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| Legal Aid Agency | High or Very High Cost Case Claim checklistFor use with CIV CLAIM1 |

The purpose of this checklist is to reduce the likelihood of your CIV CLAIM1A claim being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

 CIV CLAIM1A claims are often rejected because they fail to meet these requirements;

**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 if you have any issues with the reject.

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| Client’s name |  | Cert. Ref. No. |  |

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| --- | --- | --- | --- |
| Provider’s name |  | Provider’s Acct. No. |  |

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| Fee earner’s name |  |  |  |

The claim needs the attention of (please tick): [ ]  NIAT [ ]  HCC [ ]  VHCC [ ]  MHU

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| **Mandatory Caseworker Checks** | **LAA check****Pass?** |
| Has an emergency certificate been issued? | Where an emergency certificate has been issued you must use the rates calculator to check* Has there been a gap between the expiry of the emergency and the grant of the substantive certificate
* Has any work been claimed between the expiry of the emergency and the grant of the substantive certificate

Any work claimed within this time period must be removed by the provider  |  |

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| Emergency Date | Substantive Date | Rates Calculator Checked Yes or No | Gap in fundingYes or No |
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|  | **Requirement** | **Notes** | **Provider checked** | **LAA use:** |
| --- | --- | --- | --- | --- |
| **Pass?** |
| Stage One Checks |
| **1** | DisbursementsWarning Sign Clip Art | You must provide a voucher for every disbursement of £20 (including VAT) or more. For mileage claims and court fees, LAA will accept a copy of your ledger or the letter you sent with a payment. All other vouchers must show:* the service provider’s details (e.g. be on headed notepaper);
* your client’s name (so as to link them to the case);
* details of what the voucher is for;
* where applicable, a detailed breakdown of work undertaken, time spent and the hourly rate.

You must claim experts’ costs at the correct codified rate. These are shown at:**http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims**Please mark each disbursement voucher with a number, and list all of the vouchers in numbered order on page 6 of the claim form, so that LAA can check it has all of the disbursement vouchers for which you are claiming. If there’s not enough space on the claim form, please continue the list on a separate sheet. Please provide all of the vouchers securely attached together in a separate bundle. **Please note that LAA will keep your vouchers.** |  |  |
| **2** | Separate stage bills | Where you have agreed your contract with LAA in stages you must provide LAA with separate staged bills, or with separate totals pages, so that LAA can determine that the amounts you have claimed do not exceed the agreed amounts for each stage. |  |  |
| **3** | CIV CLAIM1 not for payment (or before issue of contract) | If you submit a CIV CLAIM1 to LAA for information purposes only, you should indicate this on the bill.**Note**: for cases under a contract, LAA will not pay any CIV CLAIM1s that are submitted before the contract limit has been agreed and the certificate amended. |  |  |
| **4** | Do your figures match the agreed high cost contract? | You must check that the figures on your CIV CLAIM1 are within the maximum limits agreed with LAA, and that the figures for profit costs, disbursements and/or counsel fees are no higher than the maximum limits you agreed with LAA in your last case plan. If your claim is rejected because your CIV CLAIM1 figures exceed the amount you agreed with LAA, you must either revise the total figure on page 7 of the CIV CLAIM1 or provide a covering letter giving LAA authority to reduce this figure. |  |  |
| **5** | Have you used the correct counsel/solicitor hourly rates? | You must ensure that you use the correct hourly rates for cases for profit costs. In particular, you must claim at the reduced rates for matters that were issued post-LAR (i.e. Family cases issued from 1-2-12 and non-Family cases issued from 3-10-11). In Clinical Negligence cases you should check that you claim at the correct rates, in line with the rules on the Clinical Negligence checklist.A rates calculator and guidance for civil claims are available at:<http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims> |  |  |
| Stage Two Checks |
| **6** | Have you used the correct claim form? | The correct form for high and very high hourly rate bills (non-fixed fee) is **CIV CLAIM1** **Version 18** (November 15). It is available at:<http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims> |  |  |
| **7** | Has claim form been signed and dated? | The certification on page 8 of CIV CLAIM1 must be signed and dated. The form you send to LAA must have original signature (not a photocopy), even if you have already agreed a contract with LAA, and it must be clear who has signed the claim form. |  |  |
| **8** | Outcome of case | You must provide the date the final work on the case was carried out (excluding bill preparation), and provide outcome codes, on page 2 of CIV CLAIM1. The date of final work determines the applicable VAT rate; please ensure that you use the appropriate VAT rate. |  |  |
| **9** | Claim form is fully completed | Before you submit the form you should check that all of the relevant pages of the claim form have been fully completed (especially page 5), **even if the matter is under an SCU contract**. For cases under the Clinical Negligence Checklist, instead of completing page 5 you only need provide LAA with an office breakdown of work and rates applied.If the bill is taxed at court (as per any agreement), a copy of the **assessed bill of costs** must also be provided to LAA. |  |  |
| **10** | Counsels’ fee notes | In non-FGF/FAS cases you must submit fee notes for all counsel, showing the work for which they claimed and were paid and (if applicable) that they were paid at the appropriate hourly rate. The total value of the fee notes should match your claim on page 8 of the CIV CLAIM1 (or be clear which stage the work relates to on the fee note). |  |  |
| **11** |  Panel membership declaration | If you claim for panel membership enhancement, the section on page 3 of CIV CLAIM1 must be signed by all panel members. The form sent to LAA must have original signatures (not photocopies). |  |  |
| **12** | 5% bonusWarning Sign Clip Art | If you claim a 5% bonus under the terms of a high cost contract, the bonus must be clearly identified as a separate payment on page 8, or on a separately provided page 8. |  |  |
| **13** | File of papersWarning Sign Clip Art | You should **only** submit your file of papers with your CIV CLAIM1:* if your claim is **not** made under a HCC (SCU), VHCC contract or the Clinical Negligence Checklist;

**and** your net costs exceed £2,500. |  |  |
| **14** | ‘Events’ casesWarning Sign Clip Art | If you have agreed an ‘Events’ contract with LAA, you must submit a copy of the relevant case plan with any CIV CLAIM1 that you submit for payment. You must ensure that the declaration on the events plan has been signed. |  |  |
| **15** | Statutory charge (CIV ADMIN1)Warning Sign Clip Art | If appropriate, has a statutory charge decision been made and the legal aid fund protected?If a statutory charge decision has not yet been made, when you submit your claim you must provide LAA with:* a fully completed CIV ADMIN1, clarifying what was in dispute, with the legal help section of page 1 fully completed; and
* a copy of the court order/settlement agreement.

Where a statutory charge decision could be made, you must report the outcome of the case promptly. If you fail to do so, payment of your claim might be delayed. |  |  |

**For LAA use:**

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| Caseworker’s name |  | Region |  |

**Additional assessment guidance notes**

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| Statutory Charge | Any issues in relation to statutory charges must be resolved before LAA may consider payment. If applicable, this includes the client providing sufficient details on the CIV ADMIN1 to LAA in order for LAA to apply for a legal charge on the client’s property to satisfy the debt due under the statutory charge.If you are unable to fulfil these requirements, please explain why to save LAA contacting you for further information. |
| Show Cause | If the certificate for this case has been subject to a ‘Show Cause’, you are not normally entitled to claim costs you incur during the period of the show cause. Consequently, you should not claim for any work carried out during a ‘Show Cause’ break in funding. |
| Emergency certificate expiry | If the client’s emergency certificate has expired and a substantive certificate has not been issued, LAA will not normally pay costs they have not authorised. |
| Experts Rates | For cases where experts’ fees are subject to codified rates, and LAA has not authorised a higher rate, please ensure the correct codified hourly rates have been claimed |
| Duplicate Claims | When you submit a claim, please ensure that it does not duplicate any claim submitted to and paid by LAA. If there is a problem with a claim that you have submitted, please inform LAA of this before you submit a replacement claim, to ensure that there’s no risk of duplicate payment |
| Court Orders | You may only claim for the cost of drug testing or risk assessment if:* LAA has given you prior authority to do so; or
* the court has ordered that drug testing or risk assessment take place, in which case you must provide LAA with a copy of the relevant court order(s).
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| Copy Case Plan | Where possible, please provide LAA with a copy of your latest agreed case plan when you bill for a stage |

**CIV CLAIM1 – pages to be completed**

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| --- | --- |
| **Page** | **Section** |
| 1 | All sections |
| 2 | All sections |
| 3 | All sections (including the Panel Membership declaration, if applicable) |
| 4 | All sections, if applicable |
| 5 | Complete schedule fully (except for Clinical Negligence Checklist cases) |
| 6 | All sections, if applicable – please ensure any DOT codes in schedule are detailed |
| 7 | All sections, if applicable |
| 8 | All sections – please detail the amounts paid to each counsel |
| 9 | All sections, if applicable |
| 10 | All sections, if applicable |

**Other useful points to note**

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| Experts’ fees | Codified rates for experts apply to **all** certificates applied for on or after 03/10/11 |
| Rate changes | Rates were cut by 10% on **civil certificates** applied for on or after 03/10/11 and **family certificates** applied for on or after 01/02/12 |
| Barrister rates | Set rates for barristers were introduced in civil certificates applied for on or after 03/10/11 |
| VAT | On Profit Costs this must be calculated from the date of final work for the stage |