



Summer 2014

London 9 July

Manchester 14 July

Bar Reference Group events were held in London and Manchester in summer 2014 to update advocates on a number of key issues.

A number of questions were captured and passed on to subject matter experts in the LAA. This document captures their responses.

Civil

Issue

LAA response

Why can't VHCC case plans remain with a named individual to improve consistency and avoid one person questioning something which has not previously been queried?

We presume this is a reference to solicitors' case plans in family cases. The majority of advocates are paid on events or the Family Advocacy Scheme (FAS). Those cases where two counsel are instructed are paid under the VHCC Care Case Fee Scheme.

The LAA receives a very high number of family case plans, which means it is not practical for the same caseworker to deal with them.

The VHCC Care Case Fee Scheme (formerly known as "Events") avoids resubmissions and we have offered this to all solicitors to speed up the approvals.

The small number of cases where two counsel are instructed are handled by the same case manager.

If the only queries on case plans are about solicitors' costs why can't we pay counsels' fees?

The LAA cannot pay out costs that have not been approved. The source of the problem is agreeing case plans covering solicitors' and barristers' fees. We have set up a VHCC Family Barristers Direct Contracting Pilot to resolve this.

This pilot is presently being expanded to include a wider spread of chambers from around the country. Chambers that raised the issue have also been invited to join the pilot.



Crime

Issue

LAA response

Bar software rounds up or down travel claims but your guidance about travel from the local Bar doesn't. Can you round and republish?

We will round all mileage to the nearest mile.

We have already redrafted the spreadsheet and shared it with the Bar Council for comment. We will then republish.

It would be helpful if the LAA could meet with representative bodies and some practitioners to progress areas of concern about pages of prosecution evidence. In particular, the LAA amended the guidance but did not consult on changes and do not seem to have included recent decisions by cost judges.

The LAA met with representatives from the Bar Council and Criminal Bar Association on Tuesday 7 October as part of the monthly Criminal Contracts Consultative Group (CCCG) and PPE was discussed at length.

The LAA has shared its proposed approach with representative bodies in response to recent Costs judge decisions, which will be incorporated into guidance and published shortly.

Why can't the LAA treat the person who attended the substantive hearing as the instructed advocate?

The rules concerning who the LAA should pay are set out in the regulations.

Any change to who the LAA should pay would need to be made by amending the regulations and this would be a matter for the MoJ.

What is the LAA doing about making sure the instructing advocate (IA) pays all substitute advocates?

Where more than one advocate has been involved in a case (whether two barristers or a barrister and solicitor advocate), it is for them to agree fee-sharing arrangements between themselves.

Chambers can raise any concerns about providers / chambers who have not accounted for substitute advocates with their Bar contract managers. They will then liaise with their contract manager colleagues to



consider whether the contract has been breached in any way.

CCMS

Issue

LAA response

Can you change the system so that advocates can allocate cases to themselves without waiting for providers to do so?

This will not resolve the issue as the provider still needs to allocate a cost limit before the advocate can bill.

CCMS allows advocates to prompt a provider to allocate the case to them. If the issue is more systemic with a firm, please let your Bar contract manager know.

We have produced a quick guide, Assign Counsel, published under the Training and Quick Guides tab on the CCMS website:

<http://ccmstraining.justice.gov.uk/training-and-quick-guides/quick-guides>

Why can't barristers apply for payments on account (POA) electronically?

POAs can be submitted electronically for cases processed on CCMS.

We'd like to highlight that, currently, the electronic payment timescales are the same as those for paper submissions.

A POA can be submitted on non-family cases, VHCC family events cases and cases that escape FAS/FGF.

The advocate would create and submit the POA on CCMS – as long as the advocate has been allocated to the case and sufficient costs on CCMS – by the provider.

The advocate inputs their actual costs on the system – CCMS will calculate 75% of the fees due and this will be considered by the caseworker.

CCMS will only allow the advocate to claim during the appropriate payment window.

Costs will then be paid direct to the advocate.

The user who submitted the claim will receive an 'action' through CCMS to request evidence. This can be scanned and sent electronically through CCMS or sent by post to the Document



CCMS

Scanning Centre to be scanned on the user's behalf.

The following is a link to the training website

<http://legalaidtraining.justice.gov.uk/>

The following is a link to information on counsel POAs under CCMS

<http://legalaidtraining.justice.gov.uk/course/category.php?id=86>