



Legal Aid  
Agency

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# Your Questions Help Us Say Yes Webinar

## Civil High-Cost Family Team: transfer of high cost cases

15 December 2022



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## High-cost family interactions

**Q: Can you please confirm the correct date to be inserted on the front page of the contract if it relates to a transferred certificate?**

**A:** There are two dates requested:

1. **Contract made on date:** The day you sign the contract
2. **Contract start date:** This date is just below 'contract made on date'. This is the date the certificate was transferred to you if already registered, otherwise the certificate start date if you registered

**Q: What happens when the first provider registers the case as high costs but does not select to proceed on an hourly rate basis and so Events applies. Is there the opportunity for the second provider to request a change from Events to hourly rates whether this is single counsel or two counsel upon transfer of the certificate?**

**A:** Yes. Yours is a separate contract and we will look at any "exceptional" request at the stage you take over should you wish

**Q: What if the first provider does not provide a figure for cost allocation, despite asking for it? We have quite a few transfer VHCC cases where the first provider are not providing details or submitting their case plans. Should we immediately submit a case plan?**

**A:** It can depend on the time involved. However, you should not wait if the matter is a full case plan, or you are not receiving any communication. If necessary, we can always look at your costs / contract in isolation

**Q: What if you need cover urgently to cover a hearing etc? Can it be expedited?**

**A:** If there is something which necessitates a response within 48hrs we can deal with a transfer urgently. You will need to identify this at the time of request, or indeed during the process when we can prioritise the request.

**Q: When there is a transfer and cost of firm 1 have been agreed but, there is unacceptable delay on the part of firm 2 to upload firm 1's contract and allocate firm 1's costs, can firm 1 simply bypass firm 2 and seek to finalise payment with the VHCC team directly?**

**A:** The billing functionality in CCMS is separate from the case planning process, and the responsibility of the billing team. If it is no fault of your own, you should be able to obtain your costs. Speak to the case manager initially via VHCC Enquiry so we can intervene if necessary, and a process can be agreed to allow you to be paid.

**Q: Is exceptionality decided separately for each firm?**

**A:** In theory yes, we can always look at exceptionality. However, the guidance states that this should be at the time of registration but will depend on individual circumstances. Certainly, post transfer there is a possibility that the circumstances are different to the original registration

**Q: We have been waiting for a considerable period, have contacted their Contract Manager but still no progress, cases have concluded, and we cannot submit the final case plan. We have also contacted our CM but no progress.**

**A:** This appears to be case specific. Please contact us via VHCC Enquiry or if you have already tried that route, contact [highcostfamilyfixer@justice.gov.uk](mailto:highcostfamilyfixer@justice.gov.uk)

**Q: When a transfer has been made, and our high-cost plan has been agreed. Are we able to submit our bill or do we have to wait until the new Solicitors are ready to submit their bill?**

**A:** It can depend on individual circumstances. If it is not pre agreed this end, then you may receive a rejection to a bill submission.

**Q: Is there a seminar about completing the case plan itself?**

**A:** There are copies of webinars on our training website covering both the care case fee scheme (CCFS) and full case plans.

**Q: For CCFS cases, if a case is registered after transfer and a contract signed by the new provider can the previous provider then elect to claim their work via events fees?**

**A:** Yes, if a claim hasn't already been made, the choice is yours.

**Q: What difference does it make if the lead case was a child who was almost 17?**

**A:** A non means / merits funding certificate comes to an end when a child turns 17. You must therefore apply for a means / merits tested certificate if the client wishes to remain part of the proceedings. How the contract is managed administratively will depend on the circumstances and you will need to agree with the case manager.

**Q: We have a matter may go VHCC early next year depending on listing. It is a private law matter so will be a fully costed plan. It is multi aspect and we are provider 2. Firm 1 have been paid their DA costs as they did not escape the standard fee. Their CA and Finance aspects escape the standard fee, so they have prepared hourly rate claims but not submitted as there is no authority for assessment yet. Both CA and Finance are ongoing. If we register as VHCC how do I prepare the case plan - for costs to date do I keep Children and Finance figures separate or do I amalgamate both together chronologically? Also how do I prepare stages of the case plan? Obviously if Children and Finance are both ongoing, there will be different stage ends? Do I do separate stages for Children or Finance or again do I amalgamate them and estimate costs in chronological order?**

**A:** This appears to be case specific. Please contact us via VHCC Enquiry or if you have already tried that route, contact [highcostfamilyfixer@justice.gov.uk](mailto:highcostfamilyfixer@justice.gov.uk)

**Q: I've had issues with a high costs case on an abduction matter, who is it best contact as the high costs case team are not being very helpful?**

**A:** It is always best to speak to the case manager. However, if you are not receiving assistance you can always contact the fixer service on [highcostfamilyfixer@justice.gov.uk](mailto:highcostfamilyfixer@justice.gov.uk)

**Q: I have used the amend provider details to change the contact to myself when fee earners have left / retired but the notifications have continued to still go to the original contact and have been missed. Has this been resolved now?**

**A:** If the Provider Contact is changed then we would expect notifications will be sent to the new one and not the old one. If this is a regular occurrence, then please contact our Online Support team at [online-support@justice.gov.uk](mailto:online-support@justice.gov.uk)

**Q: We are the first set of solicitors in a private law matter. The certificate has been transferred and then registered as high cost. CCMS will not allow me to submit an interim bill which will be an exceptional bill, I am told we now must wait for the second firm to submit their final claim. Where is the sense in this as we are not a party to the high-cost contract?**

**A:** Obtaining payment would need the authority of the case manager so you would need to submit a general enquiry is CCMS being the first solicitors. However, those costs form part

of the pre contract costs in the case plan, so would need to be agreed by the case manager.

**Q: If it has been registered as CCFS and then it gets transferred can we submit our claim provided our case plan has been agreed?**

**A:** If the costs have been agreed and the contract is in force, yes you should be able to submit a claim for payment.

**Q: James mentioned about 1 case manager looking at the same case, does that mean if there are 2 or more parties separately registered as high costs on the same matter, will they each be dealt with by the same case manager?**

**A:** The same case manager will look at both case plan submissions for the same case where a certificate has been transferred. Separate parties will not be dealt with by the same case manager, although we may cross reference the other plan / submission for consistency of rates, experts etc.

**Q: You touched on it earlier, but can you clarify if interim billing permission is a setting on CCMS that needs to be enabled, or a note from a case worker - or both?**

**A:** There is an interim bill restriction setting at our end in CCMS, but the important thing is agreement from the case manager.

**Q: If we are last firm acting and final case plan agreed, and certificate limit amended. Do all the firms have to submit at the same time?**

**A:** All outstanding bills should be submitted at the same time. Processing the final bill causes CCMS to automatically balance the case, recoup all POA's etc so all other billing from either previous firms or counsel need to be done before that final bill.

**Q: Why do the new sols have to submit claims from the previous firm? It would make sense for each firm to submit their own HCC claims.**

**A:** In CCMS all firms have their own cost allocation and ability to submit their own claim. The requirement is that they are done at the same time because the final bill payment automatically starts the case balancing process.



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