

Scottish Legal Aid Board



# Corporate Plan 2009-2011



# The purpose of 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.**

By providing people with access to assistance and representation at difficult times in their lives, we contribute to the Scottish Government's Purpose.

Legal aid makes a difference to people's lives: it can mean the difference between people ensuring future financial security when their family breaks down, or slipping into poverty; keeping their job or being unfairly dismissed; making them and their family safe, or continuing to live with domestic abuse. In doing so it can help improve people's lives and contribute to the creation of a more successful country. Legal aid also helps the criminal justice system work fairly, efficiently and effectively by providing publicly funded legal services to those accused of crimes.

The Scottish Government decides legal aid policy and the Scottish Parliament makes and changes legislation. The Scottish Legal Aid Board ("the Board") manages the legal aid system in Scotland within the scope of our governing legislation. To help us achieve our purpose, we have set three strategic aims.

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## **Our strategic aims**

- **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.**

**Through the achievement of these aims, we contribute to the achievements of the Scottish Government's Purpose and National Outcomes.**

# Scottish Government's Purpose and National Outcomes

## Our work contributes to achieving six of the Scottish Government's National Outcomes.

The Scottish Government's Purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Scottish Government set National Outcomes to which all public services in Scotland will contribute.

Through the Board's range of responsibilities, we will materially contribute to the achievement of six of these National Outcomes. We will do this by completing the objectives set out in this Corporate Plan 2009-2011.

### National Outcome 7:

We have tackled the significant inequalities in Scottish society.

Legal aid enables:

- people who otherwise could not afford it to access justice
- people to challenge inequalities and ensures that they can enforce or defend their rights.

The Board monitors gaps in supply of legal advice to ensure that people can access advice where and when it is needed. In response to the economic downturn, we will focus on access to legal advice on debt, mortgage repossession and housing matters. This will include expenditure on the In-Court Advice Service.

### National Outcome 8:

We have improved the life chances for children, young people and families at risk.

- children's legal aid is available for proceedings in court involving the welfare of children. This ensures representation for children and families at difficult times in their lives.

### National Outcome 9:

We live our lives safe from crime, disorder and danger.

- an efficient legal aid system contributes to an efficient justice system and thereby helps to make Scotland safer
- criminal legal assistance helps the justice system to work quickly, effectively and fairly by providing representation and advice to those accused of crimes
- the Board administers the duty solicitor plans in each sheriff and JP/district court to manage the availability of solicitors to represent accused people appearing from custody.



### National Outcome 11:

We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.

- the Board makes information available to allow people to help themselves
- we anticipate the need for legal advice and respond to gaps in provision of legal advice services
- by ensuring sufficient provision of legal advice, we can help strengthen local communities.

### National Outcome 14:

We reduce the local and global environmental impact of our consumption and production.

- the Board is looking at ways to reduce the environmental impact of the legal services we fund
- we are also reducing our organisation's carbon footprint through better use of assets and helping staff travel to work by public or active transport.

### National Outcome 15:

Our public services are high quality, continually improving, efficient and responsive to local people's needs.

The Board works to ensure legal aid provides value for money for the taxpayer and seeks on-going improvement and quality in publicly funded legal services.

# About us and our partnership working

**We run the Scottish legal aid system, which is paid for by taxpayers. Working in partnership is central to how we approach our work.**

## About us

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

Our work is overseen by Board Members, who are appointed by the Scottish Government. The number of Members can vary from 11 to 15. To give a balanced range of knowledge and experience, they include people with backgrounds in business, the advice sector and the wider community as well as solicitors and advocates and a person with knowledge of court procedure and practice.

Ministers in the Scottish Government decide legal aid policy. Ministers propose the legislation to set the rules for legal aid, and the fees to be paid to the legal profession. The Scottish Parliament makes and changes legislation – including the different tests for granting each category of legal assistance. These tests are then applied to every single case. In some advice and assistance and special urgency cases, solicitors apply the tests. For civil and most criminal legal aid we apply the tests, and in some criminal and children's cases, the courts decide.

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.

## About our approach

We believe the best way of contributing to the delivery of the Scottish Government's National Outcomes is for us to approach our work in the following ways:

- **working in partnership** with the Scottish Government, the legal profession, the advice sector, local authorities, others in the justice system and representative bodies
  - **consulting** with applicants, assisted persons, opponents, solicitors, advocates and others with an interest in legal aid and access to justice
  - **communicating** directly with applicants, assisted persons and opponents through letters, meetings and consultations, as well as through their solicitors
- **sharing** with others our policies and practices to achieve greater openness, understanding and effectiveness
  - **engaging** in others' consultations and development processes to play our full part in improving the justice system and the operation of legal aid within it
  - **continuously improving** through investment in our people, processes and systems, and implementing changes to achieve efficiency and effectiveness of our operations.



## Achievement through partnership working

The Board's approach to delivery of our objectives has always been to work in partnership with others in the justice system and other public bodies.

We are a member of the National Criminal Justice Board, which brings together the Scottish Government and the organisations that operate the justice sector in Scotland and sets a strategic direction for the criminal justice system. A key success of this approach has been the reform of the summary criminal justice system and the associated summary criminal legal assistance changes.

We continue to work closely with the Law Society of Scotland, the Faculty of Advocates and local faculties of solicitors on proposals for improvements to the criminal legal assistance system.

In relation to civil matters, we will work with a range of other organisations including local authorities and the advice sector with organisations such as Citizens Advice Scotland and Consumer Focus Scotland. We will work together to identify areas of local need for advice and representation and to work towards a more planned approach to provision of legal advice services.

We are a partner in the Scottish Government's Debt Action Forum – a panel of experts brought together to examine information and initiatives on debt relief, debt advice and repossession of properties, and to recommend a package of legislative and non-legislative measures to tackle the issues.

Through Part V of the Legal Aid (Scotland) Act 1986, we can fund services to provide legal advice and representation. A key success of this approach has been the introduction of the Highland and Islands Civil Legal Assistance Office which provides an advice and representation service to the people of Highland, Moray, the Western Isles, Orkney and Shetland. The service works collaboratively with private firms of solicitors, local advice agencies and charities.

Other examples of this are:

- **Prison Advice Project** – we work in partnership with private solicitors' firms, the Public Defence Solicitors' Office (PDSO), the Scottish Prison Service and advice agencies such as: SACRO, Families Outside and Apex Scotland to help resettle offenders and provide advice and representation in relation to civil matters.

- **Mental Health Advice Project** – we aim to take a coordinated cross-agency approach to improving the availability, quality, efficiency and effectiveness of legal advice for clients with mental health problems. We are working with mental health agencies, advice agencies and local solicitors' firms to improve working relationships, with a view to increasing and improving referral.

In the wider public sector, we have entered into collaborative procurement agreements through the Central Government Centre of Procurement Expertise. We are also sharing the Board's premises with other public services and provide internal audit services to some other public bodies.

# Delivery

## Our priorities for delivery in 2009-2011 are outlined in this section.

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### In 2009-2011, our work will focus on:

- access to justice
- best value for the taxpayer
- improving the quality of legal aid services.

The delivery of our key projects is set within the context of significant changes in the justice system, legal aid and society.

- in 2008, there was considerable reform to summary justice and summary criminal legal aid. We will be involved in the recently announced project to review and reform solemn sheriff court procedure. From late autumn 2009, we expect to take over granting legal aid in solemn criminal cases.
- we will be launching the simplification of civil legal assistance and improving the way in which civil legal assistance operates throughout 2009.
- between 2009 and 2011, we will fund activity which will increase the provision of legal advice and representation for people facing repossession and other problems, such as debt. This will include: employing additional solicitors under Part V of the Legal Aid (Scotland) Act 1986 to provide legal services to people in need; enhancing and expanding the current In-Court Advice projects; and administering grants for additional legal advice services.

- we will have a programme of reviews to achieve best value in all our legal aid services.

We will be achieving these changes against a background of tight public expenditure and the economic downturn, both of which affect the need for and delivery of the Board's services. The economic downturn is likely to lead to an increase in the need for advice and representation and therefore an increase in applications and grants of legal assistance in some areas. We will also be further improving delivery of the Board's services but our administration budget will remain the same.



## Reforming criminal legal assistance

By reforming criminal legal assistance we contribute to:

- helping our communities live their lives safe from crime, disorder and danger
- providing public services that are high quality, continually improving, efficient and responsive to local people's needs.

### Reform of summary justice and criminal legal assistance

In July 2008, major changes were introduced to summary criminal legal assistance to support the operation of the summary justice reforms.

The changes to summary criminal legal assistance were designed to:

- enable the summary justice system to work more quickly and efficiently
- provide fair reward for solicitors doing criminal work.

We continue to work closely with the Scottish Government, Crown Office and the Law Society of Scotland to monitor the impact of these reforms to ensure they are working as intended and that any further improvements are identified and implemented as early as possible.

### Review of sheriff court solemn procedure

We will work with the Scottish Court Service and Scottish Government to contribute to a review of sheriff court solemn procedure in 2009.

Legal aid affects the way in which the courts operate. We will work with the Scottish Government and the legal profession to make any necessary legal aid changes to facilitate any solemn procedure reforms.



## National Indicator

**Increase the percentage of criminal cases dealt with within 26 weeks by 3 percentage points by 2011** – the Board contributes to this national indicator through our fast and high quality decision making on legal aid applications.

### Review of the duty solicitor scheme

We manage the availability of solicitors to provide representation to accused people through the duty solicitor scheme.

We will review the operation of the duty solicitor scheme, to ensure that it works effectively, supports the courts and provides effective advice and representation to accused in the most cost-effective way.

We will engage with the profession, the courts, Sheriffs and Sheriffs Principal and will consult on proposed changes in summer 2009.

### Quality assurance for solicitors, advocates and solicitor-advocates

Our civil quality assurance scheme assesses whether the publicly funded advice and representation given by solicitors in civil matters is of a good standard. We want to do the same for criminal legal assistance.

We will introduce criminal quality assurance for solicitors in 2009. We will work with the Faculty of Advocates and Society of Solicitor Advocates to develop proposals for a scheme for counsel with a view to it being introduced in 2010.

### Reform of solemn criminal legal aid fees

In criminal legal aid cases, solicitors are paid at rates set by the Scottish Government in tables of fees.

We continue to work with the Scottish Government and the Law Society of Scotland to reform fee arrangements for solicitors undertaking solemn criminal legal aid work.

These reforms will be introduced in spring 2009 and backdated for cases granted after April 2008. We will monitor these changes in 2009 and work with the Scottish Government to make any necessary further changes in 2010.

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**Counsel's fees**

In 2009, we will work with the Scottish Government, the Faculty of Advocates and the Society of Solicitor Advocates to review the operation of the regulatory fee tables used to pay counsel for the work they do in criminal cases, and work with the Scottish Government to implement any changes in 2010.

We will also continue to work with those bodies to introduce new fee tables for counsel in criminal appeal cases. These will be introduced in 2009.

**PDSO – Public Defence Solicitors' Office**

In 2008, the Scottish Government completed a feasibility study on the Public Defence Solicitors' Office and made a report to the Scottish Parliament. Scottish Ministers concluded that the PDSO is feasible.

We agree with that conclusion and will be working with the Scottish Government to set appropriate objectives for the small PDSO network.

**Granting solemn criminal legal aid**

The Legal Profession and Legal Aid (Scotland) Act 2007 transfers the granting of solemn criminal legal aid from the courts to the Board. Following a consultation on the proposed financial eligibility test, we expect to begin granting solemn criminal legal aid in late autumn 2009.

**Review of financial eligibility assessment in criminal cases**

We made interim changes to financial eligibility assessment in criminal cases as part of the reforms to summary criminal legal assistance. We propose to review the current system for financial eligibility in criminal cases in 2009-2010. We also propose to review financial contributions in criminal legal assistance and report our conclusions and proposals to the Scottish Government.



## National Indicator

### Decrease the proportion of individuals living in poverty –

the Board contributes to this by, for example, granting legal assistance to prevent people from losing their homes, to agree financial settlement on divorce, to solve employment disputes. We also provide access to advice and representation services in areas where there is unmet need.

## Improving civil legal assistance and access to justice

By improving civil legal assistance and access to justice we contribute to:

- reducing inequalities
- improving the life chances for children, young people and families at risk
- creating strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
- providing public services that are high quality, continually improving, efficient and responsive to local people's needs.

## Improving access to justice

### Responding to the economic downturn

People who seek advice often have multiple related problems such as debt, housing debt/rent arrears, benefit entitlement and employment-related matters.

Publicly funded legal assistance provides people with access to advice and services to tackle these problems, thereby reducing inequalities and removing the personal and social costs of poverty.

The Scottish Government has made additional funds of £3 million available to the Board to help people needing advice as a result of the economic downturn to get it when and where they need it.

Between 2009 and 2011, we will fund activity which will increase the provision of legal advice and representation for people facing repossession and other problems, such as debt. This will include:

- employing additional solicitors under Part V of the Legal Aid (Scotland) Act 1986 to provide legal services to people in need
- enhancing and expanding the current In-Court Advice projects
- administering grants for additional legal advice services.

### Contribute to tackling poverty

Legal aid can mean the difference between people ensuring future financial security when their family breaks down, or slipping into poverty; keeping their job or being unfairly dismissed; making them and their family safe, or continuing to live with domestic abuse.

We continue to work closely with the Scottish Government, local authorities and other stakeholders to identify ways in which improvements in civil legal assistance can contribute to the Scottish Government's Anti-Poverty Framework to tackle poverty and income inequality in Scotland.

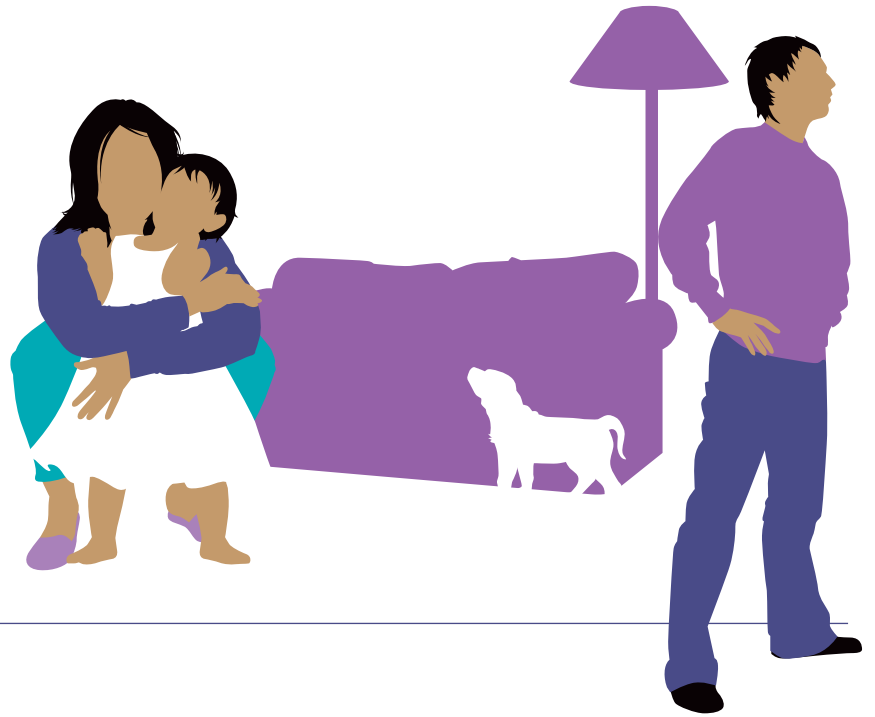
### Monitoring supply of civil legal assistance services

Publicly funded legal assistance assists people with problems that can otherwise quickly escalate and lead to loss of employment and housing and ill-health. We recognise the importance of early intervention in these problems and the availability of early advice.

We monitor the supply of legal assistance across Scotland. We conducted research on the supply of civil legal assistance in 2008. In 2009-2011, we will review and update this data.

↘  
**National Indicator**

**Increase the social economy turnover –** the Board will contribute to this by providing grant funding for advice and representation services by advice agencies and charities such as law centres.



Where the data and the feedback we receive indicates gaps in legal advice provision, we work with advice sector partners and solicitors' firms to help improve connections between those who need advice and advice providers. We can also take steps including directly employing solicitors to provide legal advice services.

This means that where a particular region of Scotland faces difficulties, we can improve the lives of people in that area by providing help and advice where and when it is needed most.

**New ways of providing civil legal assistance**

We work in partnership with the public and private sector to promote a more planned and coordinated approach to the cost-effective delivery of publicly funded legal advice.

We will continue to operate legal advice services through Part V of the Legal Aid (Scotland) Act 1986. These are the:

- Highland and Islands Civil Legal Assistance Office in Inverness
- legal advice service in Argyll and Bute
- Prison Advice Project
- Mental Health Advice Project.

We work closely with local advice agencies, charities and private firms of solicitors to deliver advice and representation in these areas.

In response to the economic downturn, we will employ additional solicitors under Part V of the legal aid legislation. The solicitors will be used to:

- provide legal services across a range of courts where we know there is insufficient availability of legal advice services to enhance and complement existing coverage by firms and law centres
- provide second tier advice to In-Court Advice projects and others
- take referrals and make referrals for casework on heritable issues.

Through our grant funding powers, we aim to help people who are already in a crisis, especially those facing repossession or eviction, while also promoting early intervention.

We propose to fund activity that complements and enhances existing advice and representation to provide:

- access to effective in-court advice and representation for those in crisis
- access to effective pre- and post-court advice
- mechanisms which help prevent people from reaching the stage of having to defend a court action.

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## Improving civil legal assistance

### **Simplification of civil legal assistance**

We introduced major changes to the operation and administration of civil legal assistance from February and March 2009 which will improve the application process for solicitors.

The changes include the launch of Civil Legal Aid Online which will give efficiency benefits to solicitors, applicants and the Board and major changes to our application forms and processes.

In 2009, we will monitor the implementation of these changes to ensure that we continue to improve the system for those who use it.

We will continue to implement a number of measures designed to simplify the operation and administration of civil legal assistance. In 2009, we will review and revise the financial application forms.

### **Extending eligibility for civil legal aid**

To increase the number of people who are eligible for civil legal aid, subject to regulatory changes, we will implement a system of extended and tapered eligibility for civil legal aid from April 2009. Up to a million more people will become eligible for civil legal aid as financial eligibility is extended to those with disposable incomes of up to £25,000. This means that around three-quarters of Scottish adults are likely to qualify financially for civil legal aid. As a result, we expect that around 1,700 more cases will be funded through civil legal aid each year.

In 2009, we will also review the operation of the financial eligibility test in civil cases.

### **Monitoring outcomes**

In 2009, we will continue to monitor the outcomes of civil legal aid cases to learn about the benefits that legal assistance brings to those who access it. The monitoring will also allow us to learn more about our processes and inform our policies.

### **Counsel's fees**

To ensure that counsel are paid fairly for the work that they do and to create a more efficient legal aid system, we continue to work with the Scottish Government and the Faculty of Advocates to develop a new table of fees for counsel working in the civil courts. We expect these regulations to be laid in 2009-2010.

### **Solicitor's fees**

We will implement changes to solicitor's fees for civil legal aid in spring 2009, following Scottish Ministers' decision to increase the amount paid for block fee cases and detailed fees, backdated to 1 April 2008 and to introduce exceptional cases. We will continue to monitor the operation of civil legal aid fees after implementation.

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### **Curators and reporters**

Curators and reporters play important roles in civil cases.

To ensure that they are paid appropriately for the work that they do and to ensure that such spending is cost-effective, we are working with the Scottish Government to develop a table of fees for curators and reporters.

We will consult on the proposed table of fees with implementation planned for late 2009.

### **Review of civil quality assurance**

We introduced a quality assurance scheme for solicitors doing civil work to ensure that publicly funded advice and representation is of an appropriate quality. Working with the Law Society of Scotland, we will conduct a review of the civil quality assurance scheme in 2009.

### **Mental health cases**

Volumes of applications and expenditure for advice and representation in mental health cases have increased. Access to good quality legal advice and representation is very important in these cases.

We are reviewing the operation of legal aid for these cases to ensure that it achieves best value. We will continue to engage with the Mental Health Tribunal to ensure that the legal aid arrangements also support the operation of the tribunal.



## National Indicator

### Improve public sector efficiency through the generation of 2% cash releasing efficiency savings per annum –

the Board contributes to this through our programme of changes to the legal aid system and organisational improvements.

## Improving legal aid services

By improving legal aid services we contribute to:

- providing public services that are high quality, continually improving, efficient and responsive to local people's needs
- providing value for money to the taxpayer.

## Providing value for money

It is very important that legal aid achieves good value for money for the taxpayer at the same time as helping people access justice.

We help achieve this through our various approval and accounts checking processes in individual cases. For example, we will refuse sanction for counsel if we believe it is not justified. We will reduce solicitors' or counsel's accounts if we believe work was unnecessary or overcharged. These processes save the taxpayer many millions of pounds each year.

We also review the operation of legal aid to identify more cost-effective ways of delivering services.

## Efficient Government

The Scottish Government set efficiency savings targets of 2% for the next two years for both the Legal Aid Fund (the advice and representation services we pay for) and our administrative costs.

We will continue to work with the Scottish Government to develop and deliver a programme of changes to the legal aid system that will increase value for money. Where necessary, this will include regulatory change by the Scottish Government.

Our running costs budget has been capped by the Scottish Government at £13.1 million for the next two years. In order to live within this budget we will have to achieve a range of savings including reducing staff numbers. We will achieve this through our programme of efficiency savings and investment in Legal Aid Online services, document management systems and new computer systems.

We will work with other public bodies to develop opportunities to share services, adding to the initiatives we have already taken forward to share premises and develop shared internal audit functions.

We will also actively participate in collaborative procurements with the Central Government Centre of Procurement Expertise (CGCoPE). These include contracts for recruitment, occupational health and travel. Forthcoming contracts include: gas, electricity and banking.

### **Best value reviews**

We will conduct a programme of best value reviews of each of the areas covered by legal aid to ensure that the legal aid system is operating in the most cost-effective way. These will be sequenced throughout 2009-2011.

### **Benchmarking of corporate services**

In 2009, we will continue to take part in the Scottish Government's baseline study of corporate services functions – finance, HR, ICT, and estates management for executive agencies, non-ministerial departments and some non-departmental public bodies.

We are contributing to the data-gathering exercise and will use the outcomes to investigate process improvements and share best practice across participating organisations and, where identified, implement more efficient ways of working.

This will help to contribute to plans to deliver the Government's 2% efficiency targets.

### **Procurement of experts and third party services**

We must achieve value for money in publicly funded advice and representation. We are working with the Central Government Centre of Procurement Expertise, the Crown Office, the Scottish Court Service and the Scottish Children's Reporter Administration on procurement of translation and interpreting services in the justice sector. This will provide efficiencies and savings for the justice system.

### **Supplier support**

We will continue to work with solicitors' firms to help them operate the legal aid system more effectively and efficiently. In 2009-2011, we will roll out our supplier support strategy:

- we will help firms identify their strengths and weaknesses, encourage best practice and provide support and training where required
- by promoting best practice we can help firms to become more efficient and effective in delivering legal aid services.

### **Management of high cost cases**

A small number of high cost cases can have a significant impact on legal aid expenditure; such cases can cost over £300,000. Many more cases can cost significant sums of taxpayers' money.

We have developed methods of identifying high cost cases. We will consult with the legal profession on our proposed approach to the management of such cases with a view to piloting a new system in 2009-2010.

### **Review of use of counsel**

In 2009, we will review arrangements for sanction for counsel to ensure value for money for the taxpayer and the appropriate level of representation for clients. We will consult with the Faculty of Advocates, the Society of Solicitor Advocates, the Law Society of Scotland, the Sheriffs' Association, the Sheriffs Principal and the courts.

### **Minimising fraud and abuse in legal aid**

Some people do attempt to defraud and abuse legal aid. We have worked to enhance our approach to minimising fraud and abuse:

- we set up direct links through the Legal Services Commission in England and Wales with the Department for Work and Pensions' systems. This allows us to better verify benefits information. In 2009, we will be working with them to enhance the information we receive.
- we will continue to conduct trends analysis to identify practices in solicitors' firms that may require investigation
- we will continue our work to verify legal aid suppliers' accounts by checking account entries against third party records, such as prisons, courts and tribunals
- in 2009, we will set up protocols with justice system partners for investigation work.



## Expanding Legal Aid Online

### Sustainability

In 2008, we developed our approach to measuring the organisation's carbon footprint. We measure our energy use and savings in waste and we have reduced our carbon footprint by introducing a recycling scheme and the use of green electricity.

In 2009, we will develop a strategy for environmental management. As part of this, we will review the work done so far to ensure our approach and measurements are in line with current practices and develop a Carbon Management Plan.

We will also be looking at ways to reduce the environmental impact of the legal services we fund. In 2009, we will consult with justice sector partners on proposals.

To encourage staff to travel to work using active transport, we will introduce a salary sacrifice scheme to support cycling to work. Staff can give up part of their salary in exchange for a bike and certain accessories, to be used for commuting and/or travelling between workplaces. This is in addition to the scheme we already have in place to enable staff to purchase annual season tickets with an advance for travel to work on public transport.

Legal Aid Online allows solicitors to submit legal aid applications and accounts through the internet. This allows the Board and solicitors' firms to work more efficiently.

Since 2007, solicitors have been able to send us advice and assistance and ABWOR intimations, increases and accounts online. Currently, an average of 65% of intimations and applications are now done this way.

For 2009-2010, we have continued our policy of setting shorter service standards for online applications. For example, we undertake to process 97% of online advice and assistance accounts within 15 days compared to 30 days for paper accounts. You can read more about our targets and service standards from page 22.

Civil Legal Aid Online will be rolled out from spring 2009. We will also begin a staged roll-out of Criminal Legal Aid Online in spring 2009. In autumn 2009, we will implement Children's Legal Aid Online. We will then develop systems to give law accountants access to submit accounts online.

In 2010, we will be developing Legal Aid Online for applicants, to allow them to send us information about their applications online.

These developments are a major expansion to our online systems. By the end of 2010-2011, we expect virtually all legal aid business with solicitors to be online.



### National Indicator

**Increase the proportion of journeys to work made by public or active transport –** the Board will introduce a salary sacrifice scheme to support cycling to work.



### National Indicator

**Reduce overall ecological footprint –** the Board contributes to the reduced footprint across public services by reducing waste and making sustainable choices easier.

## Improving the legal aid system for users

### Engaging with our customers and stakeholders

One of the ways we understand the needs of our customers and stakeholders is through our programme of surveys and focus groups. We publish the results of our surveys and use the results to change our processes to improve people's experience of publicly funded legal assistance.

In 2009-2011, we will continue to deliver our programme of:

- on-going engagement with the legal profession. We will conduct surveys of solicitors who provide legal aid services for criminal and civil matters. We will collect views on the efficiency and ease of use of the legal aid process and the range of our services. The results will be used to help us to improve procedures and communication and we will respond to other problems that come to light.
- on-going engagement with people who have applied for legal aid. We will commission a large scale survey and supplementary research that will measure levels of satisfaction with legal aid services and help us understand how people identify legal problems and get access to legal services. We will also engage with people whose opponent has been funded by legal aid to collect their views and experiences of the legal aid process.

- regular staff surveys. We will survey our staff to identify and explore the issues which are important to them and their working life.
- legal aid clinics where the public can discuss their cases confidentially with our staff
- meetings with local faculties of solicitors to discuss legal aid issues.

### Research and analysis

We will use our enhanced research and analytical capacity to conduct or commission high quality work to provide a strong evidence base for operational and policy development. The research will help identify areas where we can improve and find more effective ways of working.

We will build upon and report evidence on the nature and level of supply of solicitors providing legal aid advice and representation and on the factors that may be influencing it.

We will share our activity and plans with partners in the justice sector to help develop new ways of approaching future research and encourage collaboration where appropriate.

### Equality

We reviewed our gender, race and disability equalities schemes and produced a single equalities scheme to create a coordinated approach to the equality duties. We will keep the scheme under review and report annually on progress.

We are also working with other justice system partners to develop a coordinated approach to our statutory responsibilities on equality, with particular focus on involving disabled people in deciding how to improve access to services across the justice system.

We will continue the rolling programme of customer involvement to inform the development of action plans on equalities, as well as broader service delivery issues.

# Forecast

## Analysis of trends in case volumes and expenditure gives the context for resource planning to enable us to achieve our strategic objectives.

### Legal aid expenditure forecast

Legal aid expenditure is affected by a number of factors over time. Over the next two years we expect to see changes in expenditure for a number of reasons in:

- criminal legal assistance, the reforms to summary criminal legal assistance and the fall in volumes of court grants of solemn legal aid will affect overall expenditure, although these are expected to be offset by the outstanding fee increase in solemn legal aid and the backdated increases in counsel's fees for criminal appeals
- civil legal assistance, it is likely that expenditure will increase as a result of an increase in volumes of applications, the introduction of tapered eligibility and a backdated fee increase for solicitors. We expect income to reduce as a result of the reduction in the number of reparation cases.

Our current estimate of the likely level of Legal Aid Fund expenditure over the next two years is in the table below.

### Forecasts in volumes and expenditure

Legal aid is not cash limited and can be affected by numerous factors.

Estimating the cost of legal aid is complex, particularly in times of such large changes to the justice system and the legal aid system. It is further affected by the changes in VAT which were announced in 2008 and will reduce expenditure in 2009-2010 by £2.5 million overall.

The Board has developed a model to estimate future legal aid spend. It relies very heavily on assumptions about the number of cases that will go through the justice system. We rely on information from other justice system organisations to make informed assumptions.

### Legal aid expenditure forecast

£million	Actual spend anticipated in 2008-2009	2009-2010	2010-2011
Criminal legal assistance	102	100	101
Civil legal assistance (gross)	53	53	55
Children's legal assistance	4	4	3
<b>Total gross expenditure</b>	<b>159</b>	<b>156</b>	<b>159</b>
Less income from contributions and recoveries	-12	-11	-11
<b>Total net expenditure</b>	<b>147</b>	<b>145</b>	<b>148</b>



## Criminal legal assistance

### Volumes

Volumes of criminal legal aid applications are affected by many factors, such as crime levels, police clear up rates and the decisions of the Crown Office and Procurator Fiscal Service as to whether to prosecute individual cases. Changes in the volume of applications for legal aid have a direct effect on spending. Our current estimates of volumes and expenditure are based on recent trends and latest indications of likely future trends.

The total volume of applications for summary criminal legal aid increased steadily between 1999-2000 and 2004-2005. Since then it has fluctuated: falling in 2005-2006, rising again in 2006-2007, falling once more in 2007-2008 and then continuing to fall in 2008-2009.

2008-2009 saw major reforms of the summary justice system and subsequently legal assistance in order to support these reforms. As anticipated, this has led to a shift in cases from summary legal aid to ABWOR, earlier pleading and has improved the speed of cases going through the system.

A model has been developed by all parts of the justice sector to forecast how the reforms will impact the justice system and this has been used to predict how the changes will impact on legal aid. Subject to any changes in the way cases are put through the summary justice system, our forecast is that volumes will remain unchanged from the initial change in volumes that occurred after the implementation of the summary legal aid reforms in June 2008.

In 2005-2006 and 2006-2007, we saw a large increase in the volume of grants of solemn criminal legal aid by the courts. Subsequently, volumes fell in 2007-2008 and have fallen further in 2008-2009. This volatility in volumes makes forecasting very difficult.

Overall expenditure can also be affected significantly by small numbers of very expensive solemn cases. For planning purposes we have assumed that the volumes of solemn cases will remain at the same level in 2009-2010 and for the following year.

### Cost

The fixed payment system continues to inform the prediction of costs in individual summary cases from year to year. The main influence on overall expenditure will be the number of cases – with reductions expected as we see the full year impact of summary justice reform.

Overall solemn criminal legal aid costs will reduce due to the falling volumes of court grants in 2007-2008 and 2008-2009.

However, these reductions will be offset by the outstanding fee increase in solemn and by the backdated increases in counsel's fees for criminal appeals.

Overall, we expect the cost of criminal legal assistance to be around £100 million in 2009-2010 and then to increase to £101 million in 2010-2011 as the VAT rate returns to its previous rate.

## Civil legal assistance

### Volumes

The number of applications for both civil advice and assistance and civil legal aid we have received have fallen substantially over the last few years. However, in 2008-2009 this trend reversed. With the economy going into recession, applications for civil legal aid and advice and assistance, as would be expected, started to increase in areas such as family matrimonial and recovery of heritable property. It is expected that these categories will continue to increase in 2009-2010.

2009-2010 will see a further increase in applications as eligibility for civil legal aid is extended with the introduction of tapered and progressive contributions. We expect the impact of these changes will bring around 1,700 additional cases each year.

The reduction in volumes of reparation cases (where compensation is sought) over the last few years means we can expect to receive less income from expenses and damages awarded in successful cases.

### Cost

The average cost of civil legal aid cases dropped slightly in 2008-2009. However, a backdated fee increase for solicitors will be implemented in 2009 and this will increase our case costs in future years.

The costs in 2009-2010 and 2010-2011 will be further increased by the additional ring-fenced funding of £3 million provided by the Scottish Government to give additional assistance with the provision of legal advice and representation for people facing repossession and other problems, including debt.

### Children's legal assistance

We expect volumes to stay at the same level as 2008-2009 and expenditure on children's legal assistance to be around £4 million in 2009-2010.

This total is particularly susceptible to the impact of a small number of very expensive cases. Excluding these cases, the average case cost has been falling for the last few years. However, this will be affected by an imminent solicitors' fee increase.

## Administration resources

The level of funding provided by the Scottish Government for the next two years is in the table below.

The Board's administration costs are funded through Grant-In-Aid from the Scottish Government. The funding available to us will remain constant over the next two years.

We require resources to achieve our objectives and deliver our services effectively and efficiently. This includes the costs of necessary capital investment and further improving efficiency and effectiveness. In order to meet the costs associated with major projects, we will continue to implement an efficiency programme to reduce our costs.

We will need to reduce staff numbers to manage within the flatlined Grant-In-Aid budget. We will achieve this through our current programme of investment in Legal Aid Online services, document management systems and a new computer system for criminal legal aid. This is part of a three-year programme of efficiency savings.

### Legal aid administration expenditure forecast

£million	2009-2010	2010-2011
Staff, accommodation etc	13.0	13.0
Capital (gross)	0.1	0.1
<b>Total</b>	<b>13.1</b>	<b>13.1</b>

The Legal Aid Fund and administration figures do not include:

- any carry forward of Grant-In-Aid between financial years
- any additional operating costs associated with any, as yet unknown, significant changes in policies or legislation.

## Targets

**Our targets enable us to measure our performance to deliver ever higher service levels for applicants and their advisors.**

## Headline performance indicators

Our headline performance indicators combine individual timeliness and accuracy targets for each legal aid type. They are weighted equally so that we achieve an appropriate balance between the measures for speed of processing and the quality of decisions. They are the key measures of the Board's operational performance. They are compiled from individual targets for each aid type which are set out on pages 23-28.

Our eight headline performance indicators for paper and online applications and accounts are:

Advice and assistance applications			Advice and assistance accounts		
	2008-2009 Target	2009-2010 Target		2008-2009 Target	2009-2010 Target
Timeliness	96%	96%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	97%	97%
<b>Headline</b>	<b>97%</b>	<b>97%</b>	<b>Headline</b>	<b>97%</b>	<b>97%</b>
Civil legal aid applications			Civil legal aid accounts		
	2008-2009 Target	2009-2010 Target		2008-2009 Target	2009-2010 Target
Timeliness	95%	96%	Timeliness	97%	97%
Accuracy/consistency	96%	98%	Accuracy/consistency	97%	97%
<b>Headline</b>	<b>95%</b>	<b>97%</b>	<b>Headline</b>	<b>97%</b>	<b>97%</b>
Criminal legal aid applications			Criminal legal aid accounts		
	2008-2009 Target	2009-2010 Target		2008-2009 Target	2009-2010 Target
Timeliness	99%	99%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	97%	97%
<b>Headline</b>	<b>99%</b>	<b>99%</b>	<b>Headline</b>	<b>97%</b>	<b>97%</b>
Children's legal aid applications			Children's legal aid accounts		
	2008-2009 Target	2009-2010 Target		2008-2009 Target	2009-2010 Target
Timeliness	99%	99%	Timeliness	97%	97%
Accuracy/consistency	98%	98%	Accuracy/consistency	97%	97%
<b>Headline</b>	<b>99%</b>	<b>99%</b>	<b>Headline</b>	<b>97%</b>	<b>97%</b>

The headline indicators have been rounded to the nearest percentage. Outcomes will be similarly rounded.

# Advice and assistance timeliness and accuracy targets

## Applications

<b>Timeliness</b> (percentage of applications actioned within service standard time)						
	2008-2009			2009-2010		
	Paper application	Service standard Online application	Target	Paper application	Service standard Online application	Target
Registration of grants of advice and assistance by solicitors and issue of accounts synopsis forms by the Board	7 days	3 days	97%	7 days	3 days	97%
Requests for increase in authorised expenditure using a template	5 days	2 days	95%	5 days	2 days	96%
Requests for increase in authorised expenditure not using a template	7 days	4 days	95%	7 days	4 days	96%
Requests to reconsider a decision by the Board	7 days	5 days	94%	7 days	4 days	96%
<b>All application types</b>			<b>96%</b>			<b>96%</b>

<b>Accuracy of decision making</b> (percentage of decisions that are free of material errors) – paper and online			
	Service standard	Target	
		2008-2009	2009-2010
<b>All applications types</b>	<b>error free</b>	<b>98%</b>	<b>98%</b>

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Advice and assistance applications</b>	<b>97%</b>	<b>97%</b>

## Accounts

	Service standard		Target – paper and online	
	Paper account	Online account	2008-2009	2009-2010
Timeliness – all accounts	30 days	15 days	97%	97%
Accuracy – all accounts	error free		97%	97%

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Advice and assistance accounts</b>	<b>97%</b>	<b>97%</b>

Online services enable applications and accounts to be submitted and transacted through the internet. Service standards are based on calendar days and not working days.

# Civil legal aid timeliness and accuracy targets

## Applications

<b>Timeliness</b> (percentage of applications actioned within service standard time)						
	2008-2009			2009-2010		
	Paper application	Online application	Target	Paper application	Online application	Target
Initial application	32 days	30 days	96%	32 days	30 days	96%
Reviews of refusal of initial application	29 days	25 days	91%	29 days	25 days	96%
Special urgency cases received Monday – Thursday	2 days	2 days	97%	2 days	2 days	97%
Special urgency cases received Friday – Sunday	4 days	2 days	97%	4 days	2 days	97%
Sanction to employ counsel, expert witnesses or incur unusual costs	7 days	5 days	96%	7 days	5 days	96%
Requests to change solicitor	9 days	7 days	96%	9 days	7 days	96%
Requests to extend the scope of the case with 14 day intimation period	25 days	20 days	93%	25 days	20 days	96%
Requests to extend the scope of the case with 28 day intimation period	32 days	28 days	93%	32 days	28 days	93%
Reassessment of financial eligibility	28 days	20 days	95%	28 days	20 days	95%
Stage reports	16 days	12 days	96%	12 days	10 days	96%
<b>All application types</b>			<b>95%</b>			<b>96%</b>

<b>Accuracy of decision making</b> (percentage of decisions that are free of material errors) – paper and online			
	Service standard	Target	
		2008-2009	2009-2010
<b>All applications types</b>	<b>error free</b>	<b>96%</b>	<b>98%</b>

<b>Correspondence</b>						
	2008-2009			2009-2010		
	Paper	Online	Target	Paper	Online	Target
Case correspondence <sup>1</sup>	14 days	12 days	95%	14 days	12 days	95%

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Civil legal aid applications</b>	<b>95%</b>	<b>97%</b>

## Accounts

<b>Timeliness</b> (percentage of accounts actioned within service standard time)						
	2008-2009			2009-2010		
	Paper account	Online account	Target	Paper account	Online account	Target
Timeliness – Judicial expenses accounts	17 days	17 days	97%	17 days	17 days	97%
All other accounts	30 days	20 days	97%	30 days	20 days	97%
Accuracy – all types	error free		97%	error free		97%

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Civil legal aid accounts</b>	<b>97%</b>	<b>97%</b>

Online services enable applications and accounts to be submitted and transacted through the internet. Service standards are based on calendar days and not working days.

<sup>1</sup>Correspondence which indicates the need for a response to be made will receive within 14 days either a full response, or information on when it will be dealt with and what factors have prevented us from dealing with it in the target.

# Criminal legal aid timeliness and accuracy targets

## Applications

<b>Timeliness</b> (percentage of applications actioned within service standard time)						
	2008-2009			2009-2010		
	Service standard	Target		Service standard	Target	
	Paper application	Online application		Paper application	Online application	
Initial application in summary cases	10 days	5 days	99%	8 days	5 days	99%
Reviews of refusal of initial application	9 days	5 days	99%	9 days	5 days	99%
Special urgency cases received Monday – Thursday (summary first instance and appeals)	3 days	2 days	99%	2 days	2 days	99%
Special urgency cases received Friday – Sunday (summary first instance and appeals)	–	–	–	4 days	4 days	99%
Applications to make an appeal in court	7 days	5 days	99%	7 days	4 days	99%
Sanction to employ counsel, expert witnesses or incur unusual costs	6 days	5 days	99%	6 days	4 days	99%
Requests to change solicitor	6 days	5 days	99%	6 days	4 days	99%
Requests to reconsider a decision by the Board	9 days	5 days	99%	9 days	4 days	99%
Exceptional cases	5 days	5 days	99%	5 days	5 days	99%
<b>All application types</b>			<b>99%</b>			<b>99%</b>

<b>Accuracy of decision making</b> (percentage of decisions that are free of material errors) – paper and online			
	Service standard	Target	
		2008-2009	2009-2010
<b>All applications types</b>	<b>error free</b>	<b>98%</b>	<b>98%</b>

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Criminal legal aid applications</b>	<b>99%</b>	<b>99%</b>

## Accounts

<b>Timeliness</b> (percentage of accounts actioned within service standard time)						
	2008-2009			2009-2010		
	Paper account	Online account	Target	Paper account	Online account	Target
Fixed fee	30 days	15 days	97%	30 days	15 days	97%
Detailed accounts	30 days	20 days	97%	30 days	20 days	97%
<b>All accounts types</b>			<b>97%</b>			<b>97%</b>

<b>Accuracy of decision making</b> (percentage of accounts actioned within service standard time) – paper and online			
	Service standard	Target	
		2008-2009	2009-2010
Fixed fee	error free	98%	98%
Detailed accounts	error free	96%	96%
<b>All applications types</b>		<b>97%</b>	<b>97%</b>

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Criminal legal aid accounts</b>	<b>97%</b>	<b>97%</b>

Online services enable applications and accounts to be submitted and transacted through the internet. Service standards are based on calendar days and not working days.

# Children's legal aid timeliness and accuracy targets

## Applications

<b>Timeliness</b> (percentage of applications actioned within service standard time)						
	2008-2009			2009-2010		
	Paper application	Service standard Online application	Target	Paper	Service standard Online	Target
Special urgency cases received Monday – Thursday	2 days	2 days	99%	2 days	2 days	99%
Special urgency cases received Friday – Sunday	–	–	–	4 days	4 days	99%
Applications to make an appeal in court	6 days	4 days	99%	6 days	4 days	99%
Sanction to employ counsel, expert witnesses or incur unusual costs	5 days	4 days	99%	5 days	4 days	99%
Requests to change solicitor	5 days	4 days	99%	5 days	4 days	99%
Requests to reconsider a decision by the Board	9 days	4 days	99%	7 days	4 days	99%
<b>All application types</b>			<b>99%</b>			<b>99%</b>

<b>Accuracy of decision making</b> (percentage of decisions that are free of material errors) – paper and online			
	Service standard	Target	
		2008-2009	2009-2010
<b>All applications types</b>	<b>error free</b>	<b>98%</b>	<b>98%</b>

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Children's legal aid applications</b>	<b>99%</b>	<b>99%</b>

## Accounts

	Service standard		Target – paper and online	
	Paper account	Online account	2008-2009	2009-2010
Timeliness	30 days	20 days	97%	97%
Accuracy	error free		97%	97%

<b>Headline indicator</b> (timeliness and accuracy) – paper and online		
	2008-2009	2009-2010
<b>Children's legal aid accounts</b>	<b>97%</b>	<b>97%</b>

Online services enable applications and accounts to be submitted and transacted through the internet. Service standards are based on calendar days and not working days.

## Corporate targets

	Standard	Target
<b>Complaints handling</b> We aim to deal with complaints as soon as possible, and in any event within 28 days. However, if the complexity of the case means that we are unable to meet this standard, we will write to the complainant explaining the reasons and when their complaint will be dealt with.	28 days	–
<b>Payments for goods and service</b> Compliance with Late Payment of Commercial Debts (Interest) Act 1998 (percentage of debt paid within 30 days). This applies to suppliers of goods and services excluding solicitors and advocates providing legal aid services.	30 days	98%
<b>Collection of contributions</b> Percentage of the amount of assisted persons' contributions payable.	–	90%

The Board appreciates the importance of prompt payment to small business suppliers. We support the Scottish Government's aspiration to pay invoices to small businesses within 10 days. Over the next year, we will measure our performance and aim to meet the Scottish Government's commitment.

## Notes and definitions

Targets and outcomes are rounded to the nearest percentage. The targets for all application types such as timeliness, are calculated in proportion to the volumes of each individual legal aid type that the Board receives and the target set for that type. They are not calculated using a simple arithmetic average.

All timeliness targets are in calendar days and exclude public holidays observed by the Board.

### Applications

'Actioned within service standard' is measured from the date of receipt until the date of final decision, excluding any periods where the application has been continued for further information. In the case of an intimation of a grant of advice and assistance, the service standard is met when the Board issues to the solicitor an acknowledgement of the grant.

A final decision on an application is considered to have been taken if we have intimated any of the following:

- (a) a decision to grant legal aid
- (b) a decision to refuse legal aid
- (c) a decision to abandon the application.

### Accounts

Performance targets are a percentage of the number of accounts actioned within 30 calendar days (excluding public holidays). The 30 day period begins on the day the account is received by the Board, when this is before 12 noon. For accounts received after 12 noon, the 30 day period will begin from the next business day. It ends when: a payment is processed to BACS, a letter seeking further information is issued, or an offer is made. This applies to properly prepared and vouched accounts.

Civil and criminal accounts are actioned by way of an offer letter or a request for further information. Where an offer can be made, payment will be made at the time of the offer. Advice and assistance accounts are actioned by way of payment or issuing a letter about abatements or requesting further information. Although no payments on offer are currently made, during 2009-2010, we plan to introduce payment on offer in advice and assistance accounts received online.

## If you need legal help, you need our number

Legal aid could help you get the advice you need. Call us on **0845 122 8686** or visit **[www.slab.org.uk](http://www.slab.org.uk)** to find out more about legal aid and if it could help you.



## Talk to us

Need more information about legal aid? All you have to do is get in touch.

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