

# How to complete the increase in authorised expenditure form

This document contains guidance on how to correctly complete the application for increase in authorised expenditure for civil advice and assistance / ABWOR form - AA/INC/CIV. It includes key points, question by question guidance notes for completing the form and 3 model applications to help show how easy it is to now request an increase when using our templates.

You should use this with the other document “*Increases in authorised expenditure*” which is an extract from our Civil Legal Assistance Handbook detailing the increase templates and guidance.

**Effective 1 May 2007**

# Key points about civil advice and assistance /ABWOR increases

## Key changes

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- The new AA/INC/CIV form must be used for all civil requests for increases in authorised expenditure from 1<sup>st</sup> May 2007.
- We now expect most increases to be made using templates as they are easier and quicker for solicitors to use. We have almost trebled the number of templates available to cover most types of case, and increased the limits of expenditure for previously available templates.
- To ensure that you get all the benefits from these changes, please read this document about how to complete the form together with the enclosed document “*Increases in Authorised Expenditure*,” which is an extract from our Civil Legal Assistance Handbook detailing the increase templates and guidance.
- A copy of the increase form should be made by you prior to submission as we will no longer be returning these forms to you with our decision. A letter informing you of our decision will be sent instead.
- Legal Aid Online offers you a quicker and easier way of doing advice and assistance work rather than paper. In particular you will find using our Online service to apply for increases will save you days in getting a decision. If you are interested in using Legal Aid Online please visit our website [www.slab.org.uk](http://www.slab.org.uk) or contact us on 0131 240 2013.

## Key points to remember

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- You cannot apply for an increase in authorised expenditure for diagnostic advice. You must first obtain Board approval to have the matter considered as standard advice and assistance.
- Where you have not seen documentary evidence of your client’s financial circumstances prior to making an increase request, you should now seek this verification and complete Section D of the AA/INC/CIV form.
- You cannot use pdf forms, photocopies or your own versions of our forms from 1 May 2007. You must use the new AA/INC/CIV - Application for increase in authorised expenditure for civil advice and assistance/ ABWOR form only, or use Legal Aid Online.
- Please only answer YES to Section E – Increase Urgency where the request is urgent. If you do select yes it is urgent, but do not provide details of why the request is urgent, or if we consider that the reason given is not urgent, we will process the request within our usual processing times.
- Do not send covering letters with the application form unless you require to tell us something that cannot be written on the form.
- When filling out the new form, please use black ink only and when completing the single white boxes, write in capitals. Use the check boxes and write within the white boxes/space only.

# GUIDANCE NOTES APPLICATION FOR INCREASE IN AUTHORISED EXPENDITURE FOR CIVIL ADVICE AND ASSISTANCE - FORM AA/INC/CIV

## ***When to use this form***

Use this form for all requests for increases in authorised expenditure in civil advice and assistance.

## ***Completing the form***

Read these notes with the explanatory notes on the form itself. More information about advice and assistance procedures is in *the Scottish Civil Legal Assistance Handbook*. The Handbook also includes templates that you should use for the most commonly used categories of case and guidance on particular types of cases.

Unless shown otherwise, you must answer all questions. If you cannot provide an answer to a question, leave the boxes blank. Please do not mark the box “not applicable” or “not known”, or score it out.

As we scan information into our computers, it is important that you

- complete the form clearly in black ink, using capital letters
- enter crosses clearly in the relevant boxes, and write clearly within the white box areas.

Please keep a copy of the increase form as we will no longer be returning these forms to you. We will send you a letter telling you our decision instead.

Please also try to avoid attaching covering letters or additional sheets – there ought to be room on the form for you to provide details of the case, and the work you propose to do if we grant this increase.

## **Section A - Solicitor acting for the applicant**

Please complete all the questions in this section. We need the solicitor’s and firm’s name at question 5 to validate the code numbers.

If you wish, you can use a name and address stamp to complete question 5, but you must complete the codes at questions 1 to 3 in the white box areas.

## **Section B – Application details**

You must enter the applicant's forename, any middle names and surname, then answer:

- question 4, if you have already received an acknowledgement from us of the relative grant of advice and assistance  
OR
- question 5, if you are applying for an increase at the same time as you are sending us the advice and assistance application form (AA/APP/CIV) for registration  
OR
- question 6, if you have already sent us the advice and assistance application form (AA/APP/CIV) for registration, but you have not heard back from us with a reference number. Enter the date when you signed the declaration admitting your client to advice and assistance. You must also complete Section C.

## **Section C – The applicant**

You only need to complete this section if you selected question 6 in section B. We need this information to match your increase request to the correct grant of advice and assistance. You do not need to complete this section if you selected questions 4 or 5 in Section B.

## **Section D – Evidence of applicant's financial eligibility**

You should get documentary evidence of your client's financial position and tell us what this evidence was. We issued guidance on verifying financial eligibility, which is in the current Keycard.

In most cases, we would expect you to have seen documentary evidence when you admitted the client to advice and assistance. If you did, and told us what evidence you had seen on the AA/APP/CIV form, mark the YES box and move on to section E.

If you could not get documentary evidence when you admitted your client to advice and assistance, you should see it before applying for an increase, unless you can show there is real urgency.

We would recommend therefore that you should see, wherever practicable, the following:

- For income
  - where the client is employed, a recent wage slip or bank statement;
  - where the client is receiving benefits, a letter of award, benefit book (in the limited cases where payment is made in this way) or a bank statement (which might simply be an ATM receipt showing the credit);
- For capital

- o a bank statement and statement/pass book and certificate for savings and/or investments.

Please mark the boxes to show whether you have seen documentary evidence of the applicant's income and capital, and give details of that evidence.

If you have not seen any evidence, explain how you were satisfied that the client was financially eligible. This does not mean we will return the form. However, we may want to make our own checks about this directly with the client. We also carry out checks with individuals and bodies to confirm the information about the financial circumstances of clients receiving advice and assistance.

We appreciate that in some circumstances, clients may not have documentary evidence available when consulting a solicitor. Where they do not – for example, in an emergency, where they are part of some acrimonious dispute which prevents access to documentation or where they are in custody – you may be satisfied from the limited information available but you should then seek verification from the client at the earliest opportunity (unless there is real urgency).

Where, however, the client does not produce verification when you have specifically asked them to do so, and there is no urgency, or apparent difficulties in getting the documents, you should tell them again that they need to give you verification of earnings.

Once you have this evidence you should tell us what this was. Keep a copy of this verification on file, so that it can be seen at peer review or at a Board compliance inspection.

### **Section E – Increase urgency**

Completing this section allows us to consider the most urgent requests first. Please be realistic in completing this section. If every case is identified as urgent, this prioritisation will not work.

You must tell us either the date of the appearance, or another reason for urgency. If you do not, or you do not satisfy us that the case is urgent, we will deal with the application for an increase within our normal timescales. Examples of reasons for urgency that we would be likely to accept are:

- an imminent tribunal date
- the need to prepare documents to avoid a court appearance.

### **Section F – Case details**

#### **Question 1**

Enter the main category code – use the Category Codes Card to select the correct code. The card is on our website [www.slub.org.uk](http://www.slub.org.uk) and we issued it with the civil advice and assistance forms guidance in April 2007.

#### **Question 2 – Increase limits**

Give the current authorised expenditure – this may be the initial limit or any increased limit already authorised.

**Question 3 – Confirmation of a request considered by telephone or fax**

Complete this section if we have already considered by telephone or fax the increase you are asking for on this form. This will allow us to link this application form to the grant, and to confirm that grant to you.

**Question 4 – Value of the subject matter of dispute**

Give the value of any money or property in dispute. This will help us to assess the request for an increase if you are not using a template.

**Questions 5 & 6 – ABWOR**

You need to state whether you are using ABWOR and if you need our approval for this category of case before granting ABWOR. **If you need our prior approval, it is very important that you do not start doing work until you have this approval.**

**Question 7 – Justification for ABWOR**

Give detailed reasons supporting the need for representation. You should refer to the guidance in *the Scottish Civil Legal Assistance Handbook* available on our website [www.slab.org.uk](http://www.slab.org.uk).

**Section G – Template increase**

We have introduced “templated” increases for many of the commoner types of civil advice and assistance cases. These, if you meet certain criteria, allow us to grant one increase to cover your work without you having to come back to us for further authorisation.

**We strongly recommend that you use these templates wherever possible.**

Using them will:

- save you time completing the form
- mean that you do not have to return to us repeatedly for further increases and
- give you an assurance about the funding you have for a case.

The templates are included in chapter 8 of the *Civil Legal Assistance Handbook*, available on our website [www.slab.org.uk](http://www.slab.org.uk), and you should refer to this. (We also included a copy of chapter 8 with our civil advice and assistance forms guidance mailing.)

The forms include a pre-printed list of the increases available for each template and the costs allowed for standard additional items of work. You do not need to provide any information about the costs of the case or the expenditure sought.

Before using a template you should:

- read our guidance from chapter 8 of the *Civil Legal Assistance Handbook*, which lists the work you must confirm you have done under the initial or existing limit before applying for an increase using the template
- check this template covers the work you wish to do and, if you wish, request additional items of work

- check the list of templates and category codes to check that the template applies to the category code for your case.

### ***Question 1 – List of templates***

You do not need to give us information about the case or the work you want to do. You only need to confirm that you have done any work required before a template can be used. To do this you cross the box beside the relevant template. No other information is needed. It is your responsibility to ensure that you choose the correct template.

If, in future, we introduce additional templates not listed on the form, complete details of this new template at template code 60.

If you do not wish to ask for any additional items of work, your application is complete and you can send it to us. Keep a copy of the increase form as we will not return it to you.

### ***Question 2 – Additional work***

Tell us whether you need to do additional work that can be dealt with under the relevant template.

### ***Question 3 – Additional work items***

Cross the boxes beside the relevant additional work items that you need. You do not need to give any reasons for requesting this work.

If you are not asking for any additional items of work, other than those shown on the form at question 3, your application is complete and you can send it to us. Keep a copy of the increase form as we will not return it to you.

### ***Question 4 – Extra cover***

Complete this section if you need to do work

- not covered by the template
- that is not a standard additional work item
- that is a standard work item but the cost is higher than the template allows, or
- using another template as well as the one selected at section G, question 1.
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You need to tell us what work you want to do and why this work is necessary. You must give details of the cost of any extra work.

Your application is now complete and you can send it to us. Keep a copy of the increase form as we will not return it to you.

**Section H – Work now proposed if increase is granted – where a template increase is not sought**

You should only complete this section if you are not seeking an increase using a template.

***Question 1 – Subject matter and background***

Give us detailed information about the case and the issues being looked at. We need this information so we can assess your application for an increase.

***Question 2 – Work already done***

Give details of all work done so far as this will help us to assess your increase request.

***Question 3 – Work now proposed***

Please give us

- a full breakdown of the work you are proposing to carry out
- a breakdown of the costs of each item, including any travel.

It may help you in your approach to increases if you think of us as a private client of modest means. Such a client will want to know why the particular work is needed, what benefit they will get from it, what it is likely to cost them and whether there is a more cost-effective way to do it. We need the same information to satisfy us the request for an increase is reasonable.

In dealing with a request for an increase, we will look at each case on its own merits. We do not give a particular category of case a ceiling beyond which we will not go – however, do not always expect to get an increase to the level you ask for.

***Question 4 – Increase sought***

Enter the total expenditure sought in this case.

Your application is now complete and you can send it to us. Keep a copy of the increase form as we will not return it to you.

# Model civil increase form applications



We have prepared three model applications to help you correctly complete the new application for increase in authorised expenditure for civil advice and assistance / ABWOR form – AA/INC/CIV.

The model forms should help to show that it is now easier to make an increase application, even though there are more pages to the form. The model forms also help show the level of information we would expect to see on an increase form.

## **Example 1 – using a template and standard extra work**

The Board expects this example shows what will be the most common type of increase made by solicitors, where a template increase is used.

This model application shows it is very easy to complete the application form when a template increase is being sought.

In this example, the solicitor's client is John Miller who is involved in a divorce. The solicitor has already seen documentary evidence of the client's financial eligibility, and this is shown at section D question 1.

The solicitor is seeking an increase from the initial £95 limit. They have checked the Board's guidance and will use a template to seek an increase. They complete Section G question 1. Because there are assets over £50,000 and issues involving children, the template will give an increase of £2100. The solicitor also wants the increase to cover obtaining a valuation report of £250, so they select this standard additional item at Section G questions 2 and 3. The form is now complete.

## **Example 2 – using a template and non-standard additional work**

The client is Mary Walker and her case is reparation for personal injuries. In this example, having checked the Board's guidance, the solicitor is going to use a template to request an increase. In this case the solicitor selects at Section G question 1 template 52 for personal injury claims

exceeding £10,000, which allows £1,200 authorised expenditure.

In this case the solicitor wants to request an additional item of work, but it is not one of the standard items. She therefore gives details at Section G question 4, together with a short explanation of why this work is required.

## **Example 3 – requesting an increase where a template is not used**

This example shows a non-template case, which is a type of request that the Board expects will be required infrequently.

The client is Barry Brown and involves a power of attorney. In this case the solicitor had not seen documentary evidence of the client's financial eligibility at the time of the application, and now provides information on the evidence seen at Section D question 2.

Having consulted the Board's guidance, the solicitor knows that a template is not available, and therefore completes section H of the form. In this example, the solicitor gives brief details of the subject matter and work already completed, and then goes on to briefly explain what work is proposed.