

Application Form and Terms and Conditions

Section 1 - Applicant Information

Organisation

Training Manager

Training Manager
email address

For how many trainees are you seeking funding? 1 2 3

If successful which area(s) of legal aid work, do you expect the trainee(s) to gain experience of during a traineeship:

Children's Legal Aid Civil Legal Aid Criminal Legal Aid

Are there any other areas of law that you expect the trainee to gain during the traineeship?

Which Sherifdoms does your legal firm/organisation have offices in:

Glasgow and Strathkelvin
Lothian and Borders
South Strathclyde,
Dumfries and Galloway

Grampian, Highland and Islands
North Strathclyde
Tayside, Central and Fife

Section 2 – Terms and Conditions

General

The Law Society of Scotland (the Society) has entered into an agreement with the Scottish Government to administer funding support for up to 40 traineeships with a focus on Legal Aid work. Those applying for this support will require to assist the Society in its administrative and reporting obligations under that agreement. Accordingly, by submitting this application for funding you are agreeing to and accepting these terms.

Objectives

Applicants agree to take all reasonable steps to support the objectives namely:

- To increase the capacity and capability of the legal aid profession in Scotland.
- To increase diversity and equality within the legal profession by the recruitment and retention of trainees from under-represented groups across the legal profession including people with a disability, from minority ethnic communities or from socio-economically disadvantaged backgrounds.
- To provide employment and training opportunities for the purpose of supporting economic regeneration and development.

Eligibility

To be eligible for an award from the Project, 20% of applicants' business turnover must be derived from legal aid funding. The proportion will be calculated by the Grantee using each applicant's average legal aid case volume and the applicant's average total case volume, based over the two years before 1 April 2020 or such date as is appropriate for the relevant accounting period.

Applicants are required to vouch that legal aid work accounted for at least 20% of turnover over the last two years prior to application. Applicants can vouch this by declaring that legal aid work accounts for at least 20% of their turnover over the relevant period and either:

(a) producing their last two years' certified accounts, from which the Grantee will calculate the proportion of legal aid work done, based on declared turnover divided by declared amount received from the Scottish Legal Aid Board (SLAB) in the relevant years.

or

(b) producing a certificate from their accountants for the relevant period demonstrating 20% of applicants' business turnover is derived from legal aid.

In the event that an applicant chooses to provide vouching by way of option a) but ultimately cannot demonstrate eligibility through that process (including after any recalculation), they must provide vouching under option b).

By making this application the organisation declares it meets the above criteria.

Eligible Costs

The eligible costs for which the Grant can be claimed are:

- Making payments to firms for 50% of the following costs (where actually incurred and excluding any VAT):
 - Salary set at the Society recommended rate of remuneration
 - Employers National Insurance contribution
 - Employers Pensions contribution
 - Costs of Admission inclusive of notary public fee
 - Early admission course
 - Practising certificate and Roll fees
 - Scottish Legal Complaints Commission Levy
 - Trainee CPD/Required CPD

Once approved for funding applicants require to:

- advertise the funded traineeships via LawScotJobs for a minimum period of 14 days and invite applications using the Society's standard form for funded traineeships
- adverts on LawScotJobs should explicitly state that posts are open to applicants from all backgrounds, and that applications from groups that are under-represented within the legal profession are encouraged, including from people with a disability, from minority ethnic communities or from socio-economically disadvantaged backgrounds.

- adverts on LawScotJobs should highlight, where applicable, any relevant family friendly policies the recipient has in place to support the workforce, such as flexible working or part-time working arrangements.
- state that candidates must have an LLB in Scots law from a provider accredited by the Law Society of Scotland OR have completed a Pre-PEAT Training contract; and have completed a Diploma in Professional Legal Practice before commencing the traineeship
- apply selection criteria in line with the objectives in addition to the Society's rules and requirements in relation to traineeships
- ensure, and provide evidence, that those trainees employed with support from the fund are undertaking legal aid work.
- pay any funded traineeship at least the recommended rate of remuneration for trainees as set by the Law Society of Scotland.
- periodically release funded trainees for extra training including free training by SLAB.
- accept to take part in monitoring and audit arrangements and any longitudinal evaluation.
- take all reasonable steps to support the Society in complying with its obligations under the Scottish Government traineeship support scheme
- and generally otherwise follow the procedure laid out by the Society from time to time including the requirements of the Admission as Solicitor (Scotland) Regulations 2019 and subsidiary guidance.

Payment for Approved Funding

Applicants will submit requests for funding monthly in arrears providing details of the eligible actually incurred expense, and on request by the Society vouchers for same.

Subject to these terms the Society will pay applicants monthly in arrears.

Applicants will notify the Society within 14 days of any material change in circumstances which might reasonably affect eligibility or the right to payment.

Information Sharing and Data Protection

- All information submitted by the Society to the Scottish Ministers may need to be disclosed and/or published by the Scottish Ministers. Without prejudice to the foregoing generality, the Scottish Ministers may disclose information in compliance with the Freedom of Information (Scotland) Act 2002, any other law, or, as a consequence of judicial order, or order by any court or tribunal with the authority to order disclosure. Further, the Scottish Ministers may also disclose all information submitted to them to the Scottish or United Kingdom Parliament or any other department, office or agency of Her Majesty's Government in Scotland, in right of the Scottish Administration or the United Kingdom, and their servants or agents. When disclosing such information to either the Scottish Parliament or the United Kingdom Parliament it is recognised and agreed by both parties that the Scottish Ministers shall if they see fit disclose such information but are unable to impose any restriction upon the information that it provides to Members of the Scottish Parliament, or Members of the United Kingdom Parliament; such disclosure shall not be treated as a breach of this agreement.

- On behalf of the organisation I confirm that I have notified all practitioners identified in this application form that their personal data will be shared with the Scottish Ministers and the Law Society of Scotland and processed by the Scottish Ministers and the Law Society of Scotland for the purposes of processing, assessing and reporting on this application and the use of the fund to which application is made, and notifying of the outcome of this application and where relevant processing any award and monitoring in relation to this application. I confirm that I have complied with and will continue to comply with all applicable data protection laws in connection with making this application, including providing practitioners and prospective trainees with all information required under Articles 14(1), (2) and (4) of the UK GDPR in connection with the processing of the personal data of such Data Subjects for the purposes of this application.
- The Society's [privacy policy](#) at www.lawscot.org.uk applies in relation to the usual traineeship processes and obligations
- Applicants agree to keep records in relation to the traineeship and payments for six years after the last payment and to provide reasonably requested information and authorise the Society to share application, funding request, post traineeship outcomes, demographic and reasonably required supporting information with the Scottish Government to demonstrate compliance with the funding objectives.

Limitations

- **Funding**
 - Submission of an application does not guarantee approval.
 - Traineeships must commence no later than 1 April 2022.
 - Applications approved for funding will still be subject to the following limitations
 - the total payment for any individual trainee position will not exceed £25,000 in total
 - no more than 3 training places can be funded per applicant
 - no payments will be made, nor liability accrue in respect of
 - full time traineeships after 31 March 2024
 - part time traineeships after 31 March 2026
 - traineeships after they have ceased for any reason
 - traineeships after they have been seconded or assigned
 - traineeships after they have completed irrespective of the grant of a discharge
 - applications found to have been based on any fraud, deception or impropriety
 - any funding request after termination of the funding agreement by the Scottish Government for any reason.
- **Approval for Funding**
 - Applications shall be considered on a first come first served basis. In the event the number of traineeships applied for and meeting the eligibility requirements exceed the available funded places the Society shall be the sole arbiter of funding approvals applying criteria based on meeting the objectives. There shall be no appeal.

- **General**

- These terms are supplemental to the usual traineeship obligations in terms of the legislation, and the Society's rules and Admission Regulations.
- The Scottish Government are not a party to this application and the agreement constituted by its submission and acknowledgement by the Society.
- The Applicant shall ensure that it and its employees comply with applicable law and in particular but without limitation shall not breach the terms of the Bribery Act 2010 in relation to this or any other funding support.
- This contract is governed by the Law of Scotland and the applicant and the Society hereby prorogate to the exclusive jurisdiction of the Scottish Courts.

I authorise the Society to seek confirmation from third parties of any matters pertinent to a proper consideration of this form. I am authorised to sign this form on behalf of the Applicant. The information given in this form is correct and complete to the best of my knowledge and belief.

Signature

Date

Returning the Form

Please download this form and return to: traineeshipfund@lawscot.org.uk. Application is assumed to be acceptance of the terms and conditions outlined in the document.

GDPR, Data Protection Act 2018. For information about how we use your personal data see our [privacy policy](#) at www.lawscot.org.uk