



Legal Aid
Agency

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

Service Development - Help Us Say Yes Webinar - Your Questions

Delivery of the Detained Duty Advice Scheme (DDAS)

September 2023

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Billing

Q: It says that any matters opened from the surgery are hourly rates: If there is an appeal and controlled legal representation (CLR) is granted whilst still detained, then it is hourly rates but if they are released at the point of granting CLR then it is fixed fee (unless hourly rates for a different basis)?

A: Any matter opened because of an initial DDAS surgery appointment can, and should, be claimed at hourly rates, regardless of whether that is Legal Help or CLR.

A CLR matter opened for a client because of an initial Legal Help matter, that was considered follow on work as described above, may also be claimed at hourly rates.

Q: If CLR is granted for Tribunal bail and then there is an appeal, do they both require separate CW2s?

A: Yes

Q: If there are no appointments and we have confirmed this with the immigration removal centre (IRC), can we claim £180?

A: No. If you have been advised by the IRC before arrival that there are no clients for the surgery, you will not be able to claim £180.

If the IRC do not communicate this beforehand, and you have attempted to contact them to verify the situation, as you have not received a list of clients, you should still attend. If there are no clients on arrival, you can claim £180 plus travel costs.

Q: The client has been advised our firm will represent them and the proforma said so, but the CW1 must be completed. Can I claim this on the substantive matter or is it part of the DDAS?

A: If you are awaiting any documents to confirm eligibility, this must be made clear in the proforma so that the client is aware that they must act so that you may proceed.

Work completed during the 30 minute DDAS appointment cannot also be claimed under the substantive matter. The completion of the outstanding CW1 form can be claimed as part of a substantive matter.

Q: Is there a cost limit to disbursements on DDAS to cover travel and interpreter costs?

A: There is no set limit to disbursements for DDAS. However, they must be 'reasonable', so you are advised to make a note on the surgery file as to the circumstances to avoid any doubt. If you are unsure, please contact your contract manager for further advice.

Q: Can I claim for travel time?

A: No, as per Paragraph 8.179 of the Immigration and Asylum Category Specific Rules, you may not claim for travel time or waiting time associated with your DDAS surgery.

Interpreters

Q: Is it our responsibility to arrange an interpreter?

A: Yes, you are responsible for arranging interpretation services for DDAS.

Q: Does the interpreter need to be in person or on the phone?

A: The Interpreter is expected to attend DDAS surgeries via telephone.

Q: Are there telephone facilities available for telephone interpreters?

A: Yes, each surgery room should be equipped with a multiway landline telephone that you can use to dial in your pre-arranged interpreter.

Q: If I booked an interpreter, but the client did not turn up for the surgery, can I claim the interpreter fees I incurred?

A: Yes, if you have done everything you can reasonably be expected to do to remove or reduce the fee.

Additional

Q: Can I use a recording device during the surgery like a Dictaphone?

A: This will largely depend on the rules at each IRC. We suggest you contact the IRC before the surgery day. In the past, this has usually not been allowed.

Q: Who gets a contract to sign?

A: Any provider that did not previously hold an Immigration and Asylum Legal Aid Schedule will receive a contract to sign at the beginning of the contract period.

Q: When we receive the list of prospective clients to see, is their nationality and a brief introduction of their case mentioned?

A: You will receive the list of clients no later than midday the working day before the surgery. That list will provide details of the client's name, nationality, and interpretation requirements. The list will usually also include details of removal dates if applicable and the date of detention. No case history or details will be provided ahead of the appointment.

Q: If new clients are added to the list on the day of the surgery, do we have to inform the IRC queries team?

A: No, you do not have to, however, it is helpful for you to let the LAA know when this is happening as the expectation is that this does not happen unless in exceptional circumstances.

Q: If we are typing the summary of the case, do the centres have printers?

A: Yes, each IRC should have printing, copying, and scanning facilities in place for you to use. Please contact the individual IRC for any restrictions which may apply. You may also email this to the client.



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