



SLAB Operational Performance Overview Reports (SOPOR): Q1 April-June 2018

The stats below relate to our operational performance in July, August and September 2018.

Description of the performance measures in SOPOR

The current three month report period is compared with the same three month period the year previously to provide a benchmark. Comparing against a year ago removes seasonal effects. Information in the report is grouped by operational area and type of measure.

The top half reports on the key legal aid applications areas: Civil; Summary Criminal; Solemn Criminal and Children's. The bottom half reports on accounts areas.

You can find out about the background to the reports in our [update from January 2019](#).

Note on civil reporting: In civil we are reporting on all legal aid case types except Adults with Incapacity cases. These are very high in volume and we take decisions on these in a much shorter timescale because the statutory tests are more straightforward. These are not included to avoid a disproportionate impact on performance statistics.

APPLICATIONS

	CIVIL		CRIMINAL - SUMMARY		CRIMINAL - SOLEMN		CHILDREN'S	
Calendar days	2018 /19	2017/ 18	2018 /19	2017 /18	2018 /19	2017 /18	2018 /19	2017/ 18
First decision avg duration	70	77	8.7	9.2	5.3	4.6	7.4	8.0
First decision % granted	66%	60%	79%	77%	84%	87%	80%	79%
First decision - % requiring further work	19%	21%	17%	17%	10%	8%	8%	9%

COMMENTARY ON OUR PERFORMANCE WITH APPLICATIONS

Civil Applications

1. The first decision avg duration has remained at 70 days. The same period last year saw an increase in the avg duration so the difference has widened.
2. The grant rate has increased again to 66% compared to 60% in the same period 1 year ago.
3. The ratio of further work on the first decision which involves a review of our first decision to refuse civil legal aid has increased 1% point to 19% but this remains 2% lower compared to the same period last year, as fewer reviews have been submitted in this period relative to first decisions.

Solicitors Satisfaction & Accuracy Results

4. The solicitor satisfaction survey results indicated that 63% of the solicitors who responded to the survey were satisfied with the service they received from us. Some suggested that it would be better if refusals set out what was needed for the application rather than setting out what was missing. While details of the information needed for the vast majority of application types can be found in our guidance this comment possibly reflects on the difficulties people have in accessing this information. As such the importance of the work of the GALA project in making our guidance simpler to follow and more readily accessible is clear. We hope that work on this issue will help the profession and staff and reduce such frustrations.
5. 99% of applications checked were marked as having a good level of accuracy, which compared to the same period last year is an increase of 2%.

Criminal applications

Criminal - Summary

6. First decision average durations reduced slightly from 9.2 days to 8.7 days as we continue to give more attention to reducing instances where we need to continue for further information and reducing the timescales of the longer cases. As a result, the grant rate of first instance cases is 2% higher than the same period last year. There has also been a reduction of 12% in applications received which has allowed us to take decisions faster.

Criminal - Solemn

7. First instance durations rose slightly from 4.6 days to 5.3 days. The grant rate of first instance cases fell marginally from 87% to 84%. The attention given to continued cases seems to be having less of an impact in solemn cases at present. Solemn decisions taken and applications received are both down by 1% on last year. However, some staff re-training and a reduction in the team's staffing numbers compared to last year will also have contributed to the slight increase in durations.

Solicitors Satisfaction & Accuracy Results

8. The latest Solicitor Satisfaction surveys were based on 55 responses received and showed that 70% were satisfied with the service received by Criminal Applications, with 12% dissatisfied. Those who were satisfied commented on staff being helpful and efficient, giving good responses to phone calls, dealing with queries well, and noticed improved turnaround times. Those who were not satisfied mentioned multiple continuations, difficult phone calls, problems with the online system, complexities with ABWOR and dissatisfaction about the current half fee arrangements. Although the positive comments outweighed the negative we have recently been working on improving our customer service and our communications with the profession. We are also working on introducing improvements to the Criminal online systems. Complexities with the legal aid

processes and fees are being considered as part of the current simplification programme.

Children's applications

9. First decision average durations improved with a move from 8.0 days to 7.4 days when compared to the same period 1 year ago. The grant rate of first instance cases has also improved slightly by 1% to 80% when compared to the same period last year.

Solicitors Satisfaction & Accuracy Results

10. The latest solicitor satisfaction survey results indicate that 67% of solicitors were satisfied with our service.

11. 99% of applications checked were marked as having a good level of accuracy, which compared to the same period last year is an increase of 11%.

GUIDE TO APPLICATION INFORMATION IN THE SOPOR REPORTS

First Decision Average Duration

The key duration shown for applications is the average time, in calendar days, from the receipt of a main legal aid application by SLAB, to when we take the first decision on it. This duration includes all weekends and holidays. It also includes any period where we are waiting for a response because we are asking the solicitor, or applicant, for more information to help us take the decision.

This indicator measures both the workflow performance of SLAB but also the degree to which solicitors and applicants are managing to provide all necessary information for decisions to be taken.

Indication of how well performing: LOWER is better.

First Decision - % Granted

The first decision on a legal aid application can be one of three main types: grant; refuse; or not consider due to lack of information. The first decision granted measure is the number of grants as a percentage of the total number of first decisions in the period.

This indicator measures the effectiveness with which SLAB is facilitating solicitors to make appropriate and complete applications - i.e. getting it right first time.

Indication of how well performing: HIGHER is better.

First Decision - % Requiring Further Work

The requiring further work measure is the number of cases requiring further work as a percentage of the total number of first decisions in the period.

Further work (FW) means any work on a case after the first decision has been taken. For example if a case is refused at first instance and then a review is submitted - assessing the review is treated as further work. Similarly if we ask for more information in determining a case to start and this is not received we will "not consider" the case. At this stage a solicitor can respond and supply more information which we will then look at - again this is considered as further work.

This indicator measures a number of different key elements of the process:

- the effectiveness with which SLAB is getting correct applications in the first instance;
- that SLAB is making correct decisions;
- the effectiveness with which SLAB is communicating those decisions.

Poor performance in any of those areas could result in an increase in this ratio.

Indication of how well performing: LOWER is better.

NOTES

% of applications granted = number of grants divided by total number of decisions

Applications: Solicitor satisfaction & accuracy

	CIVIL		CRIMINAL		CHILDREN'S	
	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18
Solicitor satisfaction	63%		70%		67%	
Accuracy (4 only)	99%	97%	99%	91%	99%	88%

GUIDE TO SOLICITOR SATISFACTION & ACCURACY

We have trialled a new approach to surveying solicitors about their satisfaction with our service. Solicitors were asked to indicate their satisfaction using a 5-point scale. The percent satisfied score reported here is the percent of solicitors who responded either Fairly Satisfied (4) or Very Satisfied (5) on the scale.

The satisfaction question was targeted separately on a 3-month rolling basis at solicitors carrying out Civil work, Criminal work and Children’s work. Within each area one question was asked regarding the applications service and one question was asked regarding the accounts service.

In the first month we asked the application question and the accounts question of solicitors who had made any civil applications in the past 3 months. In the second month we did the same for criminal and in the third month we did the same for childrens. Then in the fourth month we went back to civil and repeated the approach.

We developed this approach to minimise the level of repeat questioning any individual solicitor might receive in one month. We also provided the option for solicitors to respond with open comments in a free-text box.

The initial results of these surveys were described in a [news item](#) in October 2018.

Accuracy

This is being measured by the Independent Checking & Quality Unit (ICQU) team through sampling of cases in both the applications and accounts areas.

Scoring Accuracy has been given a range of 1 to 4.

- 1 = Fundamental error - an error caused an incorrect decision to be taken;
- 2 = Non-fundamental error - an error was found but this did not result in an incorrect decision;
- 3 = Issue - a correct decision was taken but some of the justification was inaccurate ;
- 4 = Correct decision taken with the correct justification

The percentage figure reported is the percent of measurements that are scored 4, i.e. Correct. This is a more discriminating figure compared with the previous implementation of Accuracy when only errors affecting decision, i.e. 1s, were reported as incorrect.

ACCOUNTS

	CIVIL		CRIMINAL		CHILDREN'S	
Average calendar days to bank	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18
- Initial assessments	24	24	12	12	15	20
- Negotiations	58	57	37	35	30	31
- Combined	29	28	13	13	18	21
Initial assessments % paid in full	63%	63%	90%	86%	49%	57%
Ratio of negotiations to initial assessments	16%	15%	4%	5%	24%	15%

COMMENTARY ON OUR PERFORMANCE WITH APPLICATIONS

Civil Accounts

1. The days to assess the initial account, at 24 days for the 3 months, is the same as the comparative 3 months in 2017. Although this is an increase of 2 days from the previous 3 months this is not unexpected due to resource pressures within the department.
2. The average durations for negotiations also increased slightly in the period, from 57 days to 58 days.

3. The percentage of accounts which were able to be paid in full in the first instance, at 63%, remained the same as the comparative 3 months in 2017.
4. Accuracy in the period dropped from 96% being scored as a 4 in the three months to September 2017 to 93% in the same period in 2018.
5. The results of the customer satisfaction showed 48% of respondents viewed their interactions to be either fairly or very satisfactory and a further 17% neither satisfied nor dissatisfied.
6. There were positive comments provided by solicitors in terms of the helpfulness of staff and the improved speed of payment. However, this was mixed, as expected, with negative comments in relation to abatements.

Criminal Accounts

7. The days to assess the initial account, at 12 days in the 3 months to September 2018, is the same as in the comparable period in 2017. Although this is an increase of 2 days from the previous 3 months this again is not unexpected due to resource pressures within the department.
8. The average durations for negotiations increased in the period from 35 days in both the previous 3 months and the comparable period in 2017 to 37 days. This increase stems primarily from a small number of accounts where the firms took a long time to respond.
9. The percentage of accounts which were able to be paid in full in the first instance has increased to 90% compared to 86% in the comparative 3 months in 2017.
10. Accuracy in the period improved from 98% being scored as a 4 in the three months to September 2017 to 99% in the same period in 2018.
11. The results of the customer satisfaction showed good levels of satisfaction with 68% of respondents viewing their interactions to be fairly or very satisfactory and a further 14% neither satisfied nor dissatisfied.
12. Comments from solicitors were mainly positive and related to the helpfulness of staff and the improved speed of payment. There were a few negative comments in relation to complexities of the fees and abatements. We are working with Scottish Government in relation to potentially simplifying fees and have already provided options to them for this.

Children's Accounts

13. The days to assess the initial account have improved from 20 days, in the 3 months to September 17, to 15 days in 2018.
14. The average durations for negotiations improved in the period, from 33 days in the previous 3 months (and 31 days in the comparable period in 2017) to 30 days.
15. Accuracy in the period improved from 83% being scored as a 4 in the three months to September 2017 to 92% in the same period in 2018.
16. The results of the customer satisfaction showed 58% of respondents viewed their interactions to be fairly or very satisfactory with a further 32% neither satisfied nor dissatisfied.
17. Comments from solicitors were mainly positive and related to the helpfulness of staff and the improved speed of payment. The only one negative comment again related to abatements.

GUIDE TO ACCOUNTS INFORMATION IN THE SOPOR REPORTS

Average calendar days to bank

The **Initial Assessments** duration is a measure of the time from registration of the account to the date payment is received into the solicitor's bank account. It includes any period where we have asked and are waiting for more information from the solicitor to help us

assess the account.

The **Negotiation** duration is the same measure but for accounts that are follow-up accounts to negotiate over sums that we have deducted - known as abatements - from initial accounts.

The **Combined** duration is the total average duration for all accounts - i.e. both Initial Assessments and Negotiation accounts combined together.

Indication of how well performing: LOWER is better.

Initial Assessment - % paid in full

The paid in full measure is the percentage of accounts that we are able to pay the full amount solicitors are claiming, i.e. without abating them. 'Abatement' describes the process by which the amount paid by SLAB includes one or more deductions from the amount claimed by a solicitor. This can occur for many different reasons. Subsequent negotiations with firms can result in part or all of the sum abated being reinstated, often because we are provided with further information that allows us to be satisfied that a claim is valid or reasonable. This can be additional information (such as vouching) to support a claim, or an explanation to justify a particular activity which had appeared to us on the face of it to be unnecessary, unreasonable or uneconomical.

SLAB is required to protect the Legal Aid Fund from unjustified expenditure; however this needs to be undertaken in a manner that is seen to be fair, transparent and done in a consistent and efficient manner. Ultimately we will be using the information on what we finally pay against, the original lodged amount and the initial payment to understand how we can ensure more could be paid at the first instance.

Indication of how well performing: HIGHER is better.

Negotiations as a % of Initial Assessments

This measure shows the number of negotiation accounts paid as a percentage of the number of first instance accounts paid in a period. This indicator measures a number of different key elements of the process:

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Indication of how well performing: LOWER is better.

Accounts: solicitor satisfaction & accuracy

	CIVIL		CRIMINAL		CHILDREN'S	
	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18
Solicitor satisfaction	48%		68%		58%	
Accuracy (4 only)	93%	96%	99%	98%	92%	83%

GUIDE TO ACCOUNTS: SOLICITOR SATISFACTION & ACCURACY

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