



Advice and assistance reforms update

Issue 7
25 April 2007

This update mailshot contains important information and guidance in relation to changes in civil advice and assistance coming into force on 1 May 2007.

Please ensure that all staff involved in providing civil advice and assistance are made aware of its contents.

This update provides you with information on the reforms effective 1 May 2007 and includes guidance on using the new civil advice and assistance/ABWOR application and increase forms.

You have been sent separately starter packs containing the new forms.

Update contents and enclosures

- Update letter - this letter includes:
 - 1. Key points about the changes and the new civil advice and assistance/ABWOR forms - *these two pages provide you with the essential information about the changes*
 - 2. Amendments required to the Category Codes Card and templates to codes list
 - 3. Using the new forms
 - 4. Getting the new forms - including what to do if you have not received a starter pack and how to order more forms including an order form for our printers
 - 5. Legal Aid Online
 - 6. Information for solicitors who provide criminal or children's advice and assistance
 - 7. What's next and who to contact with questions
- One copy of each of the two new forms:
 - Application for civil advice and assistance/ ABWOR - form AA/APP/CIV
 - Application for increase in authorised expenditure for civil advice and assistance / ABWOR - form AA/INC/CIV
- How to complete the civil advice and assistance/ ABWOR application form - containing key points, question by question guidance notes for completing the form and 4 model applications
- How to complete the increased in authorised expenditure form - containing key points, question by question guidance notes for completing the form and 3 model applications

- **Increases in authorised expenditure** - an extract from the Civil Legal Assistance Handbook providing increase templates, guidance and limits of authorised expenditure. This document also includes a list showing each template and which category code applies to that template - please read later in this letter for additional amendments to the list.
- **Category Codes Card** - use this card to identify the correct code to use and to check if a civil advice and assistance subject is standard or diagnostic. Please read later in this letter for amendments to be made to this Card.
- **Equality Card** - you should provide this card to the applicant to enable completion of Section H of the advice and assistance application forms.

We will be sending a further guide to the civil advice and assistance reforms in the week starting 30 April. This covers the changes such as the new diagnostic civil advice and assistance in more detail. It also incorporates questions and answers raised at our series of information seminars. It is not being issued until after all the seminars have been held.

1. Civil advice and assistance reforms - key points

This two page section provides you with the essential information about the changes

- The new red AA/APP/CIV form must be used for all civil advice and assistance applications and the new AA/INC/CIV form must be used for all civil requests for increases in authorised expenditure from 1 May 2007.
- There are now two types of civil advice and assistance: standard and diagnostic. The new Category Codes Card shows whether a matter is diagnostic or standard.
 - **Standard:** Most cases are likely to be standard advice and assistance. This covers most of the work being done by solicitors prior to 1st May. There are particular categories of case - called approved categories - where standard advice and assistance can be given. The new Category Code Card tells you what is covered as standard advice and assistance.
 - **Diagnostic:** Where the work to be done is not an approved standard category, advice and assistance can still be made available by way of a diagnostic interview. There is only limited funding of £35 available for a diagnostic interview.

Usually a client can only get a diagnostic interview once during any period of 3 months from the date of an earlier grant and where advice could have been from any solicitor. You can seek the Board's approval to move from diagnostic to standard advice and assistance.

For diagnostic advice and assistance, there are particular contribution levels that apply.

- There are *new levels of initial authorised expenditure*:
 - diagnostic advice and assistance is limited to £35
 - standard advice and assistance has initial authorised expenditure limits of £95 or £180.
- The *minimum fee has been removed from all civil cases* granted on or after 1st May 2007.
- **Financial verification:** It is still your responsibility to be satisfied on financial eligibility. You should see documentary evidence of your client's financial circumstances such as a wage slip or a bank statement. You need to include details of this verification on the AA/APP/CIV form and keep a copy of evidence seen on file.
- **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. Do not send covering letters with the application form unless you require to tell us something that cannot be written on the form.
- **Legal Aid Online** offers you a quicker and easier way of doing advice and assistance work rather than paper. If you are interested in using Legal Aid Online please visit our website www.slab.org.uk or contact us on 0131 240 2013.
- **Use our guidance to help you correctly complete the new forms.** All our guidance on civil advice and assistance reform is available online at www.slab.org.uk

Civil advice and assistance applications - points to remember

- Use our guidance including "*How to complete the civil advice and assistance/ ABWOR application form*" to help you correctly complete the new application form
- You cannot use pdf forms, photocopies or your own versions of our forms from 1 May 2007. You must use the new AA/APP/CIV - Application for civil advice and assistance/ ABWOR form only, or use Legal Aid Online.
- Income support, income based job seeker's allowance, or disregarded benefit payments should not be included as income in Section G of the form.
- If you are requesting our approval to provide standard advice and assistance rather than diagnostic, a higher contribution may be payable by your client.

Civil advice and assistance increases - points to remember

- 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 our guidance "*How to complete the increase in authorised expenditure form*" and "*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.
- 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.

2. Amendments required

Please ensure you mark up the amendments below to the enclosed Category Codes Card and Templates and Category Codes list that is included in "*Increase in authorised expenditure*" guidance.

We are making several changes to the two documents to reflect changes that have been raised at our current series of advice and assistance information seminars. These changes have arisen after both documents were printed. Please therefore ensure you have marked them up on the two documents.

Changes to be made to the Category Codes Card - under civil advice and assistance

- page 2 -BEN - Benefits - change the type of advice from standard to diagnostic and the initial limit from £95 to £35
- page 2 - after BEN- Benefits insert a new code: BENA - Benefits appeals or reviews. This is standard advice and assistance with an initial limit of £95.
- page 3 - DBT - Debt - value £500.00 and above. Please insert into the description "and does not include multiple individual repayment plans."
- page 3 - DBTD - Debt value less than £500. Please insert into the description "and does not include multiple individual repayment plans."
- page 5 - PASB - Protection from Abuse (Scotland) Act - non -ABWOR - the initial limits should be £95/£180.

Changes to be made to the Templates and Category Codes list that is included in "*Increase in authorised expenditure*" guidance

- page 5 - template 39 - appeal against decision of the Independent Appeal Service - also include the new category code BENA - Benefits appeals or reviews
- page 6 - template 58 - Department for Work and Pensions decision (or a decision by a council for housing or council tax benefit)- also include the new category code BENA - Benefits appeals or reviews
- page 6 - template 59 - Appeal to Social Security Commissioner - also include the new category code BENA - Benefits appeals or reviews

About the category code changes

Benefits

Following discussion at the recent seminars, we are now clarifying the position regarding advice given on benefits matters. Standard advice and assistance can only be provided where the advice is in relation to benefit appeals or reviews. A new category has been devised for this - BENA.

The existing category - BEN - now covers all advice on matters other than appeals or reviews. This advice will be diagnostic, with an initial limit of £35.

Debt

Two categories have been introduced - DBT - for standard advice in relation to combined debts of £500 and more, where the advice does not include multiple individual repayment plans. This means if your client has 5 debts which total over £500, you can advise on matters relating to all of the combined debts, but you cannot for example, negotiate a repayment plan for each one individually. The additional definition of this approved category was recently requested by the Law Society of Scotland.

All other advice in relation to debt matters that are less than £500 and do not include multiple repayment plans should be covered by the new DBTD category, where the advice is diagnostic, with a limit of £35.

Protection from Abuse (Scotland) Act - non ABWOR

The initial limits of both £95 and £180 apply. The £180 limit applies after a self certified increase to allow an application for full legal aid to be made.

3. Using the new forms

The new civil advice and assistance forms must be used for all grants of advice and assistance made from 1 May 2007 onwards.

From 1 May 2007, any civil application and increase received which is not on these new forms will be returned.

If you only undertake civil or children's advice and assistance work - you should now destroy stocks that you hold of the current advice and assistance application form (AA/APP) and the increase form (AA/INC). You may wish to consider using a local paper recycling service to do this.

If you undertake criminal advice and assistance work - please destroy these forms once you have received both the new criminal advice and assistance application and increase form.

4. Getting the new forms

What to do if you have not received a starter pack or need more forms urgently

We have sent you under separate cover starter packs containing the two new civil advice and assistance forms. We previously advised the number of forms that would be sent to you. All packs were issued by Tuesday 24 April.

If you have not received your starter pack of civil advice and assistance forms by Monday 30 April or do not have enough and require them urgently, please contact:

- Advice and assistance department on 0131 240 2066
- Communications department on 0131 240 1985.

Only printed forms and Legal Aid Online applications accepted

With this change in forms, we will only be able to deal with forms that are in the supplied printed format or are made using Legal Aid Online.

You should note that we will not be providing pdf versions of the new advice and assistance forms, which have previously enabled the forms to be completed on computer. We will also no longer accept photocopied forms or forms produced in your own format such as from your own case management system.

The main reason for this change is that if forms are printed on a normal desktop printer or on a photocopier, the layout will not match that of the printed forms we supply you, and will not be read by our computer systems.

However, by using Legal Aid Online, you can make applications on computer and then send them to us securely through the internet, making it faster and easier for you. Therefore, if you currently use pdf or your own versions of our forms for completion on computer, you will need to move on to Legal Aid Online service - see below for details.

How to order more printed forms or guidance

Starter packs

If you wish to request another starter pack of all these civil advice and assistance forms, please contact the Board's communications department on tel 0131 240 1985, or email general@slab.org.uk

We would prefer that you order a further starter pack if you believe you will need more of most of the new forms at an early stage.

Ongoing supplies

You can now order the new forms for ongoing use in the usual way from our printers, Stewarts. Forms are supplied to you within one working week.

Attached to this update is a new order form, which you should now use. The order form is also included with all orders supplied by Stewarts, and is also available on our website.

To place an order you can call Stewarts on 0131 659 6010 or return the order form by fax or mail (if faxing an order, you do not need to also send as confirmation your order form by mail).

When placing an order, you **must** give your firm code and/or practitioner number.

You should ensure you maintain an adequate stock of the printed forms. Please do **not** photocopy the new forms.

Ordering guidance publications

Copies of Board publications, including the attached guidance, are available on our website, www.slab.org.uk in the legal profession section.

You can also order printed copies from our Communications Department by calling 0131 240 1985 or email general@slab.org.uk

5. Legal Aid Online

The introduction of the new advice and assistance forms is an ideal time to consider trying Legal Aid Online.

Legal Aid Online is a free, quick, easy and secure way to process legal aid. Legal Aid Online allows you to make applications and create accounts using the internet, help your clients and get paid faster.

Legal Aid Online is available for advice and assistance applications, increases and accounts. Both solicitors and administration staff can use the system. All you need is access to the internet from your computer.

Many practitioners have seen benefits in using Legal Aid Online.

New to Legal Aid Online

You can find out more about Legal Aid Online on our website www.slab.org.uk in the legal profession section.

To start using Legal Aid Online, please register your details with us. Registration is free, quick and easy. We will then be in touch to discuss setting you up for our online service. Your move to Legal Aid Online will be supported with help and training to get you up and running.

You can register your details:

- online, by going to the legal profession section of our website and following the links to Legal Aid Online
- or contact our Legal Aid Online team on 0131 240 2013 or online@slab.org.uk

Already using Legal Aid Online

Current users of our Legal Aid Online service will receive an email update before 1 May about changes to our online service that are linked to the advice and assistance reforms.

6. Information for solicitors who provide criminal or children's advice and assistance

Criminal advice and assistance

We will be issuing starter packs of criminal advice and assistance application forms from Friday 27 April. We will initially only send you packs which will include either 50, 100 or 200 copies of Application for criminal advice and assistance/ ABWOR - form AA/APP/CRIM. The criminal forms are sent separately to civil starter packs.

The new criminal advice and assistance form must be used for all grants of advice and assistance made from 1 May 2007 onwards.

If you have not received your starter pack of criminal advice and assistance application forms by Monday 30 April or do not have enough and require them urgently, you should:

- continue to use the existing form AA/APP until you have received your supply
- contact us to arrange to be sent a supply by phoning the advice and assistance department on 0131 240 2066 or communications department on 0131 240 1985.

Criminal increase form

We will not issue in April the increase form: *Application for increase in authorised expenditure for criminal advice and assistance / ABWOR - form AA/INC/CRIM*. These forms will be sent to criminal practitioners in early May.

Until you receive the new criminal increase form, you should **continue to use the existing increase form AA/INC for criminal increases only.**

We will advise you when we send you the new increase forms when you should stop using the existing increase form - this is likely to be mid-May.

Guidance

We will send a separate mailing containing guidance on using and completing the criminal advice and assistance form. You will also be able to read the guidance on our website www.slab.org.uk

Children's advice and assistance

From 1 May 2007 the initial limit of authorised expenditure for children's advice and assistance cases (which are made on form AA/APP/CHL) will increase from £80 to £95.

On the current children's advice and assistance application form, AA/APP/CHL, issued in January 2007, at section J question 1 the initial limit of authorised expenditure is shown as £80. You should continue to put a cross in this box and we will automatically revise the amount to £95.

We intend to issue revised children's advice and assistance application and increase forms in the summer. The revised forms will also incorporate a number of changes to make them more consistent with questions on the new civil and criminal advice and assistance forms.

Please also remember that you do not use the children's advice and assistance forms just because the matter involves a child. **The children's forms should only be used for advice and assistance for adults and children in relation to proceedings under Part II Chapters 2 and 3 of the Children (Scotland) Act 1995.** If for example, your case is for a child about a reparation matter, this application should be made on the civil advice and assistance form.

7. What's next and questions and feedback

We will be sending civil practitioners a further letter with guidance and a number of common questions and answers in the week of 30 April 2007. This guide to the changes is based on material issued at the information seminars and issues raised by practitioners at them, and will be finalized after the last seminar on 25 April.

We welcome any questions you may have about this guidance and how to use the forms. We also welcome your comments on the new forms. We are continuing to review the forms and your feedback can assist us identify where improvements could be made when we next change our forms.

Our contact details are:

For questions about:	Name	Telephone number
Any information about the advice and assistance changes and using the new forms	Kingsley Thomas, Manager of Criminal Legal Assistance	0131 240 2085
	Joe Kelly, Head of Civil Legal Assistance	0131 240 2070
	Advice and assistance - civil applications department	0131 240 2066
Legal Aid Online	Diane Ireland, Legal Aid Online	0131 240 2013 or email online@slab.org.uk
You have not received your starter pack of civil advice and assistance forms by Monday 30 April or do not have enough and require them urgently	Advice and assistance - civil applications department	0131 240 2066
	Communications Department	0131 240 1985
Ordering starter packs, Handbook and guidance publications, or information seminars	Communications Department	0131 240 1985
Ordering ongoing supplies of forms	Stewarts	0131 659 6010
If the firm or address details we have used are incorrect	notify our Receipts and Payments Department in writing of any changes in address or practitioner details	<i>0131 240 2080</i>

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