

Scottish Legal Aid Board

# Corporate Plan

2010-2011



## 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, the Board has set three Strategic Aims.

### 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 Governments' Purpose and National Outcomes.

## 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 executive management is headed by our Chief Executive supported by four Directors. The work we do is overseen by non-executive 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, although this will change in 2010-2011.

The budget for legal aid is different from many other public services: it is not cash limited. The Scottish Government provides the Board the necessary funds to meet the cost of cases.

## About our approach

We believe the best way of contributing to the delivery of the Scottish Government's National Outcomes is for the Board to approach its 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.

## Delivery

Our priorities for delivery in 2010-2011 are outlined in this section.

2010-11 is the final year of our three year planning cycle. Our programme of work will be a key contributor to the Scottish Government's objective of achieving a safer and stronger Scotland and delivering the related national outcomes. The Board's activities materially contribute to five of the Scottish Government's National Outcomes. These are:

- **National Outcome 7** - We have tackled the significant inequalities in Scottish society
- **National Outcome 9** - We live our lives safe from crime, disorder and danger
- **National Outcome 11** - We have strong, resilient and supportive communities where people take responsibility for their own actions
- **National Outcome 14** - We reduce the local and global environmental impact of our consumption and production
- **National Outcome 15** - Our public services are high quality, continually improving, and responsive to people's needs.

This plan outlines the outcomes the Board will achieve to contribute to the Scottish Government's National Outcomes. Each of the Board's outcomes will be driven by a project or programme of work and these are described in this section of the plan.

The delivery of the Board's outcomes will be achieved for the third year with an administrative budget which has remained the same for three years. It is also set against a background of the economic downturn and the increased need for advice and representation. In 2009-2010, we saw a substantial increase in applications and grants of legal assistance in civil cases, mainly as a result of the recession. We continue to see increased levels of applications.

We also continue to deliver more services, including activity to increase the provision of legal advice and representation for people facing repossession and other problems, such as debt. These include: administering grants for legal advice services, employing solicitors to provide legal services in areas where there is need and enhancing and expanding the In-Court Advice projects. We will also begin to take over responsibility from the courts for grants of legal aid in solemn cases and will introduce a new quality assurance peer review process for solicitors in summer 2010.

There have been substantial changes to the legal aid system in recent years and more changes will follow to ensure the system operates as effectively as possible. We are monitoring the changes to summary justice made in June 2008 to ensure that they operate effectively. We will do the same after the new tables of fees are introduced for solicitors in solemn cases and for counsel in appeal cases. We are also working with the Scottish Government, the Crown Office and the Law Society of Scotland to ensure that the legal aid system supports the Lord Advocate's interim guidelines on access to a solicitor and developing proposals for any further changes that may be required pending the outcome of the case of *Cadder v HMA*. Further changes may be required arising from Lord Gill's Civil Courts Review and the Board's programme of Best Value Reviews.

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## National Outcome 9: We live our lives safe from crime, disorder and danger

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Criminal legal assistance contributes to the achievement of this outcome because it helps support the effective operation of the justice system. It provides access to representation to those who would otherwise not be able to afford it and facilitates the efficient operation of the courts. The work done by solicitors and counsel and other costs, such as expert reports, are paid for by the Board through the Legal Aid Fund. In 2010-2011, we forecast that expenditure on criminal legal assistance will be around £103.7 million.

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The main outcomes we will pursue in 2010-2011 are:

**Outcome: Criminal legal assistance supports the effective operation of the summary justice system.**

**Project: Monitoring of the summary justice reforms**

With the Scottish Government, the Crown Office and the Law Society of Scotland, we are monitoring the operation of the 2008 summary justice reforms to ensure the summary criminal legal assistance changes support the efficient operation of the summary justice system. Where improvements to the scheme are required we will work with them to develop and introduce these changes.

**Outcome: Provide an effective duty solicitor scheme that assists the operation of the courts.**

**Project: Review of duty solicitor scheme and appointed solicitor procedure**

The Board manages the availability of solicitors to provide representation to accused people through the duty solicitor scheme.

In 2010, we are consulting on our review of the operation of the duty solicitor scheme, to ensure that it works effectively, supports the courts and provides advice and representation to accused in the most cost effective way. We plan to implement any changes in 2010-2011.

We are also reviewing the operation of the 'appointed solicitor' procedure introduced as part of summary justice reform to ensure this

achieves best value for the taxpayer and operates effectively to support the summary justice system.

**Outcome: Criminal legal assistance supports the effective operation of the solemn justice system.**

**Project: Granting solemn criminal legal aid**

The Legal Profession and Legal Aid (Scotland) Act 2007 transferred the power to grant solemn criminal legal aid from the courts to the Board. We completed the consultation on our proposed approach to the application of the financial eligibility test in May 2010. We expect to begin granting solemn criminal legal aid in autumn 2010.

**Project: 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 worked with the Scottish Government and the Law Society of Scotland to reform fee arrangements for solicitors undertaking solemn criminal legal aid work.

The new fee tables will come into force in July 2010. We will monitor the operation of these changes in 2010 to ensure they are effective.

**Project: Counsel's fees**

In 2009-2010, we worked with the Scottish Government, the Faculty of Advocates and the Society of Solicitor Advocates to review the

operation of the first instance fee tables. We will continue work to with them to develop the subsequent regulatory changes required.

In 2010, the Scottish Government implemented new increased tables of fees for criminal appeal cases for counsel. We will monitor the effectiveness of these fees with the Scottish Government and the Faculty of Advocates and the Law Society's Society of Solicitor Advocates.

**Outcome: Criminal legal assistance services provided by solicitors and counsel will be of good quality.**

**Project: Quality assurance for solicitors**

We will introduce a system of criminal quality assurance for solicitors in summer 2010. The Board and the Law Society of Scotland already operate a civil quality assurance scheme to assess whether the publicly funded advice and representation given by solicitors in civil matters is of a good standard. The criminal scheme will provide a similar level of assurance.

We also plan to work with the Scottish Government, the Faculty of Advocates and Society of Solicitor Advocates to develop proposals for a quality assurance scheme for counsel.

**Outcome: Provide advice to Scottish Ministers on eligibility for criminal legal assistance.**

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

We are reviewing the current system of financial eligibility assessment in criminal legal assistance to ensure that there is a consistent approach between the different types of criminal legal assistance.

**Outcome: The Public Defence Solicitors' Office (PDSO) will achieve the objectives for the service to be set by the Scottish Government.**

**Project: Public Defence Solicitors' Office objectives**

We are working with the Scottish Government to develop the future objectives for the PDSO network to ensure that they provide value for money and contribute to the efficient operation of the justice system.

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## **National Outcome 7: We have tackled the significant inequalities in Scottish society and National Outcome 11: We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others**

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Civil and children's legal assistance contributes to the achievement of this outcome because it helps people to access justice who would otherwise not be able to afford it; enables people to challenge inequalities and ensures that they can enforce or defend their rights; and makes advice available to allow people to help themselves and strengthen local communities.

We contribute to these outcomes, not only through the administration of the legal aid system but also through the direct provision of advice and representation through our network of employed solicitors in Civil Legal Assistance Offices and through the Board's grant funding programme - we provide funding for advice and representation across the country to tackle issues such as debt, housing and employment problems arising from the economic downturn. The Board does important work to monitor the provision of legal assistance across the country and plays an important role with Scottish Government and local authorities in developing a co-ordinated approach to the provision of advice services in Scotland.

The work done by solicitors and counsel and other costs, such as expert reports, are paid through the Legal Aid Fund by the Board. We expect expenditure in civil legal assistance to increase to around £61 million in 2010-2011 as a result of the continuing impact of the recession, changes to financial eligibility and the increase in solicitors' fees. We expect expenditure in children's cases to rise slightly to £4.5 million.

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In addition to maintaining and improving the operation of civil legal assistance, the main outcomes we will pursue in 2010-2011 are:

**Outcome: People can access advice on issues arising from the economic downturn**

### **Project: Responding to the economic downturn**

In 2009, the Scottish Government made an additional £3 million available to the Board to help people needing advice as a result of the economic downturn. The Board will continue to:

- administer grant funding of 16 projects to provide advice and representation services across Scotland

- employ solicitors in Highland and Islands, Argyll and Bute, Edinburgh and Aberdeen to provide legal services to people in need, particularly those facing repossession and other problems such as debt; and provide second tier advice to In-Court Advice projects and others
- fund the 8 In-Court Advice projects across Scotland.

We will monitor the operation of the grant funded projects and develop proposals for the Scottish Government for the funding of activities from April 2011.

**Outcome: The justice sector can make informed decisions on the planning and co-ordination of advice services to meet the needs of local people.**

#### **Project: Legal Services (Scotland) Bill**

The Legal Services (Scotland) Bill proposes that the Board is given a new statutory general function to monitor the availability and accessibility of legal services in Scotland and to give Scottish Ministers advice and information on this subject. In anticipation of the enactment of the Bill, we will develop monitoring processes with other justice sector partners to ensure that information is made available to Scottish Ministers.

#### **Project: Monitoring supply of civil legal assistance services**

We monitor the supply of legal assistance across Scotland and periodically report on the research we do. 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 or area of law faces difficulties, we can improve the lives of people in that area by providing help and advice where and when it is needed most.

**Outcome: Creation of a framework within which the provision of advice services can be better co-ordinated across Scotland.**

#### **Project: Planning and co-ordination**

The Scottish Government has asked the Board and the Convention of Scottish Local Authorities (COSLA) to work with them to further develop a strategic approach to planning and co-ordination of publicly funded legal advice services. Work is on-going with justice sector partners to develop the approach in 2010-11.

#### **Project: Contribute to tackling poverty**

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.

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.

**Outcome: Improved operation of the civil justice system.**

#### **Project: Implementation of proposals from Lord Gill's Civil Courts Review**

The Scottish Government is considering its response to Lord Gill's Civil Courts Review and the Review of Administrative Justice led by Lord Philip. The Board will work closely with the Government in considering the implications for access to justice of these reports, and the options for legislative and procedural change.

**Outcome: Development of proposals on making advice available by telephone to enable early intervention in problems**

#### **Project: Feasibility study into the provision of telephone advice services**

We will carry out a feasibility study into the provision of telephone legal advice services in Scotland and the positive impact that this may have on both access to justice and ensuring access to advice at an early stage.

**Outcome: An effective legal aid system which supports the new Children's Hearings System**

#### **Project: Children's Hearings Bill**

We will assist the Scottish Government to develop the legal aid scheme to support the proposed changes to the children's hearings system.

**Outcome: An effective legal aid system which supports the new tribunal structures**

**Project: Funding of representation in new tribunal structure**

We will assist the Scottish Government to develop the legal aid scheme to support the changes to the tribunal structures in Scotland.

**Outcome: Simplification of the civil legal aid financial application process**

**Project: Review of financial eligibility assessment in civil legal aid**

We are reviewing the way in which we assess financial eligibility in civil legal aid with a view to making the process simpler to understand and

easier to follow for applicants. This will include extensive changes to and shortening of the financial application forms.

**Outcome: Improved access to information, advice and representation for those involved in repossession or mortgage rights issues**

**Project: Homeowner and Debtor Protection (Scotland) Act 2010**

We are working with the Scottish Government and other justice sector partners on the implementation of the Act to ensure that when it comes into force, those whose home may be at risk can easily access information about the court process, where to seek advice and how legal aid can help.

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## **National Outcome 14: We reduce the local and global environmental impact of our consumption and production**

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We will review the environmental impact on the Legal Aid Fund (how we pay for legal aid cases) and the Board's administration (our operating costs). The Climate Change (Scotland) Act 2009 introduces new duties for public bodies to achieve the Scottish Government's targets on emissions reductions.

The outcomes we will pursue in 2010-2011 are:

**Outcome: We will seek to reduce the environmental impact of the legal and advice services we fund.**

**Project: Review scope to reduce travel**

With justice sector partners, we will examine the scope for increased use of video conferencing to help reduce the need for travel.

**Outcome: We will reduce the Board administration's impact on the local and global environment.**

**Project: Carbon Management Plan**

We will prepare for the implementation of the Climate Change (Scotland) Act 2009 by formulating a Carbon Management Plan which will set out our management of the organisation's carbon footprint through management of our water resources, energy requirements, waste and recycling.

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## **National Outcome 15: Our public services are high quality, continually improving, efficient and responsive to local people's needs**

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In the coming years there will be considerable pressure on public finances. We will carry out a major review in 2010-2011 to identify scope for further reductions in our administration costs and the Legal Aid Fund. We will achieve the following outcomes in 2010-2011 to contribute to an efficient, high quality public service which is responsive to stakeholders' needs.

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**Outcome: By the end of 2010-2011, almost all legal aid business with solicitors will be conducted online.**

### **Project: Legal Aid Online**

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. Most applications and accounts procedures will be available online in October 2010. We will continue to encourage and assist the profession in understanding the benefits legal aid online can bring to their businesses and applicants. We will end paper application processes by the end of March 2011.

**Outcome: The legal aid system provides value for money to the taxpayer**

### **Project: Tables of fees for counsel in civil and children's cases and for curators and reporters**

The Scottish Government intends to develop tables of fees for counsel, curators and reporters to ensure that they are paid appropriately for the work that they do and to ensure value for money for the taxpayer. Currently there are no tables of fees for sheriff courts cases and the Court of Session tables require to be updated. We will work with the Scottish Government, the Faculty of Advocates, the Society of Solicitor Advocates and the Law Society of Scotland and other justice partners to develop the fee systems.

### **Project: Review of the potential for savings in the Legal Aid Fund and the Board's administrative budget**

We are reviewing all areas of the Legal Aid Fund (the advice and representation services we pay for) and the Board's administrative budget to identify where we can operate more efficiently and identify areas where potential savings can be made.

As part of this review, 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.

We will identify where we can make further savings in our administrative costs, having regard to the impact of our administration on the cost of legal aid. These savings will be achieved partly through the implementation of our Information and Communications Technology strategy, more effective procurement and improved space utilisation.

The Scottish Government previously set an Efficient Government target of 2% for 2010-11 for both the Legal Aid Fund and our administrative costs. In addition, we are working with justice sector partners to look at changes that can improve the efficiency of the operation of the justice system as a whole. We are also working with other public bodies to identify shared services opportunities, adding to the shared premises and internal audit functions we already provide.

### **Project: Best Value Reviews**

We will continue the programme of Best Value Reviews which began in 2009 to review all aspects of the legal aid system. In 2010-2011, the reviews will include: review of civil case costs, accounts processing and the use and cost of outlays.

We will report on the first group of Best Value Reviews from 2009-10, including reviews of mental health and asylum and immigration advice and representation and appointed solicitor arrangements in summary criminal legal aid. We will take forward any recommendations for improvements to the operation of the system in 2010-2011.

### **Project: Benchmarking of corporate services functions**

We are part of a project set up by the Scottish Government to allow public bodies to compare activity, costs and management practice across four key corporate service areas: Estates, Finance, Information Systems and Human Resources. Analysis of the data will take place in 2010 and identification of areas of best practice across participating organisations. This project will enable public bodies to compare their relative costs in these areas with a view to adopting best practise.

**Outcome: Improve the efficiency of the legal aid system**

### **Project: Supplier Support Strategy**

We will roll out a Supplier Support Strategy to the firms providing the majority of legal assistance services, following piloting in 2009-2010. This will provide feedback to firms about our experience of their applications and accounts and other interactions with us. We expect this will help improve the efficient operation of legal

aid to the benefit of applicants, firms, the Board and the taxpayer.

**Outcome: The Board and the Scottish Government can make informed decisions on improvements to legal assistance based on the Board's research**

### **Project: Research programme**

Our research programme provides a strong evidence base for operational and policy development. This will include: reporting on the Solicitor Survey which began in 2010, building on the work done to explore methods of research to develop the views and experiences of criminal applicants and survey the views of opponents in civil legal aid cases.

**Outcome: The risks and incidence of fraud and abuse are minimised**

### **Project: Trends analysis**

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.

### **Project: Verification of applicants' financial circumstances**

We require evidence of the financial information provided to us by applicants for legal aid. We check benefits received with the Department for Work and Pensions. We will continue to check samples of the information provided by applicants and pursue those who provide incorrect or false information. We will also review the operation of financial verification by solicitors in advice and assistance following the publication of revised guidance in 2010.

## 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 is not cash limited and can be affected by numerous factors. Estimating the cost of legal aid is complex, particularly during times of changes to the justice system and the legal aid system and substantial changes in volumes of applications. For 2008-2009 and 2009-2010 legal aid expenditure was affected by the changes in VAT announced in 2008. In 2010-2011, the reversal of this change will add over £2 million to the forecast spend. The increase in VAT from January 2011 will increase expenditure in 2010-2011 and 2011-2012.

The Board has developed a model to estimate future legal aid spend. It relies 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. We have based our forecast on the information currently available. However, as volumes of applications can change, the forecast may change at different stages during the coming year. For example, if Scottish Government implements changes as part of the Efficient Government programme, this will help to reduce expenditure.

The following table sets out the current Legal Aid Fund forecast for the period 2009-2011:

	2009-10	2010-11
	Actual	Forecast
	£m	£m
Criminal legal assistance	98.4	103.7
Civil legal assistance	58.1	61.1
Children's legal assistance	4.9	4.5
Gross legal aid expenditure	161.4	169.3
Income	-11	-12.6
Estimated total expenditure	150.4	156.7

### Criminal legal assistance

Overall volumes of criminal legal aid applications are affected by many factors such as crime levels, police clear up rates, use of police direct measures and the decisions of the Crown Office and Procurator Fiscal Service to prosecute individual cases. Changes in the volume of applications for legal aid have a direct effect on spending.

#### Summary criminal legal assistance

In 2008-2009, the Scottish Government introduced major changes to criminal legal assistance to support the summary justice reforms. As anticipated, this has led to a shift in cases from summary criminal legal aid to ABWOR and a change in the courts in which cases are prosecuted. With other justice sector partners, we continue to monitor the impact of these changes and other changes in the justice system that impact legal aid.

The combined volume of summary and ABWOR applications has increased since the reforms and we expect the overall volume levels to remain the same in 2010-2011. The increase is being offset, in cost terms, by the greater than anticipated reduction in criminal advice and assistance which we expect will continue. The forecast for 2010-11 is £62.8million.

## Solemn criminal legal aid (court granted)

This volatility in volumes of solemn cases makes prediction of volumes, and therefore expenditure, very difficult, and highlights the importance of shared intelligence on volumes and a shared understanding on the assumptions underpinning the forecast. Solemn criminal legal aid expenditure is increasingly impacted significantly by individual cases that can be very large and very expensive. We are currently monitoring several such cases that are in the system at present and the forecast includes an amount for these cases.

In developing our forecast we have assumed that the volumes of solemn cases will continue at current levels. The impact of the fee increase for solicitors combined with the increase in average case costs means we forecast that solemn expenditure will increase to £40.9 million in 2010-2011.

## Civil legal assistance

The recession caused an increase in applications for civil legal aid and advice and assistance with large changes being seen in areas such as family/matrimonial and debt. 2009-2010 saw an overall 24% increase in civil legal aid applications. We forecast that the increased levels of applications will be maintained combined with a more modest increase in 2010-2011.

In civil advice and assistance, there was an increase in grants of around 5% and we expect that grants of civil advice and assistance will remain at this higher level in 2010-2011.

We expect that the forecast for gross civil legal assistance expenditure in 2010-2011 will be £61.1 million.

## Children's legal assistance

We expect volumes to stay at the same level as 2009-2010 and expenditure on children's legal assistance to be around £4.5 million in 2010-2011. This total is particularly susceptible to the impact of a small number of very expensive cases and will also be impacted by the recent backdated solicitors' fee increase which came into effect in June 2009.

## Administration resources

For 2010-2011, the Board has £13.1 million for administration costs. The amount of Grant in Aid given to us by the Scottish Government has remained the same since 2008-2009. This figure does not include carry forward of Grant in Aid between financial years.

We require resources to achieve our objectives and deliver our services efficiently and effectively. This includes the cost 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, mainly through reduced staff numbers as a result of investment in Legal Aid Online and other computer systems and through savings coming from further improvements to our procurement and space utilisation.

## Service standards and targets

### Our targets enable us to measure our performance to deliver ever higher service levels for applicants and their advisers

We have performance targets for making correct decisions within set timescales.

Our main roles include taking decisions on legal aid applications and assessing and paying the accounts of solicitors and counsel. Our indicators and targets provide a measure of our performance in these tasks. Our targets are agreed by Scottish Ministers annually.

The key measures of our performance are our headline indicators, which combine individual timeliness and accuracy targets for each legal aid type. They are weighted equally to help achieve an appropriate balance between the measures for speed of processing and the quality of decisions. They measure the time from the date of receipt of the application or account until the date of final decision or a payment is made, excluding any periods where the application or account has been continued for further information.

The accuracy and timeliness indicators are themselves the product of combining the results for our performance against detailed targets for accuracy and timeliness for each type of legal aid application or account.

For 2010-2011, we made significant changes to service standards and performance targets. We are keen to use our performance indicators to show that our online systems will deliver benefits to those who use them and we have maintained the different service standards between paper and online applications and accounts.

- We have moved to service standards based on working days, compared to the previous service standards which used calendar days. This provides a more practical basis for the service standards.
- For civil legal aid, the service standard for online initial applications has moved from 30 calendar days to 22 working days and online stage reports have been reduced from 10 days to 6 working days. And the performance standards for timeliness of extensions and reassessments of financial eligibility have been raised to match the 96% expected of all case types other than special urgency, which will remain at 97%.

We made significant changes to accounts assessment service standards to better reflect the time elapsed between submission of an account and the receipt of payment.

For civil, criminal and children's legal aid, the online service standard for assessment has been improved from "first action within 30 days" to the first payment being made within 15 working days and the final payment within 22 working days. The service standard for paper accounts is 30 working days.

# Criminal legal aid timeliness and accuracy service standards and targets

## Criminal legal aid applications

Timeliness (Percentage of applications actioned within service standard time)	Service standard		Target
	Paper applications (working days)	Online applications (working days)	
	Initial applications in summary cases	8 days	4 days
Sanction to employ counsel, expert witnesses or incur unusual costs	6 days	4 days	99%
Requests to change solicitor	6 days	4 days	99%
Reviews of refusal of initial application	9 days	4 days	99%
Applications to make an appeal in court	7 days	4 days	99%
Requests to reconsider a decision by the Board	9 days	4 days	99%
Special urgency cases received Mon - Thurs (summary first instance and appeals)	2 days	2 days	99%
Special urgency cases received Fri - Sun (summary first instance and appeals)	4 days	2 days	99%
Exceptional cases	5 days	4 days	99%
<b>All application types</b>			<b>99%</b>
<b>Accuracy</b>			
All application types	Error free		98%
<b>Headline indicator</b>			<b>99%</b>

## Criminal legal aid accounts

Timeliness	Service standard		Target
	Paper accounts (working days)	Online accounts (working days)	
	Paper fixed payment accounts to final payment	30 days	
Paper detailed accounts to final payment	30 days		97%
Online fixed payment accounts to first payment		15 days	97%
Online fixed payment accounts to final payment		22 days	97%
<b>All account types</b>			<b>97%</b>
<b>Accuracy</b>			
All account types	Error free		98%
<b>Headline indicator</b>			<b>97%</b>

# Civil legal aid timeliness and accuracy service standards and targets

## Civil legal aid applications

Timeliness (Percentage of applications actioned within service time)	Service standard		Target
	Paper applications	Online applications	
	(working days)	(working days)	
Initial applications	32 days	22 days	96%
Sanction for counsel, experts or unusual costs	7 days	5 days	96%
Requests to change solicitor	9 days	5 days	96%
Reviews of refusal of initial application	29 days	19 days	96%
Requests to extend the scope (14 day )	25 days	15 days	96%
Requests to extend the scope of the case (28 day)	32 days	24 days	96%
Reassessment of financial eligibility	28 days	15 days	96%
Special urgency cases received Monday-Thursday	2 days	2 days	97%
Special urgency cases received Friday-Sunday	4 days	2 days	97%
Stage report	10 days	6 days	96%
<b>All application types</b>			<b>96%</b>
<b>Accuracy</b>			
All application types		Error free	98%
<b>Headline indicator</b>			<b>97%</b>

## Civil legal aid applications correspondence

Case correspondence	Service standard		Target
	Paper	Online	
	14 days	12 days	95%

## Civil legal aid accounts


Timeliness	Service standard		Target
	Paper accounts	Online accounts	
	(working days)	(working days)	
Paper accounts final payment	30 days		97%
Judicial expenses paper accounts final payment	17 days		97%
Online accounts first payment		15 days	97%
Online accounts final payment		22 days	97%
<b>All account types</b>			<b>97%</b>
<b>Accuracy</b>			
All account types		Error free	98%
<b>Headline indicator</b>			<b>97%</b>

# Children's legal aid timeliness and accuracy service standards and targets

## Children's legal aid applications

Timeliness (Percentage of applications actioned within service standard time)	Service standard		Target
	Paper applications (working days)	Online applications (working days)	
	Sanction to for counsel, experts or unusual costs	5 days	4 days
Requests to change solicitor	5 days	4 days	99%
Applications to make an appeal in court	6 days	4 days	99%
Requests to reconsider a decision by the Board	7 days	4 days	99%
Special urgency cases (Mon - Thurs)	2 days	2 days	99%
(Fri - Sun)	4 days	4 days	99%
<b>All application types</b>			<b>99%</b>
<b>Accuracy</b>			
All application types	Error free		98%
<b>Headline indicator</b>			<b>99%</b>

## Children's legal aid accounts

Timeliness	Service standard		Target
	Paper accounts (working days)	Online accounts (working days)	
Paper accounts final payment (Online accounts will be available later in 2010-11)	30 days		97%
<b>All account types</b>			<b>97%</b>
<b>Accuracy</b>			
All account types	Error free		98%
<b>Headline indicator</b>			<b>97%</b>

# Advice and assistance timeliness and accuracy service standards and targets

## Advice and assistance applications

Timeliness (Percentage of applications actioned within service standard)	Service standard		Target
	Paper applications (working days)	Online applications (working days)	
Registration of grants of A&A by solicitors and issue of account synopsis by the Board	7 days	3 days	97%
Standard request for increase in authorised expenditure	7 days	4 days	96%
Templated request for increase in authorised expenditure	5 days	2 days	96%
Requests to reconsider a decision by the Board	7 days	4 days	96%
<b>All application types</b>			<b>96%</b>
<b>Accuracy</b>			
All application types		Error free	98%
<b>Headline indicator</b>			<b>97%</b>

## Advice and assistance accounts

Timeliness	Service standard		Target
	Paper accounts (working days)	Online accounts (working days)	
Paper accounts final payment	30 days		97%
Online accounts		N/a	N/a
Online first payment		15 days	97%
Online final payment		22 days	97%
<b>Accuracy - all accounts</b>		Error free	<b>97%</b>
<b>Headline indicator</b>			<b>97%</b>

## Corporate targets

	Standard	Target
<b>Complaints handling</b>	28 days	-
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.		
<b>Payment for goods and services</b>	10 days	90%

## 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 working days.

### 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 in which a first payment or the final payment is made within the service standard. The service standards are measured in working days from the date of receipt to the first or final payment excluding any periods where the account has been continued for further information. The time includes the BACS processing period. The standard applies to properly prepared and vouched accounts.