**LEGAL AID AGENCY WEBINAR**

TRANSCRIPT

**Criminal Legal Aid Reform – Advocate Graduated Fee Scheme:
Part 2 – Paper heavy cases**

Hi, and welcome to the second session erm, of our discussion today and today. I'm going to talk you through paper heavy cases and how to claim special preparation for those paper heavy cases.

With the introduction of the 2020 regulations – so where you have a representation order dated after `7 September 2020, the PPE thresholds changed for the majority of the offence bandings. So previously you were only able to claim special preparation where the PPE threshold exceeded was either10,000 pages, 15,000 p or 30,000 pages. With the introduction of the 2020 regulations erm, there are I believe 17 different PPE thresholds now.

If you refer now to, I believe it’s slide 6 of the handouts, the table of the fees and the table of the offence bandings is available. Erm, in today’s session I’m going to take you through the PPE form that we case that you complete when you are submitting a paper heavy claims special preparation.

Before we do that, I’m just gonna go through erm, what sort of detail we would expect you to provide with your claim.

So when claiming the paper heavy cases we would ask that you only claim the time that you had spent considering those pages that are served in excess of the PPE threshold. Erm, by way of example, an offence band 11 which is a burglary type of offence the PPE threshold is 350 pages.

Where you’re claiming for viewing any pages served in excess of this we can only pay for the pages that have been read in excess of the 350 pages erm, that are included within the fix -erm, within the graduated fee.

I am gonna share my screen so that you can see the special preparation form. I am a little be ahead of myself.

Erm, you should now be able to see on screen the ASP2 form. This is available to download from the GOV.UK website if you type in ‘ASP2’ or ‘special preparation’ this form should come up in the search results for you.

We’ve tried to simply this form as best we can so that we are only asking information that assist our consideration of your claim. Erm, please take some time to familiarise yourself with the form. And please provide as much information as you can whenever you are submitting a claim.

So, the first action of the form is the case details. So within this section we would ask that you tell us what your name is. Erm, we’d also ask you provide your provider n’ account number so, erm, that would be your advocate supplier number. We’d also ask that you provide us with the MAAT number that is associated with this case. So you can find the MAAT number on your original representation order.

(Cough) We also have a box here - I’m gonna click into it and you see that we can add a tick into it. Erm, this box is to confirm that the, the preparation you are claiming within this form has not been claimed anywhere else.

The next section of the form is the hours claimed. So we’ve broken the form down into three sections. We have section one which covers where your claiming for special preparation because the PPE exceeds a particular threshold. Section two is where your claiming wasted preparation. And section three is where your claiming special preparation because the case involves either a very unusual or novel point, or factual issue.

In this example we are only completing erm, section one which is pages served in excess of the threshold. The example I’m that gonna go through is a very simple example, it’s a very straightforward example

If you are claiming many more hours than in this example, we would expect that you provide much more detailed information.

If I Scroll down a little bit, we have a supporting evidence checklist. So, in the left-hand column we have the information that you need to provide for all claims. So for every single claim where you're claiming special preparation, you need to provide the indictment.

The indictment tells is what offences your client is charged with. It also gives those an idea as to the time period of those offences.

We'd also ask that you provide the representation order and any amendment orders, erm, we need to see the representation order, because that just gives us an indication as to which regulations we need to apply. It also tells us when work can have, can be got, can begin on the case.

We also ask that you provide us with the LAA report and or any notices of additional evidence. This allows us just to see how much evidence has been served in the case and what the breakdown of that evidence is.

We'd also ask that you provide us with a work log, erm, within the work log we would ask that you provide details as to the date that you've undertaken the work, the number of hours that you are claiming on each occasion that work is being undertaken,

Erm, a brief description of the work that you've done. So if you're reading statements, if you could just let us know that you're.. that is exactly what you are doing and where applicable tell us how many pages of evidence you are reading, erm, within that preparation.

In the right hand-column we have a list of materials that are only requested or only required in certain circumstances. So, the first item is electronic evidence. So if any part of your claim for special preparation involves the consideration of electronic evidence, we would ask that you provide that material to us. We would ask that you provide that via the secure file exchange or ‘galaxkey’.

Erm, if you're claiming for a very unusual or novel point of law or factual issue, we would ask that you provide us with the work product. And for any case over 10 hours - sorry, any claim over 10 hours, we would ask that you provide us with the case summary. The case summary just gives us more detail as to what the charges are against your client and what their alleged role is.

I will move on.

So as I mentioned, you only need to fill in this section that correlates with your claim for special preparation. In this example, we are only claiming the PPE threshold, so we will only complete Section 1.

In Section 1, the first line we have is a drop-down menu that allows you to select the correct banding that your client is charged with. So in this example they are charged with burglary or robbery and the PPE threshold is 350 pages.

Erm, if I Scroll down a little bit, we then have a table and a table breaks up the claim into the number of pages of documentary evidence. So that would be your statements, your exhibit your, erm, transcripts of interviews. In this example, there were 150 pages of documentary evidence.

If the were pages of documentary evidence that you were claiming as special preparation, you would need to enter it into this box and you would also need to tell us how many hours and minutes you are claiming for viewing that material.

In this example there is some electronic evidence also claimed erm, so there are 200 pages of electronic evidence which takes the PPE threshold to 350 pages. We are also claiming time for viewing 800 pages of electronic evidence erm, and for those 800 pages we are claiming five hours of special preparation.

If I Scroll down…

We have section 1B. This is only to be completed where you are claiming time for viewing electronic evidence and within this box we would ask that you provide us with detail..., detail as to what that electronic evidence is.

So, in this example there is a full phone download report. We've got the name of that exhibit, so it's NCB1. We also know that this report is in PDF format. It's a total of 1,000 pages and there is a breakdown as to which pages have been included within the PPE threshold.

Erm, there's also a little bit of background information as to why these pages should be included within the PPE, so the defendant is charged with conspiracy to rob - the cause, the chat, and the messages were key to the prosecution case, and so they should be included within the PPE threshold.

If we Scroll down a little bit further, we have another box which is available here, and within this box we would ask that you provide us with details as to how you have approached this material, erm, and what I would material it is. So in this example, erm, the…, the material or the evidence is in PDF format. There's no duplication between the format and as I say there is just a little bit of background detail as to erm, the consideration of this material.

Now, obviously this example that I've shown you today is a very small example, if only for five hours. Where you are claiming larger amounts of special preparation, we would expect that you provide more detail as to the material that you're considering, erm, and just more detailed background reps.

I think one point that I should make really clear is, all as we get to assess your claims is the material is the, the detail that you provide within this form, so it's really important that you gave us as much detail as you can. And by giving us that detail it should hopefully help us assess your claim first time round.

Erm, if I Scroll on a little bit further, we do actually have the background and the justification section of the form, erm, so again in this example, we've got a little bit of detail as to the client’s charged with three others he's charged with conspiracy, erm, and it just gives a little bit of background as to the preparation undertaken on this case.

And that is this part of this session over now.

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