

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 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 was not applicable, and accordingly ABWOR wasn't available, prior to 24th June 2013.

5.1 Intimations of children's advice and assistance

Subject matter	2014-2015	2013-2014
Children (Scotland) Act 1995 - part II, chapters 2 and 3	434	2,472
Children's Hearings (Scotland) Act 2011	4,763	2,430
Transfer of agency	9	8
Witness citation	1	1
Total	5,207	4,911

5.2 Intimations of children's ABWOR

Subject matter	2014-2015	2013-2014
Second working day hearing	218	128
Child assessment order application	9	10
Child protection order application	134	82
Section 48 - sheriff court (CPO)	64	45
Section 69(3) custody hearing	7	9
Secure accommodation hearing	147	64
Unspecified hearings	2,967	1,324
Total	3,546	1,662

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

Type	Applications for increase		Increases granted		Increases refused	
	2014-2015	2013-2014	2014-2015	2013-2014	2014-2015	2013-2014
Non-templated advice and assistance	3,232	3,182	2,929	3,063	219	128
Non-templated ABWOR	6,555	2,258	5,913	2,041	449	157
Total	9,787	5,440	8,842	5,104	668	285

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.

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

	2014-2015	2013-2014
Application to the sheriff to extend/vary/further extend/vary an interim CSO	52	29
Application for a finding/review of finding as to statement of grounds	2,095	1,352
Appeal decision of children's hearing	1,054	550
Application to the sheriff by local authority for review	1	2
Application for variation/recall/termination of child protection order	34	24
Total	3,236	1,957

5.5 Children's legal aid grants under the Children's Hearings (Scotland) Act 2011 by applicant type

	2014-2015	2013-2014
Child	412	260
Relevant person/deemed relevant person	2,452	1,442
Non-deemed relevant person	24	18
S126 Individual	0	0
Total	2,888	1,720

Notes

1. Includes automatic grants under the 2011 Act.

5.6 Children's legal aid grants

	2014-2015	2013-2014
1995 Act court grants	49	1,843
2011 Act granted by SLAB	2,653	1,559
2011 Act automatic grants	235	161
Total	2,937	3,563

Notes

1. Includes grants with conditions and grants on review.

5.7 Applications for sanctions in children's legal aid cases

Type	Received	Granted	Refused
Expert witness	235	208	18
Unusual expenditure	102	83	8
Counsel	198	122	68
Total 2014-2015	535	413	94
Total 2013-2014	476	347	95

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 2014-2015	44	19	17
Total 2013-2014	54	18	19

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	0	0	0
Unusual expenditure	2	0	2
Counsel	14	9	2
Total 2014-2015	16	9	4
Total 2013-2014	32	22	6

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

	Received	Granted	Part-granted
Total 2014-2015	1,268	741	24
Total 2013-2014	805	527	16

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

Subject matter	Number of cases	Solicitor £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total paid 2014-2015 £000	Total paid 2013-2014 £000	Average case cost 2014-2015 £	Average case cost 2013-2014 £
Children's advice and assistance									
Children (Scotland) Act 1995 - part II, chapters 2 and 3	986	180	15	1	16	197	538	200	153
Children's Hearings (Scotland) Act 2011	3,290	395	8	2	10	405	67	123	113
Transfer of agency	6	1	0	0	0	1	1	89	90
Witness citation	1	1	0	0	0	1	0	637	-
Total children's advice and assistance	4,283	577	23	3	26	603	606	141	147
Children's ABWOR									
Children's Hearings (Scotland) Act 2011	2,381	905	41	0	41	947	114	398	286
Total children's ABWOR	2,381	905	41	0	41	947	114	398	286
Total children's advice and assistance and ABWOR 2014-2015	6,664	1,482	64	3	68	1,550	-	233	-
Total children's advice and assistance and ABWOR 2013-2014	4,526	697	15	7	22	-	719	-	159

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 provides only for payments to the solicitor, of fees and outlays .



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

Subject matter	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid 2014-2015 £000	Total paid 2013-2014 £000	Average	Average
								case cost 2014-2015 £	case cost 2013-2014 £
Appeal against warrant by children's hearing for detention	10	5	0	0	0	5	79	522	527
Appeal decision of children's hearing	887	524	49	0	94	667	625	752	734
Appeal to Sheriff Principal or Court of Session	28	17	16	0	4	36	67	1,282	1,406
Application for a finding/review of finding as to statement of grounds	1,811	2,365	212	0	256	2,834	3,309	1,565	1,168
Application for variation/recall/termination of child protection order	27	26	0	0	3	29	49	1,072	724
Application to the sheriff by local authority for review	1	6	0	0	1	7	1	7,106	862
Application to the sheriff for a child protection order	2	1	0	0	0	1	7	477	398
Application to the sheriff to extend/vary/further extend/vary an interim CSO	32	14	0	0	0	14	1	446	317
Automatic legal aid - children's hearings	203	85	0	0	5	90	29	446	350
Automatic legal aid - Sheriff court	2	1	0	0	0	1	0	279	428
Exclusion order - Children (Scotland) Act 1995 section 76	0	0	0	0	0	0	0	-	356
Total 2014-2015	3,003	3,045	277	0	362	3,684	-	1,227	-
Total 2013-2014	4,058	3,451	324	0	392	-	4,168	-	1,027