



Consultation on Advice and Assistance (A&A) and ABWOR

Appendix: consultation questionnaire

The closing date for this consultation is 5pm on Monday 6 November.

If you have any questions about this consultation, please email us at consultations@slab.org.uk.

Respondent information

Requested anonymity.

Specific questions

Q1: What are your views on the current operation of the A&A/ABWOR regime?

a: Are there any areas which are particularly problematic, and if so, why? Do you have any evidence of any adverse impacts of our assessment processes/policies in these areas?

One of the main issues is trying to obtain financial verification of income and capital. Despite advising clients that they need to bring an up to date bank statement (i.e. no more than 7 days' old) for all accounts they have to a first appointment the majority of clients find themselves unable to do this. A number of them hold accounts with banks who no longer have local branches, or they only receive statements quarterly. This delay matters. If some other method of checking capital could be used that would be helpful.

The mandate used to contain a nil capital declaration but no longer does so - can that be put in the forms in the future again

Generation of form 2 link does not always work and it does not seem possible to use the electronic form 2 unless it is in at the outset

Another issue is potential recovery particularly when clients simply stop instructing us. We often do not know if anything has been recovered. If there is recovery the items are frequently domestic or personal and of little cash value. The risk of not being paid means solicitors are reluctant to handle work where clawback may be an issue

b: Are there any areas which work particularly well/smoothly?

Applying for template increases.

Q2: Are there any specific changes you would propose to the operation of A&A/ABWOR, including with regards to financial assessment? (Please let us know if you are referring to a specific aid type - e.g. civil, criminal - or making a general observation)

As above - One of the main issues is trying to obtain financial verification of income and capital. Despite advising clients that they need to bring an up to date bank statement (i.e. no more than 7 days' old) for all accounts they have to a first appointment the majority of clients find themselves unable to do this. A number of them hold accounts with banks who

no longer have local branches, or they only receive statements quarterly. This delay matters. If some other method of checking capital could be used that would be helpful.

The form 2 link does not seem to work well.

Q3: Do you have any evidence or experience which suggests that any of our policies/practices in this area may impact negatively on particular equality groups or care-experienced young people?

Those adversely affected are those who are just above the eligibility for LAA of all types but cannot afford to pay private fees. They are stuck in limbo and cannot get representation

Q4: Is there anything else you would like to tell us about with regards to our policies in this area?

Many solicitors do not do financial cases on legal aid because of the low fees. This is creating an advice desert.