

5. Children's legal assistance

Section notes

1. Figures for grants and refusals of applications do not necessarily equal numbers of applications, since decisions on applications received towards the end of one year may not be reached until the following year.
2. Unless otherwise stated, the 2010-2011 figures for accounts paid include VAT and were prepared on a cash basis.
3. In tables showing accounts paid, unless otherwise stated, outlays include all payments other than fees paid to solicitors and advocates - for example, expert witnesses.

5.1 Intimations of children's advice and assistance

	2010-2011	2009-2010
Children (Scotland) Act 1995 - part II, chapters 2 and 3	4,597	4,478
Transfer of agency	3	5
Witness citation	1	5
Total	4,601	4,488

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

	Applications for increase		Increases granted		Increases refused	
	2010-2011	2009-2010	2010-2011	2009-2010	2010-2011	2009-2010
Non-templated increase	2,094	1,797	1,995	1,707	55	63
Total	2,094	1,797	1,995	1,707	55	63

Notes

1. There are no templated increases in children's advice and assistance.
2. These figures include decisions at first instance and decisions after reconsideration.

5.3 Grants of legal aid by the courts under the Children (Scotland) Act 1995

	2010-2011	2009-2010
Total	4,687	4,597

5.4 Sanctions in children's legal aid cases

	Applications received	Applications part granted	Applications granted	Applications refused
Children's				
- expert witness	272	23	195	18
- unusual expenditure	58	4	41	8
- counsel	167	1	87	63
Total 2010-2011	497	28	323	89
Total 2009-2010	598	22	391	107

5.5 Applications to the Board in respect of appeals to the Court of Session and the Sheriff Principal

	Applications received	Applications granted
Total 2010-2011	47	23
Total 2009-2010	53	9

5.6 Sanctions for appeals in children's legal aid cases

	Applications received	Applications part granted	Applications granted	Applications refused
Children's appeals				
- expert witness	0	0	0	0
- unusual expenditure	0	0	0	0
- counsel	8	0	4	2
Total 2010-2011	8	0	4	2
Total 2009-2010	7	0	5	1

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

Subject matter	Number of cases	Solicitor £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total paid 2010-2011 £000	Total paid 2009-2010 £000	Average case cost 2010-2011 £	Average case cost 2009-2010 £
Children (Scotland) Act 1995 - part II, chapters 2 and 3	4039	435	9	4	13	448	414	111	103
Transfer of agency	5	1	0	0	0	1	0	133	62
Witness citation	2	0	0	0	0	0	0	87	63
Total 2010-2011	4,046	436	9	4	13	449	-	111	-
Total 2009-2010	4,009	404	8	2	10	-	414	-	103

Note

1. In this table, payments to advocates and solicitor advocates are included under counsel outlays, as regulation 17(1) of the Advice and Assistance (Scotland) Regulations 1996 only provides for payments to the solicitor, of fees and outlays.

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

Subject matter	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid 2010-2011 £000	Total paid 2009-2010 £000	Average case cost 2010-2011 £	Average case cost 2009-2010 £
Appeal against warrant by children's hearing for detention	124	66	(1)	0	1	66	70	534	545
Appeal decision by children's hearing - other than detention	571	337	57	0	49	443	390	775	725
Application for a finding as to the grounds of referral	3,256	2,837	878	0	330	4,045	4,005	1,242	1200
Application for variation/recall of child protection order	47	22	0	0	2	24	40	519	670
Application to the sheriff for a child assessment order	0	0	0	0	0	0	1	-	397
Application to the sheriff for a child protection order	2	1	0	0	0	1	1	363	207
Exclusion order - Children (Scotland) Act 1995 section 76	7	2	0	0	0	2	5	253	933
Total 2010-2011	4,007	3,264	934	0	383	4,581	-	1,143	-
Total 2009-2010	4,075	3,225	977	0	308	-	4,511	-	1107