



The Recorder

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Acting on your suggestions

With the many changes taking place in legal aid at the moment, we want to give solicitors all the help we can to enable them to carry out legal aid work effectively and efficiently. To do this we have to know what you need from us - our recent survey of solicitors' views is helping us with this. We sent out more than 1000 questionnaires to solicitors and since the return of these we have held focus groups and one to one interviews with those solicitors who requested them. We are grateful for the continued interest and support of everyone who has participated in this programme.

In January we published some of the findings from our initial analysis. We are now able to give you more detailed information about the outcome and the action we are taking.

Averaging out the results, 81% of solicitors are satisfied or better with the services we provide. While we are pleased with this high degree of customer satisfaction there is room for further improvement in a number of areas. The following summarises the key findings and comments from the survey.

Applications

The majority of solicitors were satisfied with the time taken to deal with applications. However, some advice and assistance cases and a minority of civil applications, those dealing with self-employed applicants, were taking longer than was desirable. 88% considered that we provide enough information about the processing of an application when they phoned but they felt we could give more information about how long it would take to reach a final decision.

Turnaround times in the last three months have been our best ever in civil, with 91%, 92%, and 93% of applications being dealt with within six weeks, compared with the published target turnaround time of 90%. In the last two months, 83% and 90% of advice and assistance cases were dealt with within five days, compared with our published target time of 80%. We are developing specific target times for dealing with sanctions and transfers.

Most solicitors were satisfied with the consistency of decisions taken in criminal applications. In general they also considered that decisions in advice and assistance and civil were fairly consistent. However, some solicitors felt that the approach to increases was sometimes variable and mechanical, and that the approach to reparation, interdict and sanction requests was inconsistent. In criminal cases criticism about consistency was generally directed towards decisions in district court and minor sheriff court complaints.

Most solicitors were satisfied with the level of staff knowledge of court procedure but they felt that in the more complex civil procedures there was some inconsistency. Knowledge of

local court procedures in criminal procedure was questioned.

During the last nine months we have been providing increased training in legal matters for staff dealing with applications. We are building on this with a further intensive training course over the coming year. We believe that this is already bearing fruit with greater consistency and understanding.

Solicitors were divided on whether or not we provide enough information on how we calculate an applicant's legal aid contribution. Some people felt that we could give more details of how we make our assessments together with a detailed breakdown.

We are looking at our procedures for contributions breakdowns with a view to improving the information available to solicitors.

The majority felt that we did not provide enough information as to why applications etc. were refused. While this was also true of civil reviews, by far the greatest number of comments related to summary criminal applications closely followed by increases in authorised expenditure in advice and assistance.

We are now providing more information about reasons for refusing advice and assistance increases.

Communications

92% were satisfied with the content of the Recorder. The majority were also satisfied with our other publications. Where criticism was made it tended to be about the layout of the Handbook, the adequacy of the Taxation Guidelines, the frequency with which the Recorder is published and the timing of communications relating to policy and legislative changes.

We recently published a new issue of the Handbook with improved indexing and updated text. We have also issued new Criminal Fees and Taxation Guidelines and we intend to issue taxation guidelines for advice and assistance later in the year. Since May 1997 we have issued six Recorders - some dealing specifically with issues such as the pilot public defence solicitor scheme and the Code of Practice for criminal practitioners.

96% were satisfied with the helpfulness and courtesy of our staff, and almost as many with the way we deal with complaints. The majority were satisfied with the clarity of response and reply time to telephone calls. Any criticism was generally directed towards the consistency of information given and the clarity of computerised correspondence.

Our Accounts and Treasury areas will be reviewing the quality and consistency of correspondence over the coming year.

91% of solicitors were satisfied with our accounts synopsis forms. While the majority were also satisfied with our applications forms, the complexity of financial forms in civil and the length of these forms generally caused comment.

We constantly review our forms and the need for the information requested, and where possible we rationalise and simplify the forms.

93% of solicitors had attended seminars or courses run by Board staff but there seems to be a need for better publicity and marketing of these events.

We'll be making sure that solicitors are kept informed about these events through the Recorder and other means as appropriate.

Accounts

Accounts are generally paid within a satisfactory timescale but a number of solicitors felt that the larger accounts principally involving civil legal aid are paid within a less than satisfactory timescale.

Larger accounts obviously take longer to assess and, in some cases, we have to ask for additional information which has not been supplied and this adds to the assessment time. However, we are investigating ways of paying larger accounts more quickly and we are planning to produce enhanced guidance on the information we require from solicitors.

The majority of solicitors were satisfied with the consistency of the assessment of accounts. Where comment was made it was generally directed towards improved guidance in both civil and criminal cases and additional details of approved abatements.
The new Criminal Fees and Taxation Guidelines and the guidelines planned for civil and advice and assistance cases should greatly improve the information available.

Treasury

82% of solicitors were satisfied with the consistency of decisions where the Board is receiving money either from or on behalf of the client. Almost as many are satisfied with the information we give about our reasons for decisions. Where comment was made it was in respect of improved guidance and information in matrimonial cases on property recovered and/or preserved and more general guidance on the Board's financial system.
We have held training sessions for staff in our Treasury Division to increase their knowledge in the area of matrimonial cases and increase consistency in this area.

Financial Control

83% of solicitors use VAT vouchers with 94% satisfied with the format and layout of the those currently in use. Some solicitors suggested that we should improve the information on the breakdown of outlays.

Practitioner Mandate System

The majority of solicitors were satisfied with the operation of the system which helped with changes in employment within the firm. It was seen as an improvement on the previous system.

Where now?

As you can see, we are already taking action to improve our performance in many of the areas identified by solicitors during the survey. Some of the matters raised will take longer to deal with, but all of the comments made are being taken into account and considered in our business planning.

The customer satisfaction programme continues and we are now surveying other people involved in the legal aid process. The results of these and future surveys of the profession will provide us with the information we need to measure customer satisfaction and to improve the service we provide. The current survey has already given us a great deal of information which we shall be using to help us plan improvements for the future.

We hope that you are already noticing improvements and will continue to do so, so that when we next ask you, the satisfaction rate will be even higher. In the meantime, we welcome any other comments on our performance -you can talk to staff or management in the area concerned or contact [Fiona Shaw](#), our Communications Manager.

Code of Practice and registration news

Application deadline - 31 July

In order to guarantee that your application for registration on the Criminal Legal Assistance Register will be considered before 1 October, your application form and supporting information must be submitted to us by 31 July. The Board cannot guarantee that applications submitted after 31 July will be assessed by 1 October.

The Criminal Legal Assistance Registration Unit has been processing applications for registration since the beginning of April.

In most cases, our Compliance Auditors have had to contact the firm's Compliance Partner for clarification of some aspect of the procedural documents. While the auditors have the

time at present to discuss the applications in detail with Compliance Partners, this may not be possible if the majority of applications are submitted close to the 31 July deadline.

We would, therefore, encourage firms to submit applications as soon as possible. This will allow time for discussion of the procedures and ensure that firms who comply with the Code are accepted for registration well before 1 October, when the Code comes into effect.

Duty solicitor scheme

All solicitors who take part in the duty solicitor rota must be registered if they wish to continue to act as a duty solicitor. The current rota runs until December 1998. All solicitors who wish to remain on the rota after the Code comes into effect must ensure that they are registered by 1 October. Any solicitor who is not registered, must withdraw from the rota from 1 October.

Time recording

During the recent roadshows, we were asked by solicitors about computer time recording systems based on six minute units and whether this would be acceptable for Code purposes. We understand that some firms may be about to alter these systems to accommodate the Code's requirements for five minute blocks.

Before undertaking any such amendments to systems, we would encourage solicitors to contact the Criminal Legal Assistance Registration Unit (CLARU) for advice. The Compliance Auditors are available to discuss any issues relating to the Code or preparation of the required documentation. They can be contacted on 0131 226 7061, ext. 215 or 333.

Records of legal aid accounts

In July 1996, the Scottish Legal Aid Board made a complaint to the Law Society of Scotland regarding the professional conduct of a firm of solicitors in Glasgow.

The complaint related to apparently conflicting details drawn from the firm's criminal legal aid accounts submitted to the Board between 1993 and 1995. Unfortunately the firm's records for that period were no longer available and, in order to respond to the complaint, the partners had to collate a substantial amount of information from court records. This entailed significant time and expense for the firm.

This case highlights the importance of retaining records of individual client files. In terms of the Code of Practice, which comes into effect on 1 October, solicitors who carry out criminal legal assistance must retain all records relating to that work for at least three years.

Correspondence between prisoners and their legal advisers

We would like to remind solicitors of the procedures for correspondence between prisoners and their legal advisers.

- Procedures for confidential legal correspondence have been in place since the Campbell case in 1992. A Scottish Prison Service Circular No SOA/ 1992 (which was publicised in the Journal of the Law Society of Scotland) stated that when a legal adviser writes to a client, the letter will be sealed in an unstamped envelope on the outside of which will be written
 - the prisoner's name and prison number
 - the name, address and telephone number of the firm and a reference number
 - the words "legal correspondence"
 - the signature of the legal adviser or his/her clerk
- alternatively, the same information could be given in a covering letter, and the sealed envelope and the covering letter placed in a second envelope addressed and posted to the governor of the prison.

The Board will only consider it appropriate to pay for separate letters to the prison governor enclosing correspondence to a prisoner, in exceptional circumstances.

Advice and Assistance - giving advice on the same matter

Regulation 13 of the Advice and Assistance (Scotland) Regulations 1996 states that a client shall not be given advice and assistance on the same matter by more than one solicitor without the prior authority of the Board.

When you know that a client has already received advice in respect of a particular matter from another solicitor, this can be shown at Part E on the application form AA/APP. We also do our own checks to ensure that clients have not previously received advice from another solicitor.

If advice has been given previously and we feel it is appropriate for another application from a different solicitor to be accepted, the effective date of the second application is the date when we grant this authority. In these cases, therefore, the effective date will be changed from the date of the solicitor's declaration to the date of our decision to accept the application.

Legal Aid Publications

The Board produces a range of publications for the profession and the public. A list of these and where to order copies is shown here -

For the profession

- The Scottish Legal Aid Handbook, January 1998. Includes all current legal aid legislation. £12.50. Order from Geo Stewart and Co. Ltd.*
- Criminal Legal Aid Fees and Taxation Guidelines, March 1998. £2.00. Order from Geo Stewart and Co. Ltd.*
- Legal Aid Fees and Taxation Guidelines, 1994. Contains current information on advice and assistance and civil legal aid. £2.75. Order from Ritchie of Edinburgh.**
- Guidelines on Reparation Cases. £1.00. Order from Ritchie of Edinburgh.**

*Geo Stewart and Co. Ltd., Meadowbank Works, 67 Marionville Road, Edinburgh EH7 6AJ. Phone: 0131 659 6010. Fax: 0131 652 1348.

**Ritchie of Edinburgh, 161/163 Bonnington Road, Edinburgh EH6 5BQ. Phone: 0131 554 0431. Fax: 0131 553 6019.

For the public

We produce a series of four leaflets for applicants

- *How legal aid can help you if you have a civil dispute*
- *How legal aid can help you if you have been charged with a criminal offence*
- *What civil legal aid may cost you*
- *What you can expect from the Scottish Legal Aid Board.*

In addition we have a leaflet summarising the eligibility limits for advice and assistance and civil legal aid. All these leaflets can be obtained from our Communications Office on 0131 226 7061, ext. 426.