

HIGH COST CASE PLAN (FAMILY)

Certificate reference number(s)

DATE OF CASE PLAN: -

21st July 2012

ABCDEIFG1H12/A/A/1

HIGH COST REGISTRATION DATE: -

05th July 2012

ABCDEIFG1H12/A/A/2

Format in accordance with Funding Code Guidance Para 15.3.9.

NAME OF CLIENT(S)

Mrs A.

NAME OF FIRM

ZY & CO

NATURE F PROCEEDINGS

Care Proceedings

CASE INFORMATION

A. Summary of Case (as well as a detailed case history please ensure you confirm the dates of **all hearing** dates since the issue of the certificate)

The County Council are seeking a full care order in respect of Master B. (aged 6) and Master C. (aged 5) who are the children of Ms. A. An interim care order was made at the start of proceedings for the younger child who has physical disabilities. Ms A. is educationally sub-normal. The father, Mr E has had an intermittent relationship with the mother. He is presently in prison for an unrelated conviction, without Ms A.'s knowledge. The grandparents are seeking residence for the children, but the grandfather has been previously been convicted for sexual assault. The Council allege that Ms A. is not capable of coping with the children alone and that the grandparents are not appropriate carers given the allegations against the grandfather. The applicants oppose the issue of a care order.

The proceedings were commenced in March 2012 in the County Court and have proceeded at this level throughout. Emergency Protection Orders were granted in light of medical expert opinion that the disruption of the family is extremely detrimental to the children. The Council has obtained a psychiatric report on the grandfather, along with all his criminal records. The guardian's final report is yet to be completed.

B. Objectives

To defeat the application for a care order allowing the children to reside with the grandparents and mother. The central issue is whether the mother can cope. The grandparents will seek to demonstrate that the children are no real risk of abuse. There is a slight chance that dismissal of the application will be secured.

C. Case Analysis

The case essentially turns on the court's view of the risks. The client may succeed in the grandparents being suitable carers. Else, the client must show that she is capable of coping with the two children.

The Legal Issues are;

- i) Whether the Council can satisfy the Court of the threshold criteria in Section 31 Children Act 1989. ii) The determination of the risk posed by potential placement of the child with a convicted sex offender.

The favourable facts are;

- i) There have been no specific allegations of serious abuse.
- ii) The Local Authority medical expert's report is based on opinions of risk rather than actual evidence of neglect.
- iii) The mother has the support of the grandparents.

The unfavourable facts are;

- i) The Social Workers will testify that the mother was not coping.
- ii) The mother is educationally sub-normal.
- iii) The father is not present in the household.
- iv) The grandfather has been convicted of sexual assault.

D. Funding Code Assessment – *Not required in Public Law Children Act proceedings, but to be completed in full private law and money cases*

E. Case Theory

There is a slight chance that the clients will succeed in having the Council's application dismissed. The grandparents may not impress in light of the grandfather's conviction for sexual assault. The Council's medical expert is based on opinion of risk rather than evidence of neglect or abuse.

CASE ACTIVITIES AND COSTS INFORMATION

Part 1 - Costs To-Date (pre contract costs) –						
1. Has the client been represented by a previous firm in these proceedings? No						
2. If yes, are the costs of the previous firm included below? N/A						
3. If a previous firm has had conduct did they obtain a high cost contract? N/A						
WORK	COSTS (all figures exclusive of VAT)					
<i>Provide Justification here for ANY enhancement applied: -</i>	Profit Costs					
35% uplift applied to all items of non-routine preparation and attendance to reflect the exceptional factors arising in this case including the learning disabilities of our client, the multiple parties (inc. Grandparents) involved, the Grandfathers criminal history, consideration of a child with disability, the importance to the client and the skill and expediency employed by the fee earner.	Activity	Number of hours/items	Prescribed Rate Applied	Enhancement Applied	Total cost	
	Preparation/Attendances	105:54	£61.38	35%	£8,775.19	
	Routine Telephone Calls	110	£3.69	15%	£466.79	
	Routine Letters Written	107	£3.69	15%	£454.05	
	Routine Letters Received	211	£1.85	15%	£448.90	
	Conf/Hearings with Counsel	27:30	£32.67	15%	£1,033.19	
	Travel Waiting	14:54	£29.21	15%	£500.51	
	Advocacy	11:30	£61.38	50%	£1,058.81	
	<i>Have you submitted a CLAIM 1 for pre-contract costs?</i>	TOTAL PROFIT COSTS				£12,737.44
		COUNSEL'S FEES				£4,446.40
	DISBURSEMENTS				£1,113.75	
	TOTAL COSTS TO DATE				£18,297.59	
50% is claimed for attendance in advocacy without recourse to counsel due to the additional responsibility taken.	YES / NO					
15% claimed on routine correspondence, travel and waiting and attendance with counsel as conducting fee earner is a panel member.						

Part 1b - Costs To-Date (pre contract costs) – IMPORTANT!! *this is only necessary if you have attended in two different courts and therefore two different prescribed rates have been applied.*

WORK	COSTS (all figures exclusive of VAT)				
<i>Provide Justification here for ANY enhancement applied: -</i>	Profit Costs				
	Activity	Number of hours	Prescribed Rate Applied	Enhancement Applied	Total cost
	Preparation/Attendances			0%	£0.00
	Routine Telephone Calls			0%	£0.00
	Routine Letters Written			0%	£0.00
	Routine Letters Received			0%	£0.00
	Conf/Hearings with Counsel			0%	£0.00
	Travel Waiting			0%	£0.00
	Advocacy			0%	£0.00
				TOTAL PROFIT COSTS	£0.00
				COUNSEL'S FEES	
				DISBURSEMENTS	
			TOTAL COSTS TO DATE	£0.00	

Part 2 - Future Overall & Staged Costs – all figures exclusive of VAT

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
	<i>The outstanding work is identified as follows (detail individual activities)</i>	<i>Estimated Solicitor Hours</i>	<i>Please provide estimates for counsel's fees under FGF/FAS scheme for each hearing or event, if this case escapes the FGF/FAS scheme please attach a full breakdown of counsel's fees.</i>	<i>Please provide estimates of any disbursements to be incurred. Please also indicate how these are to be apportioned.</i>	<i>(In respect of profit costs the prescribed rate and the enhancement (if any) applied to each activity – in respect of counsel's fee the graduated fee for each function but please provide separately a CLAIM5 showing how the fee has been calculated)</i>		
July 2012	Considering extremely lengthy psychologist and psychiatrist reports and grandfathers criminal record in preparation for 4-day finding-of-fact hearing. Approx 2 mins per page.	15:00			Rates	Enh (%)	Total
					£61.38	35%	£1,242.95
July 2012	Preparing statements, including time spent in lengthy non-routine telephone calls with client, counsel and experts during the same and preparing brief to counsel.	7:00			Rates	Enh (%)	Total
					£61.38	35%	£580.04
July 2012	Two meetings with client prior to fact-finding hearing to discuss expert's reports and finalise statement.	5:00			Rates	Enh (%)	Total
					£61.38	35%	£414.32

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
23-26 July 2012	Counsel's attendance at 4 day finding-of-fact hearing.		£3,514.00 (FAS)		Rates	Enh (%)	Total
23-26 July 2012	Panel member attendance with counsel at 4 day factfinding hearing at 6 hours per day.	24:00			Rates	Enh (%)	Total
					£32.67	15%	£901.69
23-26 July 2012	Solicitors travel at 1 hour per day.	4:00			Rates	Enh (%)	Total
					£29.21	15%	£134.37
27 July 2012	Meeting with client following finding-of-fact hearing to discuss outcomes.	2:30			Rates	Enh (%)	Total
					£61.38	35%	£207.16
Late July / Early August	Preparation for directions/timetabling hearing in August 2012.	3:00			Rates	Enh (%)	Total
					£61.38	35%	£248.59

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
STAGE ONE (Cont..)		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
					<i>Rates</i>	<i>Enh (%)</i>	<i>Total</i>
August 2012	Counsel's fee for directions hearing Aug 2012		£478.00(FAS)				
August 2012	Panel member attending with counsel at directions hearing.	3:00			£32.67	15%	£112.71
August 2012	Solicitor travel to directions hearing.	1:00			£29.21	15%	£33.59
July 2012	Preparing Case Plan.	4:30			£61.38	15%	£317.64
Solicitor's mileage for 5 court days. 25 miles per day.				£56.25			£0.00

Number of hearings and advocates meetings	5
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Part 2 - Future Overall & Staged Costs – all figures exclusive of VAT

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
	<i>The outstanding work is identified as follows (detail individual activities)</i>	<i>Estimated Solicitor Hours</i>	<i>Please provide estimates for counsel's fees under FGF scheme for each hearing or event, if this case escapes the FGF scheme please attach a full breakdown of counsel's fees.</i>	<i>Please provide estimates of any disbursements to be incurred. Please also indicate how these are to be apportioned.</i>	<i>(In respect of profit costs the prescribed rate and the enhancement (if any) applied to each activity – in respect of counsel's fee the graduated fee for each function but please provide separately a CLAIM5 showing how the fee has been calculated)</i>		
September 2012	Considering risk assessment report, including non-routine telephone correspondence time to discuss with counsel. Est. 60 pages.	2:00			Rates	Enh (%)	Total
					£61.38	35%	£165.73
September 2012	Two meetings with client prior to final hearing to discuss risk assessment report, finalise statement and discuss how hearing will progress.	3:00			Rates	Enh (%)	Total
					£61.38	35%	£248.59
September 2012	Considering evidence of expert witnesses, drafting final statements, preparing brief to counsel and general preparation for 5 day final hearing.	10:00			Rates	Enh (%)	Total
					£61.38	35%	£828.63

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
STAGE TWO (Cont..)		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
September 2012	Attendance at conference with counsel prior to 5 day final hearing.	4:00			Rates	Enh (%)	Total
					£32.67	15%	£150.28
September 2012 / 1-5 October 2012	Counsel FAS fees for prehearing conference and 5 day final hearing.		£4,422.75		Rates	Enh (%)	Total
							£0.00
1-5 October 2012	Panel member attendance at 5 day final hearing with counsel, 6 hours per day.	30:00			Rates	Enh (%)	Total
					£32.67	15%	£1,127.12
1-5 October 2012	Solicitors travel at 1 hour per day.	5:00			Rates	Enh (%)	Total
					£29.21	15%	£167.96
8 October 2012	Meeting with client to discuss outcomes of final hearing and any next steps available.	1:30			Rates	Enh (%)	Total
					£61.38	35%	£124.29

KEY EVENTS & DATES	WORK	TIME ESTIMATE IN HOURS		SOLICITOR COSTS			
STAGE TWO (Cont..)		SOLICITOR	COUNSEL	DISBURSEMENTS	Rates Applied		
					<i>Rates</i>	<i>Enh (%)</i>	<i>Total</i>
October 2012	Costing file of papers and preparing 2x detailed CLS CLAIM 1 forms for stage 1 and stage 2 costs.	6:00			£61.38	0%	£184.14
Solicitor's mileage for 5 court days. 25 miles per day.				£56.25			£0.00
Independent Social Worker Risk Assessment ¼ share				£165.00			£0.00
Attendance of Psychiatrist and Psychologist at final hearing ¼ share				£378.00			£0.00

Number of hearings and advocates meetings	5
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Part 3 Costs Summary

	<u>Profit Costs</u>	<u>Counsel's Fees</u>	<u>Disbursements</u>	<u>Total</u>
Pre-contract costs	£12,737.44	£4,446.40	£1,113.75	£18,297.59
Stage One costs	£4,193.06	£3,992.00	£56.25	£8,241.31
Stage Two costs	£2,996.74	£4,422.75	£599.25	£8,018.74
Stage Three costs	£0.00	£0.00	£0.00	£0.00
Stage Four costs	£0.00	£0.00	£0.00	£0.00

TOTAL	£20,092.97	£12,861.15	£1,769.25	£34,723.37
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CASE MANAGEMENT INFORMATION**I. Team Personnel (including Solicitors Employees, Experts and Counsel and/or Solicitor Advocate)**

Lead Solicitor – A. Anybody (panel member)
Junior Counsel – B. Smith (pre-contract only)
Junior Counsel – C. Jones (throughout)
Psychologist – Dr. Wayne
Psychiatrist – Dr. Kent
Social Worker – B. Banner

I confirm that a copy of this case plan has been sent to the client/Guardian ad Litem

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Please complete Appendix 1 to show the hourly rates of all experts and counsel instructed.

APPENDIX 1 - Expert Fees & Counsel Fees

Experts Fees subject to VAT	Hourly Rate	Net	VAT
Psychologists Report ¼ share	117	438.75	234
Psychiatric Report ¼ share	135	675	135
Psychologist attendance at final hearing ¼ share	117	175.50	35.10
Psychiatrist attendance at final hearing ¼ share	135	202.50	40.25
Sub Total			
		1491.75	434.35
Expert Fees not subject to VAT			
ISW Risk Assessment 1/4	33	165	
Sub Total			

		165	
Grand Total		165	0
Counsel's Hourly Rate (if escaped FGF)	N/A		

Please submit disbursement vouchers and counsel's fees notes when billing