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| Legal Aid Agency | LAA Assessed Claim 5a Checklist  For use with CIV CLAIM5A (Family Advocacy Scheme) |

The purpose of this checklist is to reduce the likelihood of your CIV CLAIM 5A claim being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

Warning Sign Clip Art CIV CLAIM 5A claims are often rejected because they fail to meet these requirements;

Please ensure you are using the correct version of the form. The current version of the claim 5A is version 5 (April 2015). It is available at <https://www.gov.uk/government/publications/family-graduated-fee-and-family-advocacy-claim-forms>

**If LAA rejects your claim**:

* please ensure that you include this checklist when you resubmit your claim;
* the LAA will tick those requirements that have been met, and it is your responsibility to check the remaining requirements before you resubmit the claim;
* you can email LAA at [laacivilclaimfix@justice.gov.uk](mailto:laacivilclaimfix@justice.gov.uk) if you have any issues with the reject.

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| Client’s name |  | Cert. ref. |  |

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| Counsel’s name |  | Hearing/activity date(s) |  |

|  | **Requirement** | **Notes** | **Counsel checked** | **LAA use:**  **Pass/Fail** |
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| **1** | **Have you claimed the correct rates?**  **Warning Sign Clip Art**    For further information on categories of case and hearing/activity types see CAG, 2, 10-13 and 14-15  An [online rates calculator](https://www.gov.uk/government/publications/civil-claims-rates-calculator) is available to assist you | **Did the client apply for legal aid in this case before or after 01 February 2012? Your solicitor can advise you:**   * Please apply the correct rates accordingly   **Have you claimed the correct ‘category of case’?**   * Where work covers more than one category, only one fee is claimableper activity. Counsel should choose which fee to claim.   **Have you claimed the correct hearing/activity type?**  **Have you claimed the correct ‘level of court’?**  **If the hearing was on/after 22 April 2014 the level of court is determined by who heard the case:**   * Lay Justice/Legal Advisor/Justices clerk: FPC * District/Circuit judge: County Court * High Court/Section 9 Judge: High Court   **Counsel should complete the Advocates Attendance Form to indicate who heard the case.**   * Non hearing activities on/after 22 April 2014 should be claimed at the level of the associated hearing.   **If the hearing was before 22 April 2014:**   * You should claim the level of court within which the case was listed unless it was heard by a more senior judge specifically sitting as such (for example, a High Court or Section 9 judge sitting as such in the County Court). Please ensure that your documents clearly support your claim. |  |  |
| **2** | **Have you provided a brief or letter of instruction containing all the information we require for each hearing or activity?**  **Warning Sign Clip Art** | **For each hearing or activity this should confirm:**   * the hearing or activity date * the type of hearing (eg, ‘Directions’) * the type of application (eg, ‘care application’) * the time the court directed the advocates to attend if prior to the listing time   **If any of this information is missing from the brief or letter of instruction we will accept it from the court order or notice of proceedings listing the hearing.**   * You may specify the type of application on page 2 if this is not detailed in the brief or order. * Unofficial copies of court orders are acceptable where sealed by the court/certified by the judge * If there are discrepancies between the work you claim and the brief and supporting documents, please explain the reason for this on page 2 or in a covering letter and include any additional documentation available to support your claim.   **The brief must contain an instruction to attend a particular hearing** |  |  |
| **3** | **Are you claiming a Final Hearing?**  **Warning Sign Clip Art** | **Have you supplied a court order, brief or letter of instruction confirming that the hearing was listed as:**   * a Final Hearing, * a Fact Finding Hearing, * an Issues Resolution Hearing in a care case, or * the main hearing at which the court intended to determine whether a final order should be made?   **Have you supplied a copy of the order made at the hearing, the advocate’s notes, or a detailed description of the hearing on page 2, confirming that the hearing was effective as a contested Final/return date (or effective Fact Finding) hearing?**   * Where the hearing is ineffective as a final hearing this should be claimed as an interim hearing * Unofficial copies of court orders are acceptable where sealed by the court/certified by the judge   **Are you claiming an IRH as a Final Hearing?**   * You must provide the order made to show that the case was settled. * Unofficial copies of court orders are acceptable where sealed by the court/certified by the judge   **Are you claiming an additional day for the drafting of written submissions ordered by the court?**   * Such payment can only be claimed where the hearing is listed with a day specifically set aside for this purpose. Please provide the order listing the hearing to confirm this. (See also point 18). No additional payment will be made for reading days**.**   **Was the hearing listed with the intention that the issues would be dealt with under a consent order, or otherwise not effective or contested?**   * You should claim an interim hearing fee. * Please explain the circumstances on page 2. |  |  |
| **4** | **Have you claimed work within the scope of your certificate?**  **Warning Sign Clip Art** | **Do your supporting documents contain sufficient detail to confirm this?** (See also requirement 2).   * If they describe applications or activities other than those specified by the certificate (eg, contact with a child in care on a care certificate, or a final hearing under a FHH limitation) please explain how this falls within the scope of the certificate.   **Can payment can be made within the cost limitation?**   * Your instructing solicitor can advise you. If this is an issue they may also be able to resolve it for you. |  |  |
| **5** | **Have you explained any travel costs claimed?**  **Warning Sign Clip Art**  For information on local bars, see Handbook, Appendix 4.  For information on recoverable overnight costs, see Handbook 11.27. | **If you claim exceptional travel or any travel or accommodation costs on page 4, you must explain on page 2 or 4 why counsel was the most appropriate advocate to instruct in this case:**  **Are you the closest bar to the court?**   * You should say ‘We are the local bar’.   **Is there is a small bar or chambers more local to the court but unable to cover all the work there so that you also act as the local bar?**   * You should say ‘The local bar is small and unable to cover all work in this area’.   **Was counsel instructed to preserve continuity of counsel in a complex case or hearing?**   * You should say ‘Continuity of counsel’ and explain why this was important to the case/hearing/activity. * Only continuity of regularly and/or recently instructed individual counsel can be justified on this basis. If you claim for continuity in other circumstances you should explain why this was preferable to the instruction of another advocate more local to the court.   **Was counsel instructed as a specialist in an area of law relevant to the case?**   * You should explain counsel’s specialism and why this case required such a specialist.   **If none of these reasons apply or you are unsure why counsel was instructed in preference to other advocates more local to the court, please contact your instructing solicitor for further information.**  **Does any mileage claimed match the distance between chambers’ address on Claim 5A p1 and the court (or other location of advocacy activity)?**   * If not, please explain the discrepancy. * Mileages can be checked via Google maps or at <https://courttribunalfinder.service.gov.uk/>   **If you have claimed taxi costs in preference to public transport, or overnight accommodation rather than daily travel, have you explained why this was necessary or more cost effective?**  **Have you claimed costs within 10 miles of the court?**   * Such costs will not generally be recoverable on certificates issued after 01 September 2014. |  |  |
| **6** | **Are you claiming disbursements of £20 or more (including VAT)?** | **Disbursement vouchers should be provided, and will be retained:**   * If you cannot supply tickets for rail or other public transport travel, we will accept alternate proof of disbursement (receipt, booking confirmation, or bank/credit card statement with screenshot from ticketing website showing journey costs claimed). |  |  |
| **7** | **Is this a Family Advocacy Scheme case?** | **Was the application for legal aid in this case made on/after 09 May 2011? Your solicitor can advise you:**   * If the application was made before this date this is an FGF case and your claim should be made at FGF rates on a Claim 5 form   **Does the application fall within FAS?**   * Excluded work should be claimed at hourly rates on your instructing solicitor’s bill.   **If your certificate includes both FAS and non FAS applications, did the hearing include non FAS related work ?**   * If so, you should claim at hourly rates on your instructing solicitor’s bill.   **Is this a High Cost case?**  **If so, fees are specified by individual case contracts. Your instructing solicitor can advise you on this:**   * In a family application not otherwise excluded from FAS you should generally claim as FAS unless counsel chooses to claim under the Events model/Care Cases Fee Scheme. * If the application falls under a Special Cases Unit/ High Cost Civil contract (usually due to the authorisation of substantial work by senior counsel), all counsel fees should be claimed as specified by the SCU/High Cost Civil case contract. If claiming FAS fees you should provide evidence that such fees were agreed by including a copy of the contract or letter from your instructing solicitor. |  |  |
| **8** | **Have you supplied the correct legal aid certificate reference?** | Please review the certificate supplied by your instructing solicitor to verify that the work it describes is the work counsel was instructed to undertake, and that you have reproduced the certificate reference correctly on the form. |  |  |
| **9** | **Did counsel represent multiple clients?** | **Please give each client’s name and certificate reference on Claim5A p1:**   * If you authorise us on page 2 to make payment on any certificate we may be able to make payment on the alternate certificates if the cost limitation of the lead certificate is insufficient.   **Duplicate claims for additional clients will be rejected unless you provide evidence that the court did not hear their cases together.** |  |  |
| **10** | **Has Counsel signed and dated page 5?** | **The date must not predate any work claimed**.   * If counsel will be unavailable to sign for a significant period of time, please contact your contract manager to arrange for someone else to sign on his/her behalf. |  |  |
| **11** | **Have you included the court order with FAS recitals for all hearings?** | **The FAS recitals should confirm:**   * Details of time, dates, and types of hearing * All bolt ons must be authorised by the court or in the FAS recitals. * Amendments to the order are allowable under the slip rule at the court’s discretion. |  |  |
| **12** | **Have you detailed any lunch breaks taken?** | **If counsel was at court for a considerable period of time including 12-2pm** **please specify any lunch break or confirm “no lunch break” on page 2:**   * Without this information we may assume a 60-minute lunch break for all such attendances. |  |  |
| **13** | **Are you claiming an interim hearing that took place over more than one day?** | **Hearing units should be calculated for the total length of the hearing rather than for individual days. Please include on page 2 the following for each date:**   * the listing time (or time that counsel was directed by the court to attend if earlier) * the end time. * any adjournment for lunch or confirmation that “no lunch break” was taken. |  |  |
| **14** | **Are you claiming a court bundle/ advocates bundle?** | **Each court bundle/advocates bundle claimed must be:**   * Authorised by the court in the FAS recitals contained within the court order * Within the maximum number claimable for the activity and category of case. * Appropriate to the hearing/activity type |  |  |
| **15** | **Are you claiming an Advocates’ Meeting?** | **You must provide:**   * the court order listing the meeting where more than two have been claimed * the advocate’s attendance note, brief or letter of instruction * Meeting start and finish times if you are claiming an interim hearing on the same day. |  |  |
| **16** | **Are you claiming a conference?** | **You must provide:**   * Counsel’s brief/instruction or conference note * Conference start and finish times if you are claiming an interim hearing on the same day |  |  |
| **17** | **Are you claiming an opinion or written submission?** | **Please also see requirement 3. You must provide:**   * Counsel’s brief or letter of instruction * a copy of the opinion/submission.   **Please note the preparation/drafting already included in any associated hearing fee** |  |  |
| **18** | **Are you claiming early settlement?** | **You must provide a copy of the order made to confirm the settlement**.   * Unofficial copies of court orders are acceptable where sealed by the court/certified by the judge |  |  |
| **19** | **Are you claiming an unlisted emergency hearing?** | **Please ensure that your claim includes:**   * the time the papers were issued at court; * an explanation of the circumstances on page 2, including the time the advocate was stood down if the hearing did not take place that day. |  |  |
| **20** | **Are you claiming a telephone or video hearing?** | **Please ensure that your claim includes on page 2:**   * the time that the telephone call/video conference was first attempted and the time it concluded; * a detailed note of the hearing. |  |  |
| **21** | **Are you claiming a cancelled hearing?** | **Please see sections 14 and 15 of the Cost Assessment Guidance 2018 for guidance on which fee to claim. Please also ensure that your claim includes** **on page 2 and/or page 5 where appropriate:**   * counsel’s brief/letter of instruction (see point 2); * details of any time spent in preparation by counsel; * details of any time spent at court; * when counsel was informed of the cancellation; * a general explanation of the circumstances. |  |  |
| **22** | **Are you claiming an appeal hearing?** | **Was this an appeal against an interim order or finding heard in the FPC, County Court or High Court?**   * This is FAS. Please ensure that your supporting documents include sufficient detail to confirm this.   **Was this an appeal against a final order or an appeal heard in the Court of Appeal or Supreme Court?**   * This work is excluded from FAS. You should claim at hourly rates on your instructing solicitor’s bill. |  |  |
| **23** | **Are you claiming a single individual hearing at which one advocate replaced another?** | **If so, the advocate who completed the activity should claim payment for the whole activity**   * Please submit both advocates’ notes with an explanation of the circumstances on page 2. * This only applies where (for example) counsel is taken ill or has to leave the court unexpectedly**.** Where an advocacy change arises between separate days of a part-heard hearing, separate payment may be claimed by each advocate. |  |  |

**For LAA use:**

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| Caseworker’s name |  | Region |  |

Further guidance on the Family Advocacy Scheme is available in our electronic Handbook (referred to as ‘Handbook’ above), and Costs Assessment Guidance (2018), Appendix 2, (‘CAG, 2’ above), both available at [https://www.gov.uk/funding-and-costs-assesment-for-civil-and-crime-matters](https://www.gov.uk/funding-and-costs-assessment-for-civil-and-crime-matters)