



Legal Aid
Agency

VHCC – Care Case Fee Scheme – Solicitor Advocates’ Guide April 2014 v2

Version:	Issue date:	Last review date:	Owned by:
1	07/10/2013	07/10/2013	VHCC Family Unit

Version History

Version:	Date	Reason
1	07/10/2013	First release – Commencement of open pilot
2	01/04/2014	Changes to LAA team structure and scheme rebranding

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1. Overview

This model follows the rules and procedures of the existing VHCC Care Case Fee Scheme for Single Counsel cases; except where those rules are in conflict with the guidance in this document. In cases of conflict the guidance in this document will take precedence.

2. Rates of Payment

Two models are being tested and can be applied to any case where an in-house solicitor undertakes an element of the advocacy. The decision of which rate is applied should be made on a case-by case basis and there should be no variation of rates within a single case. The solicitor must choose between the £1,157.00 event price or the £707.00 + FAS price for in-house advocacy events and apply this to the whole case.

The table below sets out the rates of solicitor payment that will be used for this model: -

For events with Barrister as advocate	EVENT PRICE (£) SOLICITOR	EVENT PRICE (£) COUNSEL
County/FPC <= 10 days 'main hearing'	707	FAS
County/FPC > 10 days 'main hearing'	504	981
High Court <= 10 days 'main hearing'	961	FAS
High Court > 10 days 'main hearing'	760	1026

For events with Solicitor as advocate	EVENT PRICE (£) SOLICITOR	EVENT PRICE (£) COUNSEL
All courts standard event	1,157	N/A
All courts alternate model	707 + FAS	N/A

A 'main hearing' is defined as a hearing listed for and proceeding as a substantive finding-of-fact or final hearing date, excluding an IRH or pre-hearing review.

Barrister events prices remain unchanged through the trial and are the same as those in the single counsel information pack for those events which counsel attends.

3. Clarification on Rates Applied

The following clarification is in addition to the points raised in Section 4 of the Single Counsel Information Pack, all of which continue to apply.

Solicitors not attending court

The fee paid to solicitors where advocacy is undertaken by counsel is largely reflective of the amount of preparation required in advance of the event. Therefore, the solicitor will continue to receive an event payment even where they do not attend with counsel.

Experts Meetings

At present these meetings do not attract an event fee, this being covered by the cumulative price from other agreed events. This will be subject to further review during the course of the trial.

Firms participating in the trial are requested to highlight any case where they are acting as Chair by confirming in email to CCFS@legalservices.gsi.gov.uk. This will enable us to gather data on these events.

Counsel's payment choice

For clarification, if counsel opts out of the events pricing model they will default to the standard pricing model for the case, as below: -

For cases in which the public funding certificate was issued prior to 9th May 2011 counsel will be remunerated through the Family Graduated Fee Scheme or a reasonable hourly rate, dependent on whether the case has 'escaped' the FGF scheme by virtue of a 'main hearing' exceeding a duration of 10 days.

For cases in which the public funding certificate was issued on or after 9th May 2011 counsel will be remunerated through the Family Advocacy Scheme. For the avoidance of doubt, this is irrespective of the duration of the 'main hearing'.

4. What Happens if the Agreed Number of Events Changes?

A case plan is agreed on the basis of the current known listing. If additional interim hearings are listed then the agreed costs are simply increased by the relevant number times the event fee. In respect of the main hearings it needs to be recognised that preparation is front loaded and therefore if a main hearing under or overruns the amended events attract the following payments: -

COUNTY COURT	OVERRUN PRICE (£)
Overruns with Barrister as advocate	
County <= 10 days 'main hearing'	285
County > 10 days 'main hearing'	200
Overruns with Solicitor as advocate	
County Court standard event	465
County Court alternative model	FAS

HIGH COURT	OVERRUN PRICE (£)
OVERRUNS with Barrister as advocate	
High <= 10 days 'main hearing'	385
High > 10 days 'main hearing'	305
OVERRUNS with Solicitor as advocate	
High Court standard event	530
High Court alternative model	FAS

COUNTY COURT	UNDER-RUN PRICE (£)
Under-runs with Barrister as advocate	
County <= 10 days 'main hearing'	425
County > 10 days 'main hearing'	305
Under-runs with Solicitor as advocate	
County Court standard event	695
County Court alternative model	285 + FAS 'no hearing' payment

HIGH COURT	UNDER-RUN PRICE (£)
Under-runs with Barrister as advocate	
High <= 10 days 'main hearing'	575
High > 10 days 'main hearing'	455
Under-runs with Solicitor as advocate	
High Court standard event	795
High Court alternative model	385 + FAS 'no hearing' payment

These rates are set to reflect the costs of attending based on historic proportions. 60% of the barrister's fee and 40% of the solicitor's profit costs.

Barrister prices remain unchanged through the trial and should be taken from the single counsel information pack for those events for which counsel was instructed.

5. Interim Payments

Interim payments can be made on request for all costs and counsel's fees to date on agreement of the case plan and High Cost Case Contract. Further payments can be claimed either when six months have elapsed or six events have occurred since the last payment was made, whichever is earlier.

Payments will be made by way of 100% payment on account of the number of events to date. Claims should be made on form CLS POA1. Firms should note that the 'alternate model' the FAS element of fees claimed will remain assessable at the billing state regardless of the sum allowed on account.

6. Final Payments

Standard Model

Procedures are unchanged from those outlined in section 12 of the main single counsel information pack.

Alternative '+FAS' Model

If using the 'alternate model' a CLAIM 1A with pages one, two, five, six and nine completed should be submitted in place of the usual CLAIM 1, alongside the case plan, counsel's fee notes and disbursement vouchers.

Annexes

- Annex 1 – Contact Information

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Suppliers are encouraged to contact the team by email wherever possible.

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