

Research Briefing

March 2011



Law accountants' views on the Board's accounts processes and the Legal Aid Online system

Background

The Board recently interviewed a number of law accountants to collect their views on the Board's accounts processes and to discuss the developments in the legal aid online system. Representatives from the Board's Specialist Accounts Unit and Legal Aid Online (LAOL) team attended the meetings where possible along with the Board's Researcher to allow for a two way discussion.

Aims and objectives

The project aimed to gather law accountants' views on the Board's accounts processes and address any questions they had regarding the accounts process and the Legal Aid Online system.

Key objectives were to:

- Gather law accountants' views on the Board's civil and criminal accounts processes, what they think works well and where improvements could be made;
- Explore law accountant's satisfaction with the guidance provided by the Board and the communication between the Board and law accountants;
- Discuss the roll out of Legal Aid Online and third party access with law accountants and address any questions they have.

Methodology

The Board contacted law accountants directly as well as through the Society of Law Accountants in Scotland and the Association of Independent Law Accountants to invite them to participate in the research. Seventeen semi-structured interviews were carried out with law accountants at 8 different firms.

The interviews captured the views of a broad range of law accountants ranging from those with a couple of years experience to those who had more than 30 years. It included a number of firms and some sole practitioners and there was a mix

of those that work on civil, criminal or both types of legal aid accounts. There was also a range of experience in the law accountants' use of the legal aid online system.

Summary of findings

Overall, the views expressed by law accountants about the Board's accounts processes were positive. The majority felt they had a good relationship with the Board and only required minimal interaction with the Board. What follows is a summary of the areas where law accountants felt improvements could be made and includes any plans or considerations the Board has for developments in these areas.

Forms and Guidance

Those who work on criminal legal aid accounts were generally satisfied with the form although some said it was "very busy" and that the font size was small making it difficult to read. For those that work on civil accounts some said that for them it could be unclear what exactly the Board was looking for in response to some questions and can result in having to spend time making adjustments at a later stage. Also, it was felt by some that the layout of the form can require the law accountant to jump to different sections rather than being led through the stages in sequence. These comments will be borne in mind by the Board in the development of the online system.

Law accountants were generally satisfied with the legal aid handbooks as a reference tool although several commented that the online version could benefit from more integrated links throughout the text, making it easier to flick between sections as one would do with a paper copy.

Suggestions to improve the guidance included reviewing it for the use of plain English and producing an "idiot's guide" to accounts to assist new law accountants.

Some law accountants said they would find it useful if the Board provided a set of 'frequently

asked questions and answers' and model accounts that illustrate good practice. The Board is already developing this and a set of 'frequently asked questions' and a model account for Solemn fees was just recently published on the Board's website. The Board will consider whether it is feasible to do something similar for civil accounts.

Abatements - consistency of advice and decisions

Some law accountants felt that the Board could be inconsistent in its decisions to abate an account, i.e. not abating an entry in one account but abating it in a different account the following week. Some also mentioned a perceived increase in abatements in recent months. This may be related to the changes in the fee arrangements for criminal legal aid. Some solicitors and law accountants are still adapting to these changes and are not always charging in line with the new arrangements, resulting in an increase in abatements. There has been no change to fees or regulations for A&A or civil legal aid accounts.

A number of law accountants provided examples of when the Board has abated an account based on the decision that work should not have taken as long as was charged for (e.g. abating an account because the Board thinks that a phone call that lasted ten minutes should only have taken two minutes). Law accountants felt that when this occurred the Board had not looked at the wider circumstances of the case in question (for example, if the client had mental health problems). However, the Accounts Assessment Officers rely on the information provided in the account for wider context, for example, a covering letter highlighting that the client suffers from mental health difficulties should help to reduce these types of issues at the initial stages.

Communication and contact with the Board

The law accountants interviewed said they would like to receive direct updates from the Board about new guidance etc. At the moment they have to rely on solicitors passing information on to them or visit the Board's website. The Board will look in to setting up an email distribution list so that law accountants can be emailed any relevant guidance directly or at least notified when information is updated on the website.

The law accountant's said they would like the Board to clarify its communications policy regarding when it will liaise directly with law accountants or when issues have to be discussed directly with the solicitor. The roll out of the online system is a good opportunity for the Board to clarify how communications between the law accountant, the solicitor and the Board will function once all accounts are processed online.

Key Findings - Legal Aid Online

The research also sought law accountants' views and experience to date of the Board's legal aid online system. Although law accountants can currently submit some types of account online (as a non-practitioner via the solicitor's network) the current system is not designed to meet the needs of law accountants. Full access for law accountants as well as case management integration plans are currently being developed and the findings from this research will be used by the development team.

Access to LAOL

Law accountants asked if the online system will 'time out' after a period of inactivity, for example, if the person is disturbed by a phone call. Online sessions will time out but only after 90 minutes of inactivity, long enough to safeguard that the user has not simply been distracted for a short time. There are currently no plans to introduce an offline mode and system downtime for maintenance will be rare.

One law accountant was concerned about the functionality of the online system for those who have poor eyesight as there appeared to be no way for the user to increase the size of text or enlarge the screen view. Although the font size can be changed using standard browser functionality this may or may not be sufficient. The issue has been brought to the attention of the Legal Aid Online team to consider in the future development of the system requirements.

Standard paragraphs and data input options

Some of the law accountants interviewed noted that the online system will not allow for the use of standard paragraphs. These are used by some law accountants when feeing up routine accounts and without them it was felt it could take longer to complete an account. The Board is considering the use of limited standard paragraphs in certain situations for criminal solemn fees, this is currently being explored. In addition, the Board is looking at the feasibility of offering a 'drag and drop' facility for multiple entries.

Some law accountants mentioned the lack of free text space which they use to provide additional information to be feedback to the Board. However, free text is limited for certain types of accounts because the Board aims to offer solicitors an automatic notification of payment where possible when applied for online. If there is a free text option then the Board would have to examine each account before a decision is made, therefore slowing the process down.

Law accountants said they would find it useful to be able to include 'nil entries' in the account to show a full record of work completed and provide information that may still be relevant even although it is not payable (preparatory work for

example). This is something that the Board is already planning to accommodate.

Analysis and tracking facilities

Law accountants asked about what record keeping and tracking facilities would be available on the online system (for example, a 'sent messages' folder, confirmation of receipt from the Board and the ability to track how many accounts have been submitted and paid that month). Clarification was sought on how the Legal Aid Online system will track version control as the account passes between the law accountant, the solicitor and the Board. Also, at present the Board's Accounts Assessors write their comments on a copy of the paper account and send back to the solicitor for further information but it is unclear where these notes and comments will be recorded on the online system.

These questions have been passed on to the Legal Aid Online team and will be addressed as the system requirements for law accountants are finalised.

Negotiations

Clarification was sought on how the negotiation of payments will function online and whether or not law accountants will be able to negotiate directly with the Board on behalf of the solicitor should they wish to do so. As mentioned earlier the roll out of the online system is a good opportunity for the Board to clarify its policy in relation to communicating with law accountants.

Also, law accountants mentioned that it is time consuming having to negotiate each abatement individually online. When an account is sent back to a solicitor with abatements they can choose to 'accept all'. However, there is currently no option to 'negotiate all' in a similar fashion and this is something that the Board may look at developing.

Conclusion

The recent engagement with law accountants was well received and law accountants welcomed the chance to ask representatives from the Board's accounts team questions and to raise any questions or suggestions they had about accounts moving online. The Board has gained an invaluable 'users' perspective on its forms, guidance and communication and the issues raised have been feedback to the relevant departments within the

Board to be taken forward. The Legal Aid Online team will be engaging with law accountants again later in the year as the online system is developed and all accounts move online. This will provide another opportunity to engage with law accountants and update them on developments.

Further information

This research briefing is also available on our website at:

http://www.slab.org.uk/about_us/research/Improvingoperations.htm

If you would like further information about this project please contact Carol Goater, Research Unit on 0131 240 1893 or email goaterca@slab.org.uk.



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