



Civil legal assistance simplification: issues arising from the new forms

To all civil legal aid solicitors

Mailing 5: 24 April 2009

Issues arising from the new civil forms

This update contains important guidance about issues arising from the changes to civil legal aid applications that took place on 28 February 2009. It also refers to possible short-term delays in dealing with mail. Please ensure you make all staff involved in preparing civil legal aid applications aware of its contents.

Only new forms accepted from 1 June 2009

We issued guidance on 16 February 2009 to all practitioners on the new civil application forms. That guidance is available on our web site at www.slab.org.uk. The new forms have been in use since 28 February, and **from 1 June 2009 we will not accept applications on the old forms**. We will return any applications you send us on old forms and you will have to send us a fresh application using the new forms.

During the several weeks in which the new forms have been in use, we have found that we have been rejecting applications because some solicitors are failing to answer some questions either at all or in sufficient detail.

You should find it helpful to refer to our guidance (which is brief and clear and often included in the form itself). If you do not answer these questions, we cannot register your application. This adds to the work you have to do on an application and also increases the time it takes us to make a decision.

We explain more about this below.

Offers to resolve matter

Question 7 in Section H of the CIV/SOL/FAMILY asks if the other party has made any offer in an attempt to resolve the matter and question 8 says:

“If Yes, give us details of the offer made, and explain why your client is not prepared to accept it. If the other party has not made an offer, explain why not and what their current position is on the dispute, if known.”

While we accept that in some cases negotiation or offers will be unlikely or unfeasible, you must still explain the position in all cases.

The same questions arise in the CIV/SOL/NON-FAMILY but are numbered 9 and 10 in Section H.

Prospects of success

Questions 11 and 12 ask you for your assessment of the prospects of success and to explain the reasons for that assessment. Although we previously only asked for your reasons for the assessment where the prospects were “fair” or “poor”, you must now give us the reasons for your assessment in all cases including those where prospects are seen as “excellent” or “good”. If you do not include this information, we cannot register and process the application.

Special urgency

In Section C, dealing with special urgency, if you are only notifying us of work done under regulation 18 (1) (a) you need only complete questions 1, 2 and 4. Only complete question 3 when you are asking for our approval to do work under regulation 18 (1) (b).

Computer upgrade - possible short-term delays in responding to mail

Our internal civil legal aid computer systems are being upgraded, which in the long term will benefit you and your clients through improved processing times.

In the short term, however, there may be minor delays in our responding to some mail, but we do not expect these to be significant or to last for long.

Further information

If you have any queries about this mailshot or about any aspect of the forms, please call us on 0131 240 2067 or email us at general@slab.org.uk