, in conjunction with other services, to people facing problems related to a presenting or potential court action for mortgage repossession/eviction/debt.

**Objective 4:** to provide a service which reflects upon and continuously improves standards of service throughout the project's duration

In this section we would like you to plan the key steps and activities that will be required to meet the objectives and identify when you might be able to do them. For example, a key step could include completing a recruitment

process, putting a negotiated referral arrangement in place, longer opening hours achieved. You should set indicators for the period up to the end of

March 2013, and then for the financial year 2013/14 and 2014/15.

A worked example is set out below:

### Example objective

<b>Objective 4:</b> to provide a service which reflects upon and continuously improves upon standards of service throughout its duration.	
Indicators of progress towards meeting objective	Date achieved
Devise client feedback process	Mid November 2012
Start using client feedback process	January 2013
Report to Board on outcomes of client feedback process	End of March 2013
Devise process for gathering feedback from court staff and sheriffs and other agencies	Mid November 2012
Carry out feedback exercise with court staff and agencies	End of March 2013
Report to Board on outcomes of feedback processes	Mid-April 2013

### Monitoring and evaluation

The precise monitoring and evaluation framework will be agreed between the Board and your organisation after the offer of grant is made. The monitoring and evaluation of the project will be based on the information you supply in this section of the application form and on a number of generic indicators which will allow us to measure the achievement of the programme's objectives. We expect monitoring data to be submitted on a quarterly basis, with a fuller end-of-project report.

You should make sure that the project has adequate data protection and quality assurance procedures in place for the capture, storage and sharing of monitoring information.

We will undertake an evaluation of the programme, which may include case studies of particular projects, so we may ask you to contribute additional information for an independent evaluation of your service. You should not, therefore, include evaluation costs in your bid, as we will bear this cost. If you are successful, we will explain the purpose and methods of any evaluation

and you will have the opportunity to comment on how the project is represented in the evaluation.

### Stream 2 applications only

#### Project description (C9)

We are looking for information about:

- how the project will help unrepresented civil litigants to navigate the court process on their own or will signpost them to other assistance.
- how the project will provide advice and information about civil court processes to people seeking assistance with an existing or future court matter.
- how the project will encourage settlement and resolution of small claims-level disputes without the need for court hearings.
- how the project will achieve a balance between assisting with pre-court disputes and pre-existing court actions.

- the kind of court presence to be provided and how you envisage the project will provide assistance to people who come to court seeking help on days when the project is not at the court.
- how the project will provide services in the small claims court up to and including representation if required.
- what facilities might be required for the project to operate at court and what steps have been taken to identify and source these
- how the project will work with court staff to ensure that the project becomes a key referral point for enquiries relating to civil cases in their court.
- the key agencies that the project plans to work with in order to achieve its identified outcomes, including the courts, other advice agencies and local authorities
- the relationship between the project and other advice services, including solicitors.
- how the project will work the Civil Legal Assistance Office if there is one in your area.
- details of other services that you work with and how your project will complement and enhance those services. We are looking for evidence of either existing, or potential, partnership work or effective inter-agency referral mechanisms, whether formal or informal. Where the links are not yet in place, we would expect to see evidence that other agencies are willing to work with your

project. Please note that this type of evidence is a priority.

- how the project will provide the service covering several courts and how you propose to deliver an advice/information and casework service, e.g. show how you will use telephone, e-mail or other methods for delivering advice.
- how the project will identify and make contact with potential and actual unrepresented litigants who would benefit from the project's service.
- how the project will ensure that it self-evaluates the quality of the service it will provide.

### **Meeting our objectives in Stream 2 (C10)**

Projects will be expected to share the objectives as set by the programme and work towards achieving those. The objectives are:

**Objective 1:** Project provides advice and information to potential and actual court-users enabling them to navigate their way through the court process

**Objective 2:** Project provides advice services including regular attendance and representation at court to help people deal with, resolve and settle small claims-level disputes and court actions

**Objective 3:** Project works with other agencies such as the courts, other advice agencies and local authorities to help people deal with, resolve and settle civil disputes and court actions either on their own or with assistance

**Objective 4:** To provide a service which reflects upon and continuously improves standards of service throughout its duration

In this section we would like you to plan the key steps and activities that will be required to meet the objectives and identify when you might be able to do them. So, for example, a key step could include completing a recruitment process, putting a negotiated referral arrangement in place, longer opening hours achieved. You should set indicators for the period up to the end of March 2013, and then for the financial year 2013/14 and 2014/15.

A worked example is set out at C8 above.

### **Monitoring and evaluation**

The precise monitoring and evaluation framework will be agreed between the Board and your organisation after the offer of grant is made. The monitoring and evaluation of the project will be based on the information you supply in this section of the application form and on a number of generic indicators which will allow us to measure the achievement of the programme's objectives. We expect monitoring data to be submitted on a quarterly basis, with a fuller end-of-project report.

You should make sure that the project has adequate data protection and quality assurance procedures in place for the capture, storage and sharing of monitoring information.

We will undertake an evaluation of the programme, which may include case studies of particular projects, so we may ask you to contribute additional information for an independent evaluation of your service. You should not, therefore, include evaluation costs in your bid, as we will bear this cost. If you are successful, we will explain the purpose and methods of any evaluation and you will have the opportunity to comment on how the project is represented in the evaluation

## **SECTION D - FINANCIAL INFORMATION**

### **Cost of the project (D1)**

#### ***Full cost recovery***

We encourage all applicants to follow a full cost recovery (FCR) approach in deciding how much funding to apply for. FCR means securing funding for all costs related to a project, including direct costs (i.e. those that are directly related to the project), a proportion of overhead costs that are necessary for the organisation to operate, but cannot be directly linked to any one project; and irrecoverable VAT.

#### ***Types of direct costs***

Direct costs incurred may include:

- Staff - project:
  - salary-related: salary, National Insurance, pension contributions
  - other: training, recruitment, health and safety, travel.
- volunteers - project: training, travel, other volunteer costs
- capital items: furniture, computers, other office equipment
- premises: costs which are wholly attributable to the project including rent, utilities, repairs and maintenance.
- administration: communication, IT, stationery, other consumables
- project development and governance: publicity and marketing, strategic development and planning, monitoring and evaluation, board meetings

- compliance: legal fees, other compliance costs
- other: financing fees, bank charges, other.

### **Types of overhead costs**

Overhead costs incurred and allocated to a project may include:

- staff - non-project staff (such as apportionment of management time for project), or staff not exclusive to one project:
  - salary: salary, National Insurance, pension contributions
  - other: training, recruitment, health and safety, travel.
- volunteers - non-project, or not exclusive to one project: training, travel, other volunteer costs
- premises: rent, utilities, repairs and maintenance
- administration: communication, IT, stationery, other consumables
- project development and governance: publicity and marketing, strategic development and planning, monitoring and evaluation, board meetings
- compliance: audit fees, legal fees, other compliance costs
- other: financing fees, bank charges, other.

Overhead costs that are not likely to be considered relevant include:

- fundraising
- campaigning beyond publicising the project

- depreciation that relates to a cost previously incurred.

### **Allocation of overhead costs**

In FCR, each project is allocated its fair share of overheads. In order to determine this fair share, the overhead allocation must be appropriate given the nature and extent of project activities, and must be rational, justified, and supported. Fixed percentage allocation of overheads is not appropriate as it does not reflect the true cost of the project.

There are many different methods that can be used for the allocation of overhead costs. Using more than one method may be appropriate if not all projects incur all types of overhead expenditure. These methods, and when they may be appropriate, include:

- number of staff: if the number of project staff fairly reflects the size of the projects; adjustments for part-time staff and volunteers need to be considered
- premises usage by project: where premise costs are substantial in relation to direct costs
- direct project expenditure: if the type of direct costs are very similar in all projects, and overhead costs are small compared to direct costs
- number of beneficiaries: if each beneficiary incurs a similar level of costs or if funding is based on number of beneficiaries
- staff time: where there are staff that provide input into many different projects, these costs may be allocated based on the amount of time the staff member is spending on each project.

This is not an exhaustive list. Each overhead allocation will be analysed on a case by case basis. Regardless of which system is used, it is most important that the allocation of overhead is reasonable, proportionate, and reflects the costs incurred for the funded project.

All costs should be recovered only once. This is important to keep in mind where there are multiple funders for an organisation or project.

### **Additional information**

If your application is successful, we will ask you to complete a more detailed project budget template to be used during budget negotiations. We may also require other details, including your bank details.

### **Staff (D2)**

Please outline the number of staff you wish the project to employ for each stream as a full-time equivalent (FTE). How many of these will you want to recruit?

### **Other funding applications (D3)**

In the table we expect you to:

- give the name of the funding organisation in the 'Source' column
- give a month and year in the 'When did you apply' column
- include the total amount of funding in the 'Amount applied for' column
- give a month and year in the 'When would the funding end' column
- set out whether your application was successful or not in the 'Outcome of application' column.

Include information about any match funding. Match funding is funding which

is conditional on the Board contributing the share of the costs that you have applied for.

### **Other funding currently received by your organisation (D4)**

We require details of any significant changes in the funding received by your organisation that have taken place since the financial year covered by the accounts that you have sent us

We are interested in the period up to the end of April 2012, following that covered by the accounts you have submitted to us.

A significant change in funding is a change that has a material impact on the operation of the organisation.

Where you have identified a significant change in funding received we would expect you to:

- give the name of the funding organisation in the 'Source' column
- include the annual amount of extra funding in the 'Amount of additional funding' column
- include the annual amount of funding lost in the 'Amount of reduction in funding' column
- give a short description of the aim of the funding in the 'Purpose of funding' column
- show when the additional funding will end or the reduction in funding occurred in the 'Timescale' column.

### **Other funding over the period of the project (D5)**

We are interested in the period following the accounts which you have submitted to us, from May 2012.

A significant change in funding is a change that has a material impact on the operation of the organisation.

Where you have identified a significant change in funding you expect to receive, you should:

- give the name of the funding organisation in the 'Source' column
- include the annual amount of extra funding in the 'Amount of additional funding' column - don't include any funding you have already shown in D4
- include the annual amount of funding lost in the 'Amount of reduction in funding' column - don't include any funding you have already shown in D4
- set out a short description of the aim of the funding in the 'Purpose of funding' column
- set out when the increase or reduction in funding will occur in the 'Timescale' column.

Include any evidence from core funders which indicates that they will not withdraw funds as a result of a grant from the Board for this work.

## **SECTION E - IF YOU ARE SUCCESSFUL**

### **Planned exit strategy (E1)**

Set out what you intend to do when the grant ends. The funding for the project will cease at the end of March 2015.

## **SECTION F - CHECKLIST**

Make sure you have enclosed the relevant documents.

Where we have asked for your most recent audited accounts or accounts submitted to the OSCR (Office of the Scottish Charity Regulator), only enclose a separate document if these are not included in your annual report, or if they are made up to a later date than those in the annual report.

Accounts submitted to the Office of the Scottish Charity Regulator must have level two validation. Any exception reports should be highlighted.

You must ensure that the main contact, or a substitute, will be available to provide further information over the period from Monday 18<sup>th</sup> June to Friday 29<sup>th</sup> June 2012.

## **SECTION G - SIGNATURES AND DECLARATION**

### **Signatory 1 (G1)**

This must be the main contact listed in section A1 of the application form.

Complete all the relevant details. If you are submitting this by e-mail, you should also, separately, send us a printed copy of Section G which you have signed.

### **Signatory 2 (G2)**

This should be the chair, chief executive or person of similar authority in your organisation. If you are a firm of solicitors, this should be a senior partner.

Complete all the relevant details. If you are submitting this by e-mail, you should also, separately, send us a printed copy of Section G which has been signed.

# Appendix 1: Background to the Scottish Legal Aid Board and its grant funding power

## About the Scottish Legal Aid Board and legal aid

The purpose of legal aid in Scotland is to provide access to justice for those people who are unable to pay for it on their own.

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

The Board's strategic aims are:

- to provide access to a range of quality assured legal help in Scotland, when and where it is needed
- to obtain best value for the taxpayer through the delivery of efficient legal assistance services in Scotland
- to contribute to an efficient justice system in Scotland by providing an efficient legal aid system.

The Scottish Government decides legal aid policy and the Scottish Parliament makes and changes legislation.

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 people who qualify to access the legal system.

Case-by-case funded legal aid is provided by solicitors, whether directly employed by the Board, in private practice, or working in law centres. 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.

More information about the legal aid system is available from our website [www.slab.org.uk](http://www.slab.org.uk).

## About our grant funding powers

The Legal Profession and Legal Aid (Scotland) Act 2007 made provision for the Board to pay for advice work through grant funding. Unlike the rest of the legal aid budget, expenditure under the grant funding provision is a set amount.

# Appendix 2: Background to the Money Advice Service and its funding

The Money Advice Service is an independent organisation. It gives free, unbiased money advice across the UK - online, over the phone and face-to-face. The Service was set up by Government and is paid for by a statutory levy on the financial services industry, raised through the Financial Services Authority.

Since April 2012, the Money Advice Service has been responsible for debt advice co-ordination across the UK

The Money Advice Service's objectives are:

- to enhance the understanding and knowledge of members of the public of financial matters and
- to enhance the ability of members of the public to manage their own financial affairs.

The amount of funding available from the Money Advice Service for the grant funding programme is £2.2million.

Further information about the Money Advice Service is available on their website:

<http://www.moneyadviceservice.org.uk>

# Appendix 3: Background to the Making Justice Work Programme

This is a 4 year programme, with the vision that:

**The Scottish justice system will be fair and accessible, cost-effective and efficient, and make proportionate use of resources. Disputes and prosecutions will be resolved quickly and secure just outcomes.**

It has been developed to pull together range of current and potential reforms to:

- structure & processes of the justice system
- access to justice & alternatives to court
- administration of tribunals.

It involves justice operational delivery partners to integrate the planning of longer term reforms with shorter term work to improve efficiency.

As one of the justice change programmes<sup>1</sup>, Making Justice Work (MJW) contributes most to the Scottish Government's National Outcome 16<sup>2</sup> - improving public services. It contains five overarching projects, which cover both civil and criminal justice:

**MJW Project 1: Delivering efficient and effective court structures** - To create a cost effective, proportionate court structure in which cases and appeals are heard by the right court in both civil and criminal cases, reserving the use of the

highest courts for the most serious and complex cases.

**MJW Project 2: Improving procedures and case management** - To improve the procedures of the justice system and to introduce active and effective management of cases, in order to minimise delays and adjournments to ensure the most cost-effective use of precious court time.

**MJW Project 3: Enabling access to justice** - To develop mechanisms which will support and empower citizens to avoid or resolve informally disputes and problems wherever possible, and to ensure they have access to appropriate and proportionate advice, and to a full range of methods of dispute resolution, including courts and tribunals where necessary, and appropriate alternatives.

**MJW Project 4: Co-ordinating IT and Management Information** - To provide the strategic platform for the development of IT, data management and management information to ensure all justice organisations have access to the data and information that they need, with efficient administrative processes supported by appropriate technology.

**MJW Project 5: Establishing a Scottish Tribunals Service** - To establish an efficient and effective Scottish Tribunals Service by merging the administration of devolved tribunals and through the devolution of reserved tribunals to Scotland.

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<sup>1</sup> The other justice outcomes change programmes are Police & Fire Reform; Reducing Reoffending; Building Safer Communities and Reassuring the Public

<sup>2</sup> National Outcome 16: Our public services are high quality, continually improving, efficient and responsive to local people's needs

## Appendix 4: Grant funding legislation

Section 4A of the Legal Aid (Scotland) Act 1986 sets out the power of the Board to make grants for certain purposes:

(1) The Board may, on an application made to it by any person, make grants of such amount and subject to such conditions (including conditions as to repayment) as it may determine to the person in respect of—

- (a) any of the matters mentioned in subsection (2);
- (b) any of the purposes mentioned in subsection (3).

(2) The matters are—

- (a) any civil legal aid or advice and assistance in relation to civil matters provided, or to be provided, by any solicitor or counsel;
- (b) any advice and assistance in relation to civil matters provided, or to be provided, by any adviser;
- (c) any advice, assistance or representation (not falling within

...

paragraphs (a) or (b)) provided, or to be provided, by any person, which is connected to civil matters.

(3) The purposes are facilitating, supporting and developing the provision of any of the matters referred to in subsection (2).

...

(12) Any money due to a person by virtue of this section shall be paid to the person by the Board out of the Fund.

(13) Any money paid to a person under subsection (1) as provided in subsection (12), in respect of—

- (a) any civil legal aid or advice and assistance provided by any solicitor or counsel;
- (b) any advice and assistance provided by an adviser,

shall be taken to be a payment in accordance with this Act; and no other payment may be made out of the Fund in respect of that civil legal aid or, as the case may be, advice and assistance.

## Appendix 5: Types of service

The types of service refer to those set out in the Scottish National Standards for Information and Advice Providers:

### ***Type I: Active Information, Sign-posting and Explanation***

This refers to activities such as providing information either orally or in writing, sign-posting or referring the user to other available resources or services, and the explanation of technical terms or clarifying an official document, such as a tenancy agreement or possession order. It could also include the activities undertaken by independent advocacy organisations to assist people to access Statutory Services.

### ***Type II: Casework***

Initially this work will include:

- diagnosis interview where the problem and all relevant issues are identified
- making a judgement as to whether the individual has a case that can be taken forward

Once it has been established that the individual has a case that can be pursued activities may include:

- setting out an individual's options or course of action
- encouraging users to take action on their own behalf
- providing practical help with letters or forms
- negotiating with third parties on the user's behalf
- introducing the enquirer by referral to another source of help
- supporting users in making their own case.

### ***Type III: Advocacy and Representation at Tribunal or Court Action Level***

This work will include a range of further actions arising from casework undertaken above. This may have been undertaken by the adviser preparing for Type III work or may have come to the adviser by referral from another organisation or adviser.

The principal activities may include:

- advocacy and representation- where the adviser may prepare a case for the user and represent or speak on their behalf at a tribunal or court

NB Some Type III work can only be carried out by solicitors.

## **Appendix 6: The Homeowner and Debtor Protection (Scotland) Act 2010**

The Homeowner and Debtor Protection (Scotland) Act 2010 (HODPA) came into force on 30<sup>th</sup> September 2010.

The Act requires all mortgage repossession cases to be heard in court. It introduced Pre-Action Requirements that must be completed before court action can be taken. This makes sure that lenders prove to the court that they have considered reasonable alternatives to repossession. The Act changed the court process, by introducing new forms that need to be served to ensure the lenders' and debtors' action is valid.

Many courts have rearranged their listings for mortgage repossessions actions in light of the legislation to ensure that all cases call on the same day. You should be aware of the local arrangements relating to HODPA hearings.

The debtor and any entitled resident can be represented at court by either an approved lay representative or a solicitor.

### **Useful Resources**

The Home Owner and Debtor Protection (Scotland) Act 2010 legislation:  
[http://www.opsi.gov.uk/legislation/scotland/acts2010/asp\\_20100006\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2010/asp_20100006_en_1)

The Lay Representation in Proceedings relating to Residential Property (Scotland) Order 2010. This gives background information about the requirements for the approval of lay representatives in mortgage repossessions actions:  
[http://www.opsi.gov.uk/legislation/scotland/ssi2010/ssi\\_20100264\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2010/ssi_20100264_en_1)

## **Appendix 7: Frequently asked questions**

We will publish on our website further questions and guidance based on commonly asked queries - please refer to it from time to time for any updated FAQs.

**How long will the funding be available for?**

- Until the end of March 2015

**Why is the funding only available until 2015?**

- The timescale has been set by the Government - we cannot control the length of time that has been set out.

**Is further funding likely to be available after March 2015?**

- This is a matter for Scottish Ministers - they must authorise any expenditure under the Board's grant-funding powers

**Why is the Board being asked to administer funds from Money Advice Service?**

- Money Advice Service (MAS) have money to spend on advice services in Scotland from 2012-2013. In order to ensure that their money makes an immediate difference, Money Advice Service has asked the Board to distribute funds as part of its grant funding programme. The priorities under Stream 1 of helping people who require assistance with large and multiple debts meets the Money Advice Services principal objectives of helping members of the public organise their own financial affairs.

**Will the Board be responsible for administering MAS funds beyond 2013?**

- We do not know what MAS are planning for their funding programme beyond 2013. MAS will decide how funds will be allocated beyond this period.

**Who can apply for funding?**

- The grant funding programme is open to any organisation in Scotland involved with advice provision including the third sector, housing associations, local authorities, law centres and solicitors in private practice.

**We have noticed a big increase in queries related to repossessions. Can we apply for funding to help better meet that demand?**

- Yes, the funding prioritises projects focussed on repossession and eviction under stream 1. Projects which prioritise linked money advice will also score strongly.

**We currently receive funding from the Board which is about to come to an end. Can we apply for this new funding?**

- Yes, but you have to ensure that your project proposal meets the priorities described for each project stream. Applications need to show strong evidence of need for the project.

**We are a project which has benefited from Board funding; can we reapply for the same project?**

- Yes, but be mindful of the refined priorities and streams of funding outlined above.

**When will funding be available from?**

- If you succeed in your bid for a grant, we will need to finalise the terms and conditions of our offer of grant to you before making funding available. This should happen in the summer. We hope that projects will be up and running by the autumn.

**What kind of evidence should we supply within our application to demonstrate the relevance of our project?**

- This is covered in the guidance, but you should be able to show evidence of why your particular project is needed to meet the Board's aims. We will also be looking at the type of service you propose supplying and the level to which you will be able to provide it. The priorities give a clear steer on what kind of projects we are looking to fund.

**What kind of evidence will you be looking for to demonstrate the impact of the funding from the Board?**

- We will work out the precise monitoring and evaluation framework for each project as part of the process of finalising the terms and conditions of our offer of grant. The framework will be based on the indicators of progress required as part of the application.

**Will you consider one application from more than one organisation wanting to work in partnership with one another?**

- Yes. We will, however, only accept bids from groups of organisations where there is a lead organisation for us to contract with. If organisations are looking to subcontract the work or provide services as a partnership, we will need to see and approve the contracts or agreements which are put in place.

**Please remember  
the closing date for  
grant funding  
applications is  
midnight on  
Sunday 10<sup>th</sup> June,  
2012.**

Issued by:  
Scottish Legal Aid Board  
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Edinburgh  
EH3 7SW



[www.slab.org.uk](http://www.slab.org.uk)