



Legal Aid
Agency

Help us to say yes Webinar: File Evidence: Getting Your Claims Evidenced and Paid

Civil Billing

September 2023

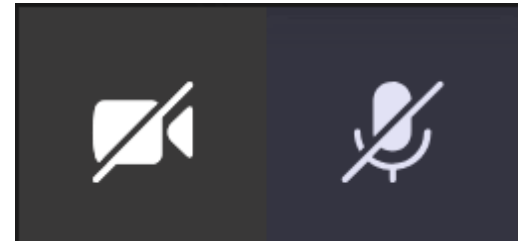
Working with others to achieve excellence in the delivery of legal aid

Technical tips for this webinar

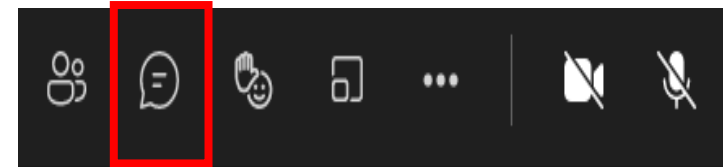
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File evidence: Getting your claims evidenced and paid

Purpose of the webinar:

- To explain the importance of file evidence and how to evidence your files



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

- How to validate your costs pre and post payment
- How to claim enhancement for panel membership
- How to avoid delays due to the family advocacy scheme for counsel
- How to submit your supporting documents

Validating costs pre-submission



Validating costs pre-submission:

Whether a bill has been drafted internally or sent to an external costing firm or costs lawyer, it is important to check the bill before submission to ensure only work evidenced on your file has been claimed.

When instructing an external costs person any information provided should be correct, including:

- Any global figures taken from your costing system
- Routine correspondence and phone call figures
- Enhancement rates

Validating costs pre-submission continued:

When an external costing person has drafted the bill:

- The submission of the claim on CCMS remains the responsibility of the solicitor firm.

When submitting the bill:

- The solicitor firm must confirm the claim is accurate akin to the declaration that was previously seen on the old paper Claim 1's
- This declaration should only be ticked, and the bill submitted, when you are satisfied with the bill

It is essential you have checks in place before your bills are submitted to the LAA:

- Where errors are made by the costing person, you can help avoid delays in payment, additional time and resource, and impact on your Contractual Performance indicator's (CPI's) by ensuring these checks are in place and the claim is right first time.

File evidence



Providing file evidence

Under the contract you are expected to keep evidence of work conducted on the case. We may request this:

- At any time during the life of the certificate
- At any time within 6 years after the certificate is closed.

[1.12 \(d\) 2018 Standard Civil Contract Specification](#)

The assessor may therefore request your file on assessment of any case.

Where your file or other information has been requested:

- Seek to provide this as soon as possible to avoid delays in payment and the possible rejection of your claim.

Providing file evidence: Post payment audit

LAA carry out regular post payment audits and must account to the National Audit Office to demonstrate the public fund is being used appropriately.

It is essential that any work paid for by LAA can be validated on audit:

- We cannot pay for any work not supported by file evidence.

When your bill has been selected for audit post payment of your claim:

- Seek to provide your file and any other requested information as soon as possible:
 - This will prevent further requests for this information, additional time and resources from being spent, and the potential recoupment of costs.

Routine correspondence and telephone calls

We have seen long periods of time where evidence of work, including routine phone calls and letters, cannot be validated by the file:

- Please ensure when costing a file that all relevant letters, emails and telephone calls can be evidenced.
- Recent examples of errors have been where full correspondence clips have been claimed for on the bill but when the LAA calls for the file these cannot be evidenced.
- Make sure any correspondence claimed is also progressive to the case and not a generic 'thank you' or automated email response.
- Long emails chains which are conversational in nature, should not be claimed as individual items. Longer email chains can be considered as a timed attendance but not also as a piece of correspondence.

Submitting supporting evidence



Required evidence: General

CCMS requests the documents needed based on your claim. However, additional evidence may be required by the caseworker to make a fair and reasonable assessment of your claim.

Here is a non exhaustive list of the documents generally required on assessment:

- Case narrative, this should provide a brief overview of the case, how it concluded and is an opportunity to explain any unusual costs, such as an expert fee entirely claimed under your client's certificate
- Justification for any discretionary enhancement. It helps to support your claim if you explain explicitly how your claim meets the two stage criteria for claiming enhancement

[Section 12 Costs Assessment Guidance](#)

Required evidence: Profit costs

- A copy of the consent order or agreement should be provided where the settlement fee has been claimed on a Finance Aspect case under the Private Family Law Representation Scheme (PFLRS).
- In hourly rate cases, including matters that have escaped the fixed fee, attendance notes or other evidence should be provided for items of work over 3 hours (evidence is needed for items of work over 1 hour in escape cases).
- Additionally, LAA may request part of a file or the full file where needed to validate your claim as part of any pre payment assurance checks.
- Where there has been a transfer of provider in a fixed fee case, if both firms costs have escaped the fixed fee and are being claimed together, it must be clear:
 - a) which costs relate to each firm
 - b) both firms profit costs escape the fixed fee

Required evidence: Solicitor FAS

- Court orders for each hearing claimed. It is helpful if the following wording is used:
AND UPON the court noting the following provisions for FAS:
Family Court before: [Judge]
Hearing date:
Court type: [e.g. Magistrates, County Court, High Court]
Case type:
Type of Hearing: [e.g. Directions, Case Management, Finding of Fact, Final Hearing]
Bundle: [number of pages]
Pre-hearing discussions began at:
Start time of the hearing:
End time, including time to agree an order:
TOTAL LENGTH OF THE HEARING: [hours and minutes, deduct any adjournment]
Bolt-ons and uplifts:
Advocates meetings:
- Generally, it is expected there will be two advocates' meetings under the public law outline:
 - We require orders directing the third, and any subsequent, advocates' meetings.

Required evidence: Disbursements

- Disbursement vouchers for all disbursements of £20 and over (inclusive of VAT).
- For expert fees an invoice with a breakdown of work will be required.
- The court order is needed for some disbursements where prior authority has not been granted, including:
 - Drug / alcohol testing;
 - Risk assessment experts; and
 - Transcription fees.

Required evidence: Taxed / voluntary assessed bills

- The sealed EX80 and bill of costs is required where the claim has been assessed by the court.
- Voluntary assessed bills may be submitted on a:
 - Line-by-line basis; or
 - summary basis.
- FAS must be uploaded on a line-by-line basis. Usual FAS evidence requirements apply.
- Disbursement vouchers are also needed.

[Court Assessed Bills Quick Guides and Interactive Module](#)

Submitting evidence



Submitting evidence: Hints and tips

There are a number of ways you can help assist LAA and avoid unnecessary delays:

- Only provide the evidence requested
- File evidence should be in chronological order
- Evidence should be clearly labelled
- Supporting documents should be bundled into groups
- Duplicate copies should not be uploaded
- Highlight court orders
- Documents should be submitted the up the correct way
- Documents must be legible

Further guidance on model file submission can be found here: [Model file submissions for civil billing - GOV.UK \(www.gov.uk\)](#)

Enhancement for panel membership



Enhancement for panel membership:

In family matters, a 15 per cent guaranteed minimum enhancement may be claimed on any hourly rate work undertaken by a member of the following panels:

- The Resolution Accredited Specialist Panel;
- The Law Society Family Law Panel Advanced; or
- The Law Society's Children Panel.

Panel membership: Recent issues on assessment

We have seen incidents where enhancement has been claimed on work incorrectly.

- Providers should ensure that the relevant panel membership evidence is valid and has not expired.
- Recent examples where panel membership has not been renewed but the 15 percent has been claimed.
- Be clear where panel membership is being claimed that it is indeed the panel member doing the work and that the work may be claimed (not supervision for example).
- On assessment we carry out checks to confirm whether the fee earner is a panel member. A copy of the panel membership certificate is not regularly requested at the billing stage.
- Evidence of panel membership will be checked on audit.

Family advocacy scheme



Family advocacy scheme (FAS): How to avoid delays

Generally, the same rules for FAS apply to both solicitors and counsel. However, one of the main reasons for returning a solicitor bill is due to issues with counsel FAS claims.

You can help to avoid your claim from being rejected by following these tips:

- Include a copy of the certificate with your instructions to counsel
- Provide details of the type of hearing in your instructions
- Check counsel's fee note before allocating costs on CCMS
- Before submitting your bill check that all counsel have been allocated costs
- Check the 'Case Costs Details' screen to confirm counsel have been paid.

Further guidance can be found in the Advanced Guide for Provider Billing With Counsel:
[CCMS Billing With Counsel \(justice.gov.uk\)](https://www.justice.gov.uk/ccms-billing-with-counsel)

Additional guidance / contact us



Civil claim fix:

You can challenge our decision to return your claim, if you disagree, through the LAA's civil claim fix process:

- If 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
- 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

Links:

- [Civil Finance Electronic Handbook](#)
- [Escape Cases Handbook](#)
- [Cost Assessment Guidance 2018](#)
- [Standard civil contract 2018 - GOV.UK \(www.gov.uk\)](#)
- [Legal Aid Learning Website](#)
- [Civil claims rates calculator - GOV.UK \(www.gov.uk\)](#)
- [Model file submissions for civil billing - GOV.UK \(www.gov.uk\)](#)

Contact us:

- CCMS: Submit a 'billing' or 'general' enquiry
- Civil general enquiries: Tel: 0300 200 2020 or ContactCivil@Justice.gov.uk
- Users experiencing technical problems with the Client and Cost Management System (CCMS)

contact: online-support@justice.gov.uk

Our training website



CCMS Quick Guides

- [Court Assessed Bills Quick Guides and Interactive Module](#)
- [CCMS Billing With Counsel \(justice.gov.uk\)](http://justice.gov.uk)

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





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