



Legal Aid
Agency

Help us say yes webinar: Civil billing: 10 top tips for reducing rejects

Civil Billing Team

22 November 2022

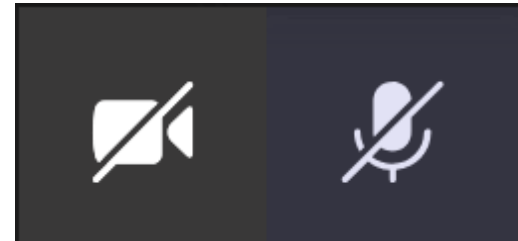
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Technical tips for this webinar

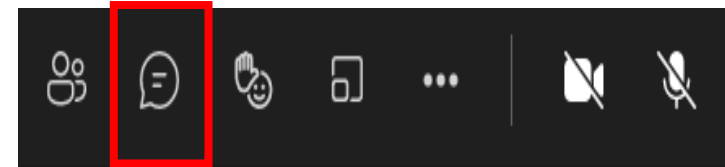
1. Please put yourself on mute during the webinar
2. You can ask us questions at the end of each session through the 'meeting chat'
3. Click on the 'meeting chat' to ask a question
4. You can keep the meeting chat open throughout to view other people's questions
5. Email us if you experience technical issues during the webinar:

communicationsdepartment@justice.gov.uk

Camera and audio off when icons appear like this:



Click here to view the meeting chat



Civil billing rejects:

Purpose of the webinar:

- The purpose of this webinar is to help you get your civil bills paid first time by giving you helpful hints and practical tips to assist you in avoiding common billing reject reasons



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

- What the top 10 reject reasons are
- How you can avoid rejects
- Where you can access additional support and training

Countdown: Top 10 reasons for rejects



10. Court orders to evidence an expert fee are not provided:

How your data will show this: Court orders (experts)

There are certain expert fees that generally require a copy of the court order to be provided with the bill and invoice.

Please note: Where prior authority has been granted, the court order will not be required, unless there is a significant variation between the prior authority granted and the actual final claim.

Drug & Alcohol Testing

- Court orders should list the following:
 - The party to be tested
 - The substances to be tested
 - The type of testing
 - The length of any testing
 - The apportionment of costs
- The testing requested should match the testing that has been ordered by the court: [10.14 Electronic Handbook](#)

Top Tip:

You can assist caseworkers by highlighting any relevant directions within the order and annotating the invoice with the date of the order. This will help to avoid directions being missed.

10. Court orders to evidence an expert fee are not provided:

Transcription

- Where transcription of a judgement has been ordered by the court, a copy of the court order directing this should be uploaded with your bill and invoice.
- In cases where there is no order for transcription, but it has been necessary to obtain a transcription of the judgement (for instance an appeal), please provide an explanation why an order has not been provided.
 - [10.31 Electronic Handbook](#)

Top Tip:

When there is an unusual apportionment of expert fees, and prior authority has not been granted, a copy of the court order and explanation for the apportionment will help on assessment.

Guidance on apportionment: [Guidance on authorities and legal aid for cases in courts outside England and Wales](#)

10. Court orders to evidence an expert fee are not provided:

Risk assessments

- When claiming the rate for a specialist risk assessment expert, the court order must specify that a 'risk assessment' is required.
- Other factors that may indicate this codified rate should apply include:
 - A. Work that is being done is over and above that requiring independent social work expertise, for example
 - There is a substantiated criminal allegation relevant to the proceedings in the immediate background of the case; and
 - A finding of sexual abuse or other abuse relevant to the case has been made by a court.
 - B. The report is specifically required to address the risk posed as a result of the above factors.
 - [10.27 Electronic Handbook](#)

Top Tip:

Where an expert fee, or disbursement, is unusual in nature or unusually large, you may wish to apply for prior authority. Prior authority may also be sought where there is no codified rate set out in the Regulations for an expert type: [3.1 Guidance on the Remuneration of Expert Witnesses in Family Cases](#)

9. Incomplete outcomes:

How your data will show this: Outcomes

Damages or costs not recorded:

- If your claim shows that damages or costs were awarded but these have not been recorded in the outcome, the claim will be rejected for you to submit a new outcome
- If you need to submit a new outcome, you will need to request that the previous one is cleared
- Please submit a 'billing enquiry'

Top Tip:

Please use the following guidance: [CCMS advanced guide: Reporting Outcomes/Discharge including with a Cost or Damages Award](#)

Submitting bills alongside counsel:

- CCMS cannot store counsel's bills until the outcome is processed. This can lead to both counsel and solicitor bills being rejected if the outcome has not been processed when counsel's claim is allocated to a caseworker.

Top Tip:

When billing alongside counsel, wait until the outcome has been processed before arranging for solicitor and counsel claims to be submitted together.

8. Missing FAS hearing evidence:

How your data will show this: Advocates attendance form missing or incomplete

We require the court order for all hearings claimed under the FAS, not just those heard remotely. Court orders have replaced the Advocates Attendance Form as the standard evidence for FAS hearings.

However, the court order should include the following details:

- Hearing start time, including the time of any pre-hearing discussions where these have been ordered by the court
- Hearing end time, including any time granted by the court to agree the order
- Length of any lunch break or other adjournment that cannot be used to calculate the fee
- Details of any overnight adjournment where an interim hearing is heard over more than one day
- The size of the advocates' bundle
- Confirmation of bolt-ons and which party may claim them.

Further guidance on FAS evidence can be found: [Remote hearing guidance](#)

Top Tip:

When a court order does not include the detail above, please submit a copy of your attendance note, including the above information, with your bill and court order.

7. Missing court orders for additional FAS fees:

How your data will show this: Court orders (FAS)

Advocates meetings:

- Advocates meetings are only claimable in public law proceedings when they are ordered by the Court.
- Two advocates meetings would be expected per case so the LAA does not request to see court orders for the first two claimed, but they must still be ordered by the court.
 - [14.17-14.18, Appendix 2, Costs Assessment Guidance 2018](#)

Top Tip:

It is good practice to upload the order listing the advocates meeting for every claim. This prevents the claim being rejected in the event that two advocates meetings have already been claimed.

Early Settlement:

- A copy of the final order is required when:
 - Public Law proceedings settled at an Issues Resolution Hearing (IRH)
 - A settlement fee is being claimed in Finance proceedings
 - A Finding of Fact hearing resolved proceedings in a private law children case

6. Incorrectly claimed FAS hearing fees:

How your data will show this: FAS: Incorrect hearing unit / fee claimed:

- FAS hearing fees are generally calculated in one of two ways:
 1. Interim hearings: Hearing unit 1 or multiples of hearing unit 2 may be claimed depending on the length of the hearing. The hearing is generally measured from the time it is listed to start (including any pre-hearing discussions directed by the court) to the time the hearing concludes, disregarding any lunch break or overnight adjournment. Where heard over multiple days, the total time across each day should be considered in order to calculate the correct fee.
 2. Final hearings: A daily fee is payable for final hearings. This is payable for each day of the final hearing, excluding any day set down solely for the court to hand down Judgement where no advocacy is expected. Advocates' meeting and conference fees cannot be claimed on the same day as a final hearing fee.
- Where FAS has been claimed incorrectly the bill will be returned

Top Tip:

To help ensure you claim the correct fee please use the civil claims rates calculator:

[Civil claims rates calculator](#)

6. Incorrectly claimed FAS hearing fees:

How your data will show this: FAS: Incorrect hearing unit / fee claimed:

- Other common issues include cases where the final hearing fee has been claimed in error:
 - The final hearing fee may be claimed where the court has listed the hearing for determination of either the whole case, or all issues relating to an aspect of the case (domestic abuse, children or finance)
 - Generally, there will only be one final hearing per aspect
 - **Please note:** A hearing listed with a view to the issues being dealt with under a consent order, or which is otherwise not expected to be effective or contested, is not a final hearing.

Top Tip:

Direction hearings, case management hearings and dispute resolution appointments are not considered to be final hearings, even if they conclude the matter, and as such should be claimed as interim hearings.

6. Incorrectly claimed FAS hearing fees continued:

- The final hearing fee will apply to the following:
 - Issues resolution hearing held under the public law outline that concludes the case
 - Finding of fact hearings as these are generally considered to form part of a split final hearing for remuneration purposes. Please note, a final hearing fee should still be claimed for a finding of fact in private law in the event of it not being split with the final hearing
 - Return hearing in domestic abuse proceedings:
 - Including cases where the respondent is expected to attend but fails to appear, but excluding matters where the client withdraws their application, or the respondent confirms in advance that they will not be contesting the application

5. At provider request:

How your data will show this: At provider request

At provider request is when you have submitted an incorrect claim and you have asked for the claim to be returned.

- Reasons for these requests include:
 - Missing items
 - Drafted at incorrect rates
 - Supporting evidence is not yet available
 - Bill submitted on the wrong certificate

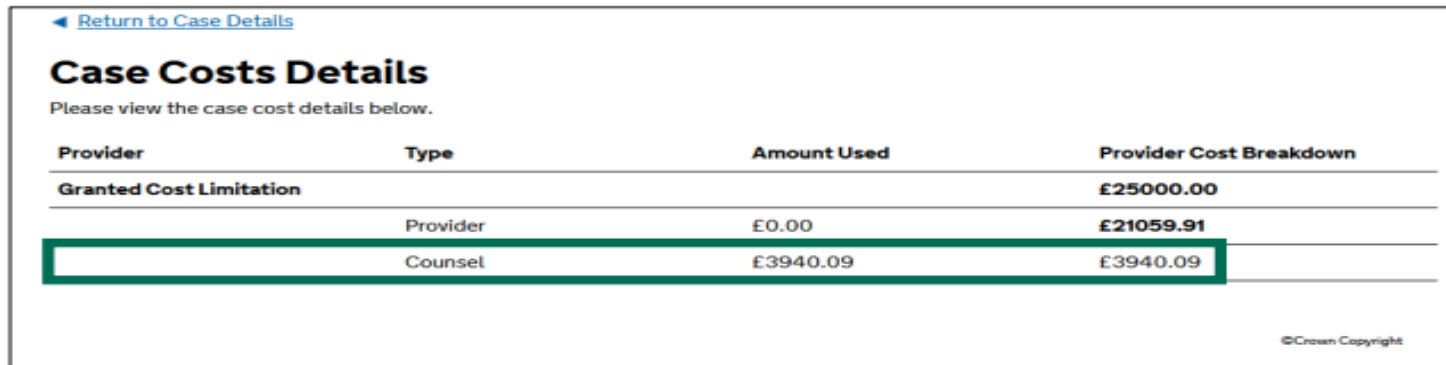
Top Tip:

Before submitting a claim, consider if there are any expert invoices that you have not yet received.

4. Counsel fees do not match allocated costs:

How your data will show this: Counsel fees do not reconcile with allocated costs

- Counsel are generally allocated their own costs limitation on CCMS. The final costs paid to counsel must match their allocation (excluding VAT).
- For FAS cases, where you are submitting the final bill, the LAA require the balance of costs remaining to counsel to be £0.00 (nil).
 - This is to ensure that there are no further claims from counsel. Your claim will be rejected if the remaining balance is more than £0.00 (nil).
 - You can check the amounts allocated and paid to counsel via the '*Case Costs Details*' screen.



Return to Case Details			
Case Costs Details			
Please view the case cost details below.			
Provider	Type	Amount Used	Provider Cost Breakdown
Granted Cost Limitation			£25000.00
	Provider	£0.00	£21059.91
	Counsel	£3940.09	£3940.09

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Top Tip:

Counsel's costs allocation on CCMS is net only and should not include VAT.

4. Counsel fees do not match allocated costs:

- You can check the remaining costs allocated to counsel prior to submitting the claim via the 'Case Statement of Account' screen.
- The 'Total Counsel Cost Ceiling' line shows the full amount allocated to counsel.
 - This screen also confirms whether counsel has submitted a bill that has not yet been authorised (this is particularly helpful where solicitor and counsel bills are to be processed together).

Case Statement of Account			
Please note that if a Bill or Payment on Account is in draft status, you will not be able to create a new Bill or POA until the Draft Bill has been submitted.			
	Prior Solicitor	Counsel	Total
Certificate Cost Limitation	£ 24,550.40	£ 449.60	£ 25,000.00
Total Counsel Cost Ceiling		£ 449.60	£ 449.60
Current Undertaking	£ 0.00	£ 0.00	£ 0.00
Bills Authorised	£ 0.00	£ 0.00	£ 0.00
Bills Submitted but not Authorised	£ 1,352.47	£ 449.60	£ 1,802.07

Top Tip:

Further guidance can be found: [CCMS advanced guide: Provider Billing With Counsel](#)

3. Missing information from the disbursement vouchers:

How your data will show this: Disbursement voucher detail insufficient

- Invoices for experts should be produced by the expert and should contain the following details:
 - The expert's name
 - The specialism of the expert
 - The address of the expert, why they are claiming travel and where they are travelling to and from
 - The client's name
 - A breakdown of the work undertaken. The breakdown should contain the hourly rate or contain sufficient detail to allow the hourly rate to be easily determined
- If the expert's invoice does not contain these details, you will need to request an amended invoice or email confirmation of the missing information.

Top Tip:

If the expert's invoice does not contain details of the travel claimed, please provide the full details in the bill narrative.

- If the amount you are claiming is less than the amount on the disbursement voucher, this should be clearly explained within the bill narrative.

2. Missing disbursement vouchers:

How your data will show this: Disbursement voucher not uploaded

- Disbursement vouchers are required for all disbursements of £20 and above (inclusive of VAT)
- Your bill will be returned where disbursement vouchers are not provided
- This requirement also applies to high-cost case bills
- Below is the standard evidence expected:

Type of Disbursement	Standard Evidence Requirement
Court fees / mileage	Ledger
Train, Bus, Taxi Fares or Parking	Ticket or receipt
GP medical records / police disclosure	Receipt, invoice or letter from medical centre / police confirming payment
Other experts	Invoice

Top Tip:

Where the above evidence is not available, due to the age of the fee, a list of alternative evidence is available: [10.2 Electronic Handbook](#).

1. Prematurely submitted solicitor bill:

How your data will show this: Solicitor bill premature

Previous firm have not submitted their bill:

- Fixed fee bills:
 - If the previous provider(s) bill is a fixed fee claim, this must have been paid before you submit the Solicitor Final Bill
- Hourly rate bills (including cases that have escaped the fixed fee):
 - Providers can choose one of the following options;
 - Claim all firm's costs as a single bill submitted by the final provider
 - Submit separate bills to be considered together
- Further guidance on submitting claims where there has been a provider transfer can be found on the legal aid training and support website: [CCMS advanced guide: Provider billing after a transfer of provider](#) (Billing of Transfer of Provider)

Top Tip:

Where you are claiming another firm's costs, or the previous firm is not making a claim, please upload written authority from the previous provider with your claim.

1. Prematurely submitted solicitor bill:

Counsel and solicitor bills not submitted together:

- When counsel are making a claim at hourly rates, these must be submitted at the same time as the solicitor's bill.
 - This includes the submission of supporting documents.
- If counsel has failed to submit their claim or respond to the document request, all claims will need to be rejected.
- Further guidance on submitting claims where counsel has been instructed can be found on the legal aid learning website: [CCMS advanced guide: Provider billing with counsel](#) (Billing with counsel)

Top Tip:

When liaising with chambers to submit counsel and solicitor bills together, agree a date when all claims will be submitted.

- Please confirm they will need to upload the documents on that day to prevent a reject.

1. Prematurely submitted solicitor bill:

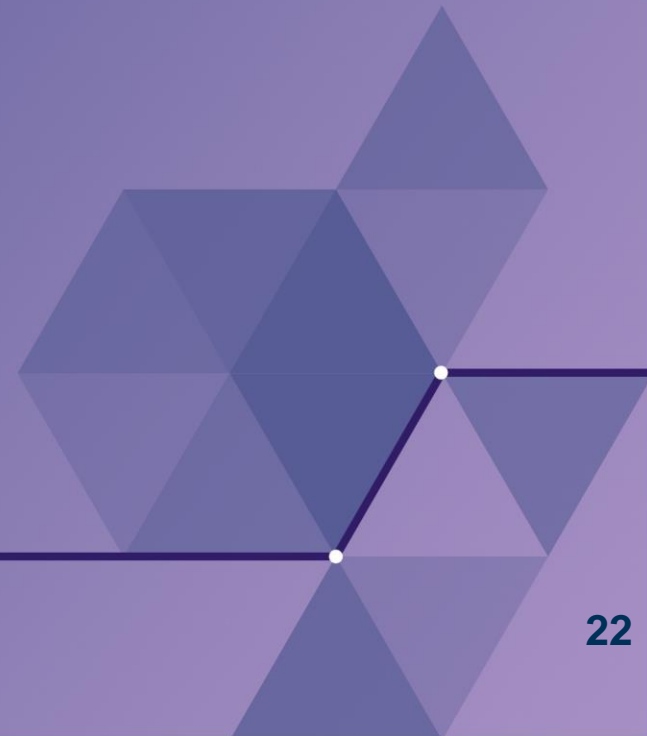
Counsel claim needs to be rejected:

- If counsel's claim is incorrect, both counsel and solicitor claims will be rejected so they can be resubmitted together.
- This is because:
 - The claims are treated as a single claim, with a single point of assessment
 - Once the solicitor final bill is paid, CCMS will initiate the process to close the certificate

Top Tip:

When checking counsel's fee note, consider if counsel have applied the correct rates. If incorrect rates have been claimed, they can then be corrected without incurring a reject.

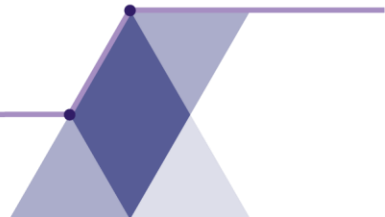
Useful links / contact us



Civil claim fix

Whenever you disagree with an LAA decision to return your claim, you can challenge our decision through LAA's civil claim fix process.

- This is for where you believe:
 - The information requested is not required
 - The information requested has already been uploaded
- Challenges should lay out the reasons for disagreeing and be sent to: LAACivilClaimFix@justice.gov.uk
- To avoid having a claim returned for more information, you can contact this service for advice on any situation you are unsure of
- The civil claim fix service has a 24-hour turnaround target
- Reports are provided to the contract management teams and feedback is given to individual caseworkers.

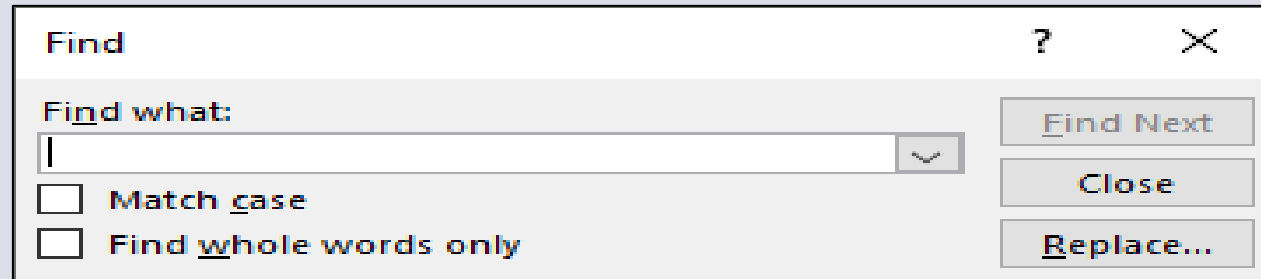


Guidance:

- [Civil Finance Electronic Handbook](#)
- [2018 Standard Civil Contract](#)
- [Costs Assessment Guidance 2018](#)
- [Guidance on the Remuneration of Expert Witnesses in Family Cases](#)

Top Tip:

The above documents are fully searchable PDFs. To find the information you need, you can search for a key word using '**Ctrl + F**'.



Find

Find what:

☐ Match case

☐ Find whole words only

☒ Find all occurrences

Find Next

Close

Replace...

- [Model File Submission for Civil Billing](#)
- [Guidance on Voluntary Submission of Court Assessed Claims to the LAA for Assessment](#)
- [Remote Family Hearings: Updated Ways of Working](#)

Our training website



CCMS Quick Guides

- [CCMS Provider: Getting Started](#)
- [CCMS Provider: Submitting Bills](#)
- [Reporting Outcomes/Discharge including with a Cost or Damages Award](#)
- [Using Bulk Upload to Submit Bills](#)
- [High Cost Cases](#)

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 Legal Aid Learning 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: Chris.Needham@justice.gov.uk
Tristan.Cooke@Justice.gov.uk



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