



Legal Aid  
Agency

Working with others to achieve excellence in the delivery of legal aid

# Prison law 2017 Standard Crime Contract

## Guidance for providers

May 2022



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# Overview

The [2017 Standard Crime Contract \(SCC\)](#) is valid until 30 September 2022 and is published on GOV.UK.

## Matters in scope

The following matters are in scope:

- sentence calculation cases
- referrals to Close Supervision or Separation Centres
- legal issues arising from a client's Category A classification
- disciplinary cases
- Parole Board cases
- Parole Board reconsideration cases from 22 July 2019

Section 13.1 of the [Criminal Bills Assessment Manual \(CBAM\)](#) also has further information on matters that are in scope.

## Application procedures

A properly completed application, signed by the client, must be kept on file for Audit purposes. You must not make a claim in this class of work unless the client has signed the application forms and is financially eligible to receive assistance (SCC 12.15).

## Postal rules

Wherever possible, you must arrange for the client to complete the application forms by post, after you receive instructions and before you commence work (SCC 12.16).

You should, wherever possible, conduct advice and assistance by way of correspondence with the client, or by video link or telephone. Personal attendance must be justified on a file note (SCC 12.17).

## Financial eligibility

The CRM1 must be fully completed, even if the client has £0.00 income and capital.

If the form is left blank or crossed through the claim will be assessed to nil in accordance with SCC 4.24 and Annex B point 8 of CBAM.

It's important to note that not all prisoners are single, and their partner's means may need to be included. Where the client is single no further evidence of means is required where their only source of income is their prison income. Reasonable endeavours should be made to ascertain this (a copy of the prisoner's account would not be required). A note should be made on the CRM2 and 3 in these circumstances. However, the capital assessment should be undertaken and the prisoners' income should be included on the form (Section 13.3.5 CBAM).

SCC 3.5 to 3.8 and section 13.3 and Annex B of CBAM has further information on financial eligibility.

## **Advice and assistance**

If it is not clear that there is going to be an oral hearing, you must start the case on the basis that you will be providing advice and assistance (SCC 12.28).

If that matter is subsequently directed or listed for an oral hearing, you must claim the advice and assistance costs, and then start a fresh advocacy assistance matter (CBAM 13.13.1, 13.13.2, and 13.13.5).

## **Advocacy assistance**

If there is going to be an oral hearing, you must start the case as advocacy assistance (SCC 12.27 and section 13.11.3 of CBAM).

'Listed for an oral hearing' means that an oral hearing has been directed to take place, not that you have a date. As soon as the case is directed to an oral hearing an Advocacy Assistance matter must be opened (SCC 12.28).

### **Delegated functions**

You can use delegated functions to grant an application for advocacy assistance. A written application is granted by the signature of a practising solicitor who is a designated fee-earner in your organisation or your supervisor (including your prison law supervisor in relation to prison law matters). The application section of the form must be fully completed and signed by the client beforehand. Delegated functions do not operate retrospectively (SCC 4.33).

## Sentence calculation cases

Advice and assistance is available for matters regarding a sentence.

The sufficient benefit test will only be satisfied if:

- the work relates to a sentence where the date of release is disputed
- the client has been unable to resolve their complaint through the prison internal complaints procedure

Advice and assistance must not be given to a client within six months of being sentenced. It is expected that it would be given by the provider who represented the client at the time of the sentencing hearing (SCC 12.76).

Applications for minimum term review to the High Court are claimable under advocacy assistance as an exception.

You can refer to SCC 12.68 – 12.80 and CBAM 13.6 for further information.

## Referrals to Close Supervision or Separation Centres

Advice and assistance is available for clients who have been referred to either type of centre.

The sufficient benefit test is automatically met at the referral stage.

Once the client has been moved there are ongoing monthly or quarterly reviews. These reviews are in scope, but you must address the sufficient benefit test on each occasion. These reviews are claimed under the same fixed fee as the initial referral and there could be several reviews claimed for a lengthy period.

You can refer to SCC 12.68 to 12.80 and CBAM 13.7 for further information.

## **Legal issues arising from Category A classification**

Advice and assistance or advocacy assistance is available.

This covers legal issues arising from a client's classification of Category A, including any representation at the directors Category A panel.

The sufficient benefit test must be addressed.

You can refer to SCC 12.81 to 12.89 add CBAM 13.8 for further information.

## Disciplinary cases

Advice and assistance or advocacy assistance is available.

Disciplinary cases before an Independent Adjudicator also covers cases for indeterminate sentence prisoners where extra days cannot be added but where the charge is otherwise so serious that it is referred to an Independent Adjudicator. The sufficient benefit test will be deemed to be satisfied automatically for cases before the Independent Adjudicator for whatever reason (SCC 12.92).

In disciplinary cases where the prison governor grants permission for legal representation at the hearing following the successful application of the Tarrant Criteria the sufficient benefit test will need to be satisfied. A note setting out how this is met must be kept on file.

A form DIS3 completed by the Governor must be kept on file to show the Tarrant Criteria have been applied and legal representation granted.

You can refer to SCC 12.90 to 12.100 and CBAM 13.91, 13.9.2, 13.9.3, 13.9.4, 13.11.3, and 13.11.4 for further information.

## Parole Board cases

Advice and assistance or advocacy assistance are available to convicted prisoners who are subject to proceedings before the Parole Board. Recall cases are in scope if written representations are submitted.

All cases referred to the Parole Board are in scope. This unit of work also covers the pre tariff sift which is claimable under advice and assistance.

Advice and assistance in recall cases will remain available where written representations are submitted to the Parole Board (or initially the Public Protection Casework Section) to consider the re-release of the prisoner (CBAM 13.10.5).

You can refer to SCC 12.101 and CBAM 13.10 for further information.

## Parole Board reconsideration cases

The right to challenge Parole Board decisions outside the courts is exercised through a 'reconsideration mechanism' which came into force on 22 July 2019.

Written representations in circumstances where either the victim (via the Secretary of State) or the prisoner applies for a reconsideration will be covered by the substantive Parole Board case fee. You can apply for a reconsideration under advice and assistance if the client has transferred from an existing provider (SCC 12.50) or did not receive advice and advice or advocacy assistance for the substantive Parole Board case.

If the Parole Board direct that a Reconsideration Hearing is to take place either on the papers or at an oral hearing, then a subsequent advocacy assistance fee can be claimed.

A separate advocacy assistance fee will be claimable if the Parole Board directs the matter for a reconsideration hearing.

There may be circumstances where clients have not received advice and assistance, or advocacy assistance connected to their Parole Board case. Advice and assistance can be provided when making applications for reconsideration for these clients.

You can refer to SCC 12.101 and CBAM 13.10.3, 13.10.4, 13.13.6 and 13.14 for further information.

## Rates

Rates and Fees are set out in the [Guide to Changes Reporting Crime Lower work](#) available on GOV.UK. You should report actual costs incurred on LAA online. [Guidance for Reporting Crime Lower Work](#) is also available on GOV.UK.

### Advice and assistance (PRIA)

- CRM1 and 2 – paid a fixed fee and disbursements
- Travel and waiting costs aren't paid separately
- 8 units of work minimum – 48 minutes at preparation hourly rates – see SCC 12.80 and 12.87 and CBAM 13.11.5
- Could be an Escape Fee – see SCC 12.79, 12.86, 12.97 and 12.107

You can refer to SCC 12.68 – 12.89 for further information.

### Fixed fee (net) and escape fee thresholds

	Up to 19 March 2014	From 20 March 2014	From 1 July 2015	From 1 April 2016
<b>Fixed fee (net)</b>	£220	£200.75	£181.50	£200.75
<b>Escape fee threshold</b>	£660	£602.25	£544.50	£602.25

### Hourly rates

	Up to 19 March 2014	From 20 March 2014	From 1 July 2015	From 1 April 2016
<b>Preparation and attendance</b>	£49.60	£42.80	£38.69	£42.80
<b>Travel and waiting</b>	£26.30	£24.00	£21.70	£24.00

<b>Letters and calls</b>	£3.70	£3.38	£3.05	£3.38
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## Advocacy assistance – disciplinary cases (PRIB / PRID)

- PRIB – advocacy assistance at disciplinary cases - CRM1 and 3 - standard fee (either lower standard fee or higher standard fee) and disbursements
- PRID - advocacy assistance at sentence reviews - CRM1 and 3 – standard fee (either lower standard fee or higher standard fee) and disbursements
- The standard fee payable is determined by the profit costs (attendance / preparation / advocacy / letters / calls) and waiting costs excluding VAT
- 8 units of work minimum – 48 minutes at advocacy hourly rates. See SCC 12.98 and CBAM 13.14.3
- Could be an Escape Fee – see SCC 12.97 and 12.100

### Standard fees (net)

	Up to 19/03/2014	From 20/03/2014	From 01/07/2015	From 01/04/2016
<b>Lower standard fee (LSF)</b>	£223.48	£203.93	£184.37	£203.93
<b>LSF limit</b>	£391.30	£357.06	£322.82	£357.06
<b>Higher standard fee (HSF)</b>	£618.26	£564.16	£510.06	£564.16
<b>HSF limit</b>	£1,853.91	£1,691.69	£1,529.48	£1,691.69

**Hourly rates**

	<b>Up to 19/03/2014</b>	<b>From 20/03/2014</b>	<b>From 01/07/2015</b>	<b>From 01/04/2016</b>
<b>Preparation and attendance</b>	£56.15	£51.24	£46.32	£51.24
<b>Advocacy</b>	£68.25	£62.28	£56.31	£62.28
<b>Travel and waiting</b>	£26.30	£24.00	£21.70	£24.00
<b>Letters and calls</b>	£4.05	£3.70	£3.34	£3.70

**Advocacy assistance – Parole Board cases (PRIC / PRIE)**

- PRIC - advocacy assistance in a Parole Board case CRM1 and 3 – standard fee (either lower standard fee or higher standard fee) and disbursements.
- PRIE - advocacy assistance at Parole Board reconsideration hearings - standard fee (either lower standard fee or higher standard fee) and disbursements.
- The standard fee payable is determined by the profit costs (attendance / preparation / advocacy / letters / calls) and waiting costs excluding VAT.
- 8 units of work minimum – 48 minutes at advocacy hourly rates. See SCC 12.108 and CBAM 13.14.3
- Could be an Escape Fee – see SCC 12.112

**Standard fees (net)**

	<b>Up to 19/03/2014</b>	<b>From 20/03/2014</b>	<b>From 01/07/2015</b>	<b>From 01/04/2016</b>
<b>Lower standard fee (LSF)</b>	£479.13	£437.21	£395.28	£437.21
<b>LSF limit</b>	£1,023.48	£933.93	£844.37	£933.93

<b>Higher standard fee (HSF)</b>	£1,593.91	£1,454.44	£1,314.98	£1,454.44
<b>HSF limit</b>	£4,780.87	£4,362.54	£3,944.22	£4,362.54

**Hourly rates**

	<b>Up to 19/03/2014</b>	<b>From 20/03/2014</b>	<b>From 01/07/2015</b>	<b>From 01/04/2016</b>
<b>Preparation and attendance</b>	£56.15	£51.24	£46.32	£51.24
<b>Advocacy</b>	£68.25	£62.28	£56.31	£62.28
<b>Travel and waiting</b>	£26.30	£24.00	£21.70	£24.00
<b>Letters and calls</b>	£4.05	£3.70	£3.34	£3.70

# Matter type codes and outcome codes from 21 February 2018

## Matter type codes

- 18 Sentence calculations
- 19 Category A
- 21 Close Supervision Centre referrals and assessments
- 23 Minimum Term Review applications
- 33 Written representations - Parole Board
- 34 Written representations - Disciplinary
- 35 Oral representations
- 37 Separation Centre
- 38 Pre-Tariff Reviews

## Outcome codes

- PL01 Discontinued
- PL02 Change of Solicitor
- PL03 Written Representations Successful
- PL04 Written Representations Refused
- PL05 Adjudication Guilty Plea
- PL06 Adjudication Guilty After Hearing
- PL07 Adjudication Not Guilty After Hearing
- PL08 Adjudication Cracked Hearing
- PL09 Parole Paper Hearing
- PL10 Parole Oral Hearing Successful
- PL11 Parole Oral Hearing Not Successful
- PL12 Proceeded to Reconsideration/Judicial Review
- PL13 No further action
- PL14 Minimum Term Reviewed at the High Court

[Guidance for reporting crime lower work](#) is available on the CWA codes guidance page on GOV.UK.



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