

Respondent information

Name

lesley todd

Email

[redacted]

Are you responding as an individual or an organisation?

Individual

SLAB would like your permission to publish your consultation response. Please indicate your preference.

Publish response with name

Are you content for SLAB to contact you again in relation to this consultation exercise?

Yes

Specific consultation questions

Q1: What are your views on how we assess reasonableness as part of the taxation test?

SLAB should include additional factors

Please provide further information of any changes proposed and the reason(s) for your answer:

Slab seem not to take into account individual situations. There is no standard case and some clients require much more of their solicitor's time than others.

Some clients are in touch by email several times a day but experience has shown that SLAB seem to think only one email is sufficient. In the old days a letter would be sent one day, a response received some days later and a further letter then sent. Nowadays these communications come fast and furious and solicitors can't possibly anticipate a response and include in one email.

The same is the case for phone calls.

You mention texts in your summary, but historically texts have been disallowed across the board as no provision is in Table Of fees. I have argued(n the past and now given up charging!) that Text is a modern method of communication used by many and should feature as a chargeable entry

Q2: What are your views on the process for seeking further information to support account entries that have been abated?

Absolutely fine.

Q3: What are your views on how we could best keep up to date on what is 'usual' in any given practice area?

Practices are different throughout the country. It is common practice for some Sheriff to demand Written Submissions but still to require an actual Hearing. This serves to reduce the Hearing time but SLAB do not recognise this practice. In other words if the written submissions were not there, then the court time would take longer.

In detailed accounts this should be recognised as common practice in some areas and a charge allowed for all work relating to Written Submissions but also the advocacy, waiting and preparation time. it should be recognised that no solicitor could simply turn up without any preparation, even if Written Submissions have been lodged in advance.

In Block Fee accounts, there should be an allowance for additional advocacy in lieu of submissions or a new fee introduced specifically for written submissions where there is no provision for preparation time.

Q4. Does the assessment process set out on page 11 of the consultation paper or appended policy statements raise any concerns in relation to treatment of care experienced young people, equality groups or other vulnerable people?

Yes

Please provide the reason(s) for your answer:

Slab do not seem to recognise the need for additional time, lengthier explanations in letters etc when dealing with young people, equality groups or other vulnerable people. There is still an "across the board" approach.

What might be regarded as usual in any one case might require much more input in another case and still be regarded as usual.

Some client's have been subjected to extremely abusive situations and have lost confidence in their own decision making abilities. They rely on their solicitor to guide them in all such decisions, even what might be best in a contact situation. This can result in much more detailed communications in letter, by telephone, meetings(including virtual)

Q5: To what extent is the purpose of the policy statements clear and understandable?

There is a huge amount of reading, but the statements are clear and understandable. I am very impressed by how this has been set out.

Q6: How useful is seeing the policy statements as an underpinning for future guidance? Please provide reasons for your response.

This is useful. It will hopefully serve as guidance for us as Law Accountants but also for SLAB staff. There is marked differences in approach by different officers in SLAB and hopefully will simplify the process going forward.

My client's often show extreme disappointment at the way their accounts are treated when they have put heart and soul into the work done for a particular client. This is especially the case where they are successful but have had to go the extra mile for that success. The client may be delighted but then the solicitor is punished by the abatement process.

Q7: What are your views on how the meetings and letters policy as stated are reflected in current practice?

Solicitors do not spend more time than they need to on legal aid cases in my view. Fee paying work is paid at a much higher rate and many firms have legal aid and non legal aid clients. The idea that an officer in slab knows better than the solicitor as to the extent of input required is frankly insulting.

In my experience a solicitor gives as much time and attention to legal aid clients as to fee paying clients but the abatements and restrictions on letters and meetings is soul destroying and has resulted in solicitors considering giving up offering legal aid altogether. There are several firms who no longer offer certain types of work under legal aid because of historical problems.

Q8. What are your views on how the civil and children's counsel fees policy as stated is reflected in current practice?

I am not in a position to say as I am not involved with Counsel fees

Q9. What are your views on the proposed changes to our policy on outlays related to travel and associated expenses?

I agree the mileage rate needs to be increased. I otherwise agree that there should be standardised allowances for travel and associated expenses.

Q10. What are your views on the proposed policy on travel to court?

If a solicitor has to travel to court, then payment should be made regardless of distance involved. This is actual time spent out of the office when they could be attending to other business and should be chargeable.

I fully agree this should be reflected in fees allowed.

Q11. What are your views on the proposed policy on overnight travel?

I am of the view that where required actual times and expenses should be paid by slab. If the time set down for a court attendance requires over night travel than that should be paid on a case to case basis.

Q12. What are your views on the proposed changes to our spoken language interpreting and translation policy?

This appears to make good sense. If there is a shortage of interpreters in certain languages, then a legal aided client should have full access in the same way as a private client and not disadvantaged due to restricted fees chargeable by the interpreter.

Sign language interpreters should be treated in the same way as other interpreters so no client is disadvantaged.

Q13. To what extent do you agree or disagree with our approach to funding adjustments from the Legal Aid Fund?

Partially agree

Please provide the reason(s) for your answer:

If a client qualifies for legal aid but on a contribution basis, then it is likely that they will still pay much less than if fee paying.

The majority of Assisted persons mentioned in this section are unlikely to have to pay a contribution anyway and if monies are recovered or preserved then some adjustment would be beneficial to bring them in line with all other Assisted Persons out-with these areas

Q14. What are your views on whether the current approach to guidance as set out for criminal legal assistance applications would be beneficial for accounts assessment?

I do not work on any criminal accounts so I can't comment

Q15. Are there particular examples from other organisations or features that you would like to see incorporated into accounts assessment guidance?

Not that I am aware of, although court Auditors do seek to understand special circumstances or unusual circumstances and adjust accounts on that basis

Q16. Please provide your views on any further aspect of accounts assessment that has not been covered by responses above.

My main concern is that there is not a standard approach to accounts assessment by all officers at SLAB. This new guidance should help with this, but it should not be frowned upon if solicitors seek to have the process reviewed by a senior officer if dissatisfied by the approach being taken initially. The practice of scribbling across an account sometimes in red ink is insulting and demoralising. I would like to see a change in regard to court practice as mentioned above. The regulations brought in during covid do not reflect fully the actual practices across sheriffdoms or by individual sheriffs. If a Sheriff orders written submissions in advance but still demands a Hearing then this should be regarded as "usual" as several sheriff practice this and have stated their intention to continue doing so, going forward. It should be recognised by slab that this is saving court time and allowing other business to be dealt with.