

## 5. Children's legal assistance

### Appendix notes

1. Figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year.
2. Unless otherwise stated, the 2013-2014 figures for accounts paid include VAT and were prepared on a cash basis.
3. In tables showing accounts paid, unless otherwise stated, outlays include all payments other than fees paid to solicitors and advocates - for example, expert witnesses.
4. The Children's Hearings (Scotland) Act 2011 came into force on 24th June 2013 and therefore the relevant tables below will be showing part year figures for 2013-2014.

### 5.1 Intimations of children's advice and assistance

| Subject matter                                           | 2013-2014    | 2012-2013    |
|----------------------------------------------------------|--------------|--------------|
| Children (Scotland) Act 1995 - part II, chapters 2 and 3 | 2,472        | 4,776        |
| Children's Hearings (Scotland) Act 2011                  | 2,430        | -            |
| Transfer of agency                                       | 8            | 4            |
| Witness citation                                         | 1            | 2            |
| <b>Total</b>                                             | <b>4,911</b> | <b>4,782</b> |

### 5.2 Intimations of children's ABWOR

| Subject matter                          | 2013-2014    | 2012-2013 |
|-----------------------------------------|--------------|-----------|
| Children's Hearings (Scotland) Act 2011 | 1,662        | -         |
| <b>Total</b>                            | <b>1,662</b> | <b>-</b>  |

### 5.3 Increases in limit of authorised expenditure of children's advice and assistance and ABWOR

| Type                                | Applications for increase |              | Increases granted |              | Increases refused |           |
|-------------------------------------|---------------------------|--------------|-------------------|--------------|-------------------|-----------|
|                                     | 2013-2014                 | 2012-2013    | 2013-2014         | 2012-2013    | 2013-2014         | 2012-2013 |
| Non-templated advice and assistance | 3,182                     | 3,026        | 3,063             | 2,915        | 128               | 70        |
| Non-templated ABWOR                 | 2,258                     | -            | 2,041             | -            | 157               | -         |
| <b>Total</b>                        | <b>3,182</b>              | <b>3,026</b> | <b>3,063</b>      | <b>2,915</b> | <b>128</b>        | <b>70</b> |

#### Notes

1. There are no templated increases in children's advice and assistance.
2. These figures include decisions at first instance and decisions after reconsideration.
3. Figures for 2012-2013 have been restated due to a re-classification of aid type from civil advice and assistance.

### 5.4 Children's legal aid applications under the Children's Hearings (Scotland) Act 2011

|                                                                              | 2013-2014    | 2012-2013 |
|------------------------------------------------------------------------------|--------------|-----------|
| Application to the sheriff to extend/vary/further extend/vary an interim CSO | 29           | -         |
| Application for a finding/review of finding as to statement of grounds       | 1,352        | -         |
| Appeal decision of children's hearing                                        | 550          | -         |
| Application to the sheriff by local authority for review                     | 2            | -         |
| Application for variation/recall/termination of child protection order       | 24           | -         |
| <b>Total</b>                                                                 | <b>1,957</b> | <b>-</b>  |

### 5.5 Children's legal aid grants

|                           | 2013-2014    | 2012-2013    |
|---------------------------|--------------|--------------|
| 1995 Act court grants     | 1,843        | 4,994        |
| 2011 Act granted by SLAB  | 1,559        | -            |
| 2011 Act automatic grants | 161          | -            |
| <b>Total</b>              | <b>3,563</b> | <b>4,994</b> |

#### Notes

1. Includes grants with conditions and grants on review.

### 5.6 Grants of legal aid under the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011

|                                                                              | 2013-2014    | 2012-2013    |
|------------------------------------------------------------------------------|--------------|--------------|
| Appeal against warrant by children's hearing for detention                   | 116          | 194          |
| Appeal decision by children's hearing                                        | 905          | 929          |
| Application for a finding/review of finding as to statement of grounds       | 2,305        | 3,764        |
| Application for variation/recall/termination of child protection order       | 43           | 96           |
| Application to the sheriff by local authority for review                     | 2            | -            |
| Application to the sheriff for a child assessment order                      | 0            | 0            |
| Application to the sheriff for a child protection order                      | 17           | 7            |
| Application to the sheriff to extend/vary/further extend/vary an interim CSO | 13           | -            |
| Automatic legal aid - children's hearings                                    | 160          | -            |
| Automatic legal aid - sheriff court                                          | 1            | -            |
| Exclusion order - Children (Scotland) Act 1995 section 76                    | 1            | 4            |
| <b>Total</b>                                                                 | <b>3,563</b> | <b>4,994</b> |

### 5.7 Applications for sanctions in children's legal aid cases

| Type                   | Received   | Granted    | Refused   |
|------------------------|------------|------------|-----------|
| Expert witness         | 231        | 193        | 21        |
| Unusual expenditure    | 114        | 88         | 20        |
| Counsel                | 131        | 66         | 54        |
| <b>Total 2013-2014</b> | <b>476</b> | <b>347</b> | <b>95</b> |
| Total 2012-2013        | 516        | 361        | 108       |

#### Notes

1. Includes applications for sanction in automatic legal aid cases.

### 5.8 Applications to SLAB in respect of appeals to the Court of Session and the Sheriff Principal

|                 | Received | Granted | Refused |
|-----------------|----------|---------|---------|
| Total 2013-2014 | 54       | 18      | 19      |
| Total 2012-2013 | 49       | 12      | 11      |

#### Notes

1. Applications granted include part-grants.

### 5.9 Applications for sanctions for appeals in children's legal aid cases

| Type                | Received | Granted | Refused |
|---------------------|----------|---------|---------|
| Expert witness      | 2        | 2       | 0       |
| Unusual expenditure | 2        | 0       | 1       |
| Counsel             | 28       | 20      | 5       |
| Total 2013-2014     | 32       | 22      | 6       |
| Total 2012-2013     | 16       | 9       | 7       |

### 5.10 Grants under regulation 18 of the Children's Legal Assistance (Scotland) Regulations 2013 (matters of special urgency)

|                 | Granted | Part-granted |
|-----------------|---------|--------------|
| Total 2013-2014 | 527     | 16           |
| Total 2012-2013 | -       | -            |

### 5.11 Contributions payable at the grant of children's legal aid application

|                 | Grants with<br>no contribution | Grants with<br>contribution | Contribution payable |              |
|-----------------|--------------------------------|-----------------------------|----------------------|--------------|
|                 |                                |                             | Mean value           | Median value |
| Total 2013-2014 | 1,502                          | 65                          | 216                  | 144          |
| Total 2012-2013 | -                              | -                           | -                    | -            |

#### Notes

1. Contributions applicable only to 2011 Act grants by SLAB including appeals.

## 5.12 Accounts paid and average case costs - children's advice and assistance and ABWOR

| Subject matter                                                    | Number of cases | Solicitor<br>£000 | Solicitor<br>outlays<br>£000 | Counsel<br>outlays<br>£000 | Total<br>outlays<br>£000 | Total paid<br>2013-2014<br>£000 | Total paid<br>2012-2013<br>£000 | Average                     | Average                     |
|-------------------------------------------------------------------|-----------------|-------------------|------------------------------|----------------------------|--------------------------|---------------------------------|---------------------------------|-----------------------------|-----------------------------|
|                                                                   |                 |                   |                              |                            |                          |                                 |                                 | case cost<br>2013-2014<br>£ | case cost<br>2012-2013<br>£ |
| <b>Children's advice and assistance</b>                           |                 |                   |                              |                            |                          |                                 |                                 |                             |                             |
| Children (Scotland) Act 1995 - part II, chapters 2 and 3          | 3,525           | 523               | 10                           | 5                          | 15                       | 538                             | 503                             | 153                         | 131                         |
| Children's Hearings (Scotland) Act 2011                           | 597             | 65                | 1                            | 1                          | 2                        | 67                              | -                               | 113                         | -                           |
| Transfer of agency                                                | 6               | 1                 | 0                            | 0                          | 0                        | 1                               | 0                               | 90                          | 177                         |
| Witness citation                                                  | 0               | 0                 | 0                            | 0                          | 0                        | 0                               | 0                               | -                           | 36                          |
| <b>Total children's advice and assistance</b>                     | <b>4,128</b>    | <b>589</b>        | <b>11</b>                    | <b>6</b>                   | <b>17</b>                | <b>606</b>                      | <b>503</b>                      | <b>147</b>                  | <b>131</b>                  |
| <b>Children's ABWOR</b>                                           |                 |                   |                              |                            |                          |                                 |                                 |                             |                             |
| Children's Hearings (Scotland) Act 2011                           | 398             | 109               | 5                            | 0                          | 5                        | 114                             | -                               | 286                         | -                           |
| <b>Total children's ABWOR</b>                                     | <b>398</b>      | <b>109</b>        | <b>5</b>                     | <b>0</b>                   | <b>5</b>                 | <b>114</b>                      | <b>-</b>                        | <b>286</b>                  | <b>-</b>                    |
| <b>Total children's advice and assistance and ABWOR 2013-2014</b> | <b>4,526</b>    | <b>697</b>        | <b>15</b>                    | <b>7</b>                   | <b>22</b>                | <b>719</b>                      | <b>-</b>                        | <b>159</b>                  | <b>-</b>                    |
| <b>Total children's advice and assistance and ABWOR 2012-2013</b> | <b>3,837</b>    | <b>494</b>        | <b>8</b>                     | <b>1</b>                   | <b>10</b>                | <b>-</b>                        | <b>503</b>                      | <b>-</b>                    | <b>131</b>                  |

## Notes

1. In this table, payments to advocates and solicitor advocates are included under counsel outlays, as regulation 17(1) of the Advice and Assistance (Scotland) Regulations 1996 only provides for payments of fees and outlays to the solicitor.

## 5.13 Analysis of accounts paid and average case costs - children's legal aid

| Subject matter                                                               | Number of cases | Solicitor<br>£000 | Advocate<br>£000 | Solicitor<br>advocate<br>£000 | Total<br>outlays<br>£000 | Total paid<br>2013-2014<br>£000 | Total paid<br>2012-2013<br>£000 | Average                     | Average                     |
|------------------------------------------------------------------------------|-----------------|-------------------|------------------|-------------------------------|--------------------------|---------------------------------|---------------------------------|-----------------------------|-----------------------------|
|                                                                              |                 |                   |                  |                               |                          |                                 |                                 | case cost<br>2013-2014<br>£ | case cost<br>2012-2013<br>£ |
| Appeal against warrant by children's hearing for detention                   | 150             | 73                | 0                | 0                             | 6                        | 79                              | 83                              | 527                         | 529                         |
| Appeal decision of children's hearing                                        | 852             | 551               | 2                | 0                             | 72                       | 625                             | 626                             | 734                         | 786                         |
| Appeal to Sheriff Principal or Court of Session                              | 48              | 35                | 28               | 0                             | 5                        | 67                              | 50                              | 1,406                       | 1,984                       |
| Application for a finding/review of finding as to statement of grounds       | 2,834           | 2,715             | 293              | 0                             | 301                      | 3,309                           | 4,086                           | 1,168                       | 1,219                       |
| Application for variation/recall/termination of child protection order       | 67              | 41                | 1                | 0                             | 7                        | 49                              | 64                              | 724                         | 764                         |
| Application to the sheriff by local authority for review                     | 1               | 1                 | 0                | 0                             | 0                        | 1                               | -                               | 862                         | -                           |
| Application to the sheriff for a child protection order                      | 18              | 7                 | 0                | 0                             | 0                        | 7                               | 5                               | 398                         | 1,522                       |
| Application to the sheriff to extend/vary/further extend/vary an interim CSO | 3               | 1                 | 0                | 0                             | 0                        | 1                               | -                               | 317                         | -                           |
| Automatic legal aid - children's hearings                                    | 83              | 28                | 0                | 0                             | 1                        | 29                              | -                               | 350                         | -                           |
| Automatic legal aid - Sheriff court                                          | 1               | 0                 | 0                | 0                             | 0                        | 0                               | -                               | 428                         | -                           |
| Exclusion order - Children (Scotland) Act 1995 section 76                    | 1               | 0                 | 0                | 0                             | 0                        | 0                               | 1                               | 356                         | 295                         |
| <b>Total 2013-2014</b>                                                       | <b>4,058</b>    | <b>3,451</b>      | <b>324</b>       | <b>0</b>                      | <b>392</b>               | <b>4,168</b>                    | <b>-</b>                        | <b>1,027</b>                | <b>-</b>                    |
| <b>Total 2012-2013</b>                                                       | <b>4,419</b>    | <b>3,849</b>      | <b>676</b>       | <b>0</b>                      | <b>389</b>               | <b>-</b>                        | <b>4,913</b>                    | <b>-</b>                    | <b>1,112</b>                |