

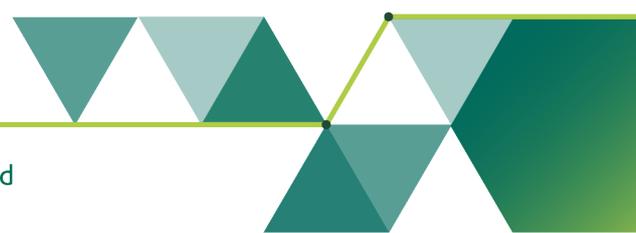


Legal Aid
Agency

Court Assessed Claims Guidance

Guidance on Submitting a Claim Where You Have Sought to Set Aside LAA's Original Assessment

This guidance is intended to help you submit your claim correctly where you have decided you wish for Legal Aid Agency's (LAA) reductions on assessment of your claim to be set aside and considered de novo as a bill for detailed assessment by the court.



1. Provisions for Re-Assessment

From 17 August 2020, where you have had a claim reduced on assessment that would previously have been assessed at court, but was voluntarily sent to LAA for assessment following the transfer of assessments, your claim may be re-considered by the court.

LAA's assessment will be set aside and your claim will be considered de novo by the court. Please note that this is not a guarantee your costs will be increased. As the assessment is de novo, it is possible the court may assess to a figure lower than LAA.

This does not apply to cases where the claim would ordinarily have been assessed by LAA.

Should you wish for the court to consider your assessment de novo, you should notify LAA in advance of submission of the paperwork to court. This will allow LAA to note that the existing payment is to be treated as a POA in the interim and we are to expect a further claim.

If the claim is to be reduced further following court assessment, LAA will need to be notified and we will arrange the appropriate recoupment.

2. How to Draw Your Claim

Stage 1: Assessment by the Court

You will need to draw a detailed Bill of Costs, for the full bill, under any provisions as required by HMCTS for assessment. You will need to provide the court with:

- A detailed Bill of Costs covering all the work undertaken that you are claiming
- Any supporting information as required by HMCTS under their published guidelines
- An explanation for the court on why there has been a delay in the bill being submitted, which you may wish to evidence with a copy of LAA's assessment letter
- Any further documentation required by the court to complete the assessment

You will need to ensure the court provides you with:

- An annotated Bill of Costs
- A complete EX80a or b as applicable

Stage 2: Submission to LAA for Payment in CCMS

Once you have the completed paperwork from court, you should submit your claim to LAA payment as an Appeal Bill, making sure you follow the specific steps below. The process is in line with the Appeal process in CCMS.

When CCMS prompts you to enter the type of bill you are claiming, you should select the Appeal Bill option in CCMS on the Provider Bill Type Screens

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Legal Aid Agency Home Cases and Applications Actions and Notifications Help

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Provider Bill Type

* indicates required field

* What type of claim are you submitting?

Please Select
Solicitor Appeal

v6.6.4

Next

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When asked if you will be billing for Disbursements, please answer 'yes'.

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Multiple Fee Scheme Bills

* indicates required field

* Would you like to bill for Disbursements?
Yes No

Please indicate all fee schemes you are claiming under for this bill.

Next [Back](#)

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On the bill details screens, please scroll to the bottom of the page and select 'Remove' and then 'Next'.

Please enter time spent on this activity. This should be in format HH:MM.

Activity Item

Please enter the amount of items you are claiming.

Uplift

Please enter the amount of uplift you are claiming on this activity (in format %).

* VAT %
Please Select

* Fee Earner

Please give the name of the fee earner who did this piece of work.

[Back](#)

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On the Disbursement Bill Line, please select 'Appeal % Uplift Assessment' as the Activity Type from the drop-down list. It should be the second available option. This will allow you to enter your claim as lump sum figure.

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-
-
- Deleted Costs
- Non Expert - Client Accommodation Expenses
- Non Expert - Client Travel Expenses
- Non Expert - Courier
- Non Expert - Court Fee
- Non Expert - Land Registry Fees
- Non Expert - Medical Records
- Non Expert - Photocopying
- Non Expert - PNC Check fees
- Non Expert - Police Records
- Non Expert - Solicitor Accommodation Expenses
- Non Expert - Solicitor Travel Expenses
- Non Expert - Solicitor Travel Mileage
- Non Expert - Other
- Expert - A & E Consultant
- Expert - Accident Reconstruction
- Expert - Accountant
- Expert - Accountant General Staff
- Expert - Accountant Manager
- Expert - Accountant Partner
- Expert - Anaesthetist
- Expert - Architect
- Expert - Cardiologist
- Expert - Cell telephone site analysis
- Expert - Child psychiatrist
- Expert - Child psychologist
- Expert - Computer expert

own VAT.

Disbursement is for an

[Cancel and return to Bill Details](#)

You will need to complete all fields with a red ‘*’ next to them as they are mandatory.

VERY IMPORTANT

The ‘Net Value’ field of the claim should be the balance between what the court have allowed and what was allowed on assessment by LAA.

For example: original bill for £10,000 (excluding VAT) and LAA reduced on assessment to £9,000 (excluding VAT). Following re-assessment at court, the full £10,000 net was allowed. In this case, the value of the claim you submit must be for the £1,000 balance between the original payment and the amount as allowed by the court.

If you enter this figure incorrectly, or re-enter the full value of the bill, LAA will reject your claim to you. Repeated rejections may impact upon your contractual Key Performance Indicators (KPIs)

If you need more support creating an Appeal Bill in CCMS, please refer to our detailed step-by-step guide on LAA’s Training and Support Website, available here:

CCMS Provider: Appeals Advanced Guide

Claim Upload

For the avoidance of doubt, if you use CCMS’ claim upload feature for Appeals, you can continue to do so provided your XML matches the above guidance.

What Supporting Evidence is Required?

LAA will require you to upload:

- The annotated bill of costs received from the court
- The completed EX80a or b
- Any additional disbursement vouchers or supporting evidence that were not included as part of the initial claim

If you need more support uploading evidence in CCMS, please refer to our detailed step-by-step guide on the LAA’s Training and Support Website, available here:

CCMS Provider: Submitting Evidence Electronically Quick Guide

If you need more support on LAA's evidential requirements, please refer to the CCMS Claim Checklist, available here:

[CCMS Claim Checklist](#)

Failure to upload any supporting evidence will result in your claim being rejected to you for the evidence to be uploaded.

3. FAQ

Question	Answer
The case isn't appearing for me in CCMS anymore	<p>CCMS automatically archives cases after a set period of time, which removes your access to them.</p> <p>In order to resolve this matter, please contact LAA using a General Enquiry in CCMS making sure to state the LAA reference number in your correspondence.</p>
The Appeal Bill option isn't appearing for me in CCMS, how can I claim?	<p>Please contact us via a Billing Enquiry in CCMS for further advice.</p>
I missed a disbursement voucher for an expert from my claim, what can I do?	<p>It is your choice, but should you wish the court to assess then you must follow the steps outlined in this guidance document.</p> <p>Alternatively, you can submit your request for the additional costs to LAA as normal.</p>
Can I claim another assessment fee?	<p>Not if you have already had one and it was never actually incurred in the first place. Only legitimate costs of assessment can be remunerated by LAA.</p>