



Legal Aid
Agency

Help us to say yes Webinar: Exceptional cases

High Cost Family (HCF)

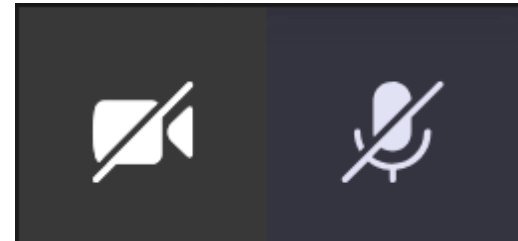
04 July 2023

Technical tips for this webinar:

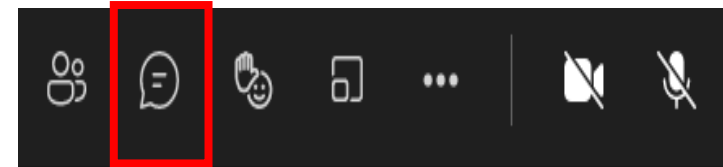
1. Please put yourself on mute during the webinar
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HCF: Exceptional Cases:

Purpose of the webinar:

- To provide you with information of when to apply and how to justify exceptional cases to assist you in getting it right first time



By the end of the webinar, you will have an understanding of:

- How to register your case as high cost
- How to justify an exceptional case
- The process once exceptional funding has been granted
- Evidencing a good submission

Overview of exceptional care cases



Overview of exceptional care cases:

- All single counsel / solicitor advocate care cases will be managed via the care case fee scheme (CCFS) once registered high cost.
- For a case to be considered exceptional:
 - You should inform us when you register the case as high cost **and**
 - Payment under CCFS would not properly remunerate (30% test)
- If your exceptional request is granted, you can submit a fully detailed case plan

The criteria for a case to be treated as exceptional are set out in both the:

- [Full Case Planning Information pack](#) ,and
- [High Cost Family 1 Counsel CCFS Information Pack v6 \(publishing.service.gov.uk\)](#)

The registration process



Registration process: Section 31 Care and Supervision Cases:

- When your case is approaching £12,500 and above:
 - It is *strongly advised* you start considering if your case is going to become a high cost case
- When it is clear that a care case will exceed £25,000:
 - Submit a CCMS 'VHCC' case enquiry to request your case is registered as high cost ***and***
 - You must include an application for the case to be treated as exceptional, if applicable

Registration process continued:

The following information will need to be provided:

- Level of court and amount of enhancement applied
 - Pre-contract profit costs at hourly rates
 - Pre-contract profit costs based on CCFS
 - Number of pre-contract hearing days and advocates meeting
 - Post contract predicted profit costs
 - Post contract predicted CCFS
 - Post contract predicted number of hearing days and advocates meetings.
 - Your full justification to show that the case is exceptional.
-
- Once you have all the above information, it should be clear whether costs at hourly rates will be 30% above CCFS for the duration of the case.

Please note:

If there is too much information for a 'VHCC case enquiry', you should request a case plan task be created. You can then provide your full request to use hourly rates.

Exceptional justification



Exceptional justification: Submission of a full case plan:

You should set out the circumstances leading to the exceptional costs.

The following are the circumstances where this may arise (list not exhaustive):

- Complex issues
- Unusual and complicated facts
- Conflict of expert evidence
- Significant disputes between parties
- Vulnerable client
- Late change representation
- Low number of hearings / meetings

Please note: For full wording of the above, please refer to Section 4 of [High Cost Family 1 Counsel CCFS Information Pack v6 \(publishing.service.gov.uk\)](#)

Process once granted



The process following an application for exceptional is granted:

Once the exceptional application is granted:

- A case plan task will be created (unless one exists due to the space issue with a 'VHCC case enquiry')
- The case plan must be submitted within 4 weeks
- **Please note:** If the case plan task is not received in the specified timeframe, and you do not request an extension, the registration date moves to the date we receive the case plan.

Example of a good submission



Initial contact to register a case high cost exceptional:

04/07/2023 20:00***IS@FAMILYOLICITORS.COM*** Comments:

Nature and details of enquiry: HCF Registration

Method of contact: PUI (Provider user interface (CCMS))

Enquiry Details:

To whom it may concern,

Please register this case as high cost. We would like to apply for exceptional to escape CCFS and use solicitor hourly rates.

Please provide a task to enable us to upload our exceptional justification and information on our costs.

Yours sincerely,

A Solicitor

Example of information required:

Level of court and amount of enhancement applied:

- County Court with 30% enhancement

Pre-contract profit costs at hourly rates:

- £15,748

Pre-contract profit costs based on CCFS:

- $10 \times £774 = £7,740$

Number of pre-contract hearing days and advocates meeting:

- 7 hearings
- 3 advocates meetings

Post contract predicted profit costs:

- £5,000

Post contract predicted CCFS:

- $7 \times £774 = £5,418$

Post contract predicted number of hearing days and advocates meetings:

- Advocates meetings
- Issue resolution hearing (IRH)
- 4 day final hearing

Exceptional request: Example of a full written justification:

The proceedings are complex, with voluminous papers including police disclosure, medical records, disclosure in respect of the deprivation of liberty (DOL) proceedings, weekly update logs from the residential unit and complex issues and disputes in respect of disclosure and any redacted disclosure to the intervener (mother's ex-partner) and the father of the children. The bundle consists of 1624 pages. A cognitive functioning assessment has been undertaken of the client by Dr X in which they report the following:

- The client will require additional time and explanation to enable her to embed her knowledge of tasks and procedures.
- The client will also require a small-step structured approach with much repetition and 'over-learning' of information and procedures

Substantial costs have been incurred because of the complexity of the case and the client does not speak English. They require assistance of an interpreter both at court and at appointments scheduled at the office. The client has had to attend at the office numerous occasions to enable us to go through their evidence filed in these proceedings. We have also prepared three complex statements on their behalf and two threshold responses. Due to the mother's limited cognitive understanding of the court process and procedures, they struggle to understand advice provided, therefore repeat attendances at the office have been necessary to ensure they fully understand.

Additional guidance / contact us



Additional guidance / contact us:

- [Full Case Planning Information pack](#)
- [High Cost Family 1 Counsel CCFS Information Pack v6 \(publishing.service.gov.uk\)](#)
- Contact us on CCMS using: 'VHCC case query'

Our training website:



CCMS Quick Guides

- [Ministry of Justice: Civil landing page](#)

CCMS Online Training

- Sign up on 'Eventbrite'

Online Support Webchat

- Use Webchat for help with IT system issues

Webinar Recordings

- Our 'Help Us Say Yes' webinars focus on areas where there have been issues or high enquiry levels
- Popular sessions are posted on the training website: [Ministry of Justice](#)

Our communications channels:

Legal Aid Bulletin

- A fortnightly e-alert with links to relevant pages
- Join our thousands of subscribers



Social Media

- Follow us on Twitter
- Get help from our customer service twitter account
- Read our blog



LAA Portal

- We post the status of our online systems on the portal's home page



Contact the presenters:



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