|  |  |
| --- | --- |
| Legal Aid Agency | LAA- Judicial Review Assessed Claim 1 checklist  For use with CIV CLAIM1 |

The purpose of this checklist is to reduce the likelihood of your CIV CLAIM1 claim being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

Warning Sign Clip Art CIV CLAIM1 claims are often rejected because they fail to meet these requirements;

Please ensure you are using the correct version of the form. The current version of the Claim 1 is Version 18 (November 2015). It is available at <https://www.gov.uk/government/publications/civ-claim1-civil-claim-form-not-fixed-fee>

**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](mailto:laacivilclaimfix@justice.gov.uk) if you have any issues with the reject.

|  |  |  |  |
| --- | --- | --- | --- |
| Client |  | Cert. Ref. No. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Provider |  | Provider Account. No. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Fee earner |  |  |  |

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

|  |  |  |
| --- | --- | --- |
| **Mandatory Caseworker Check** | | **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 should be assessed |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Emergency Date | Substantive Date | Rates Calculator Checked Yes or No | Gap in funding  Yes or No |
|  |  |  |  |

|  | **Requirement** | **Notes** | **Provider checked** | **LAA use:** |
| --- | --- | --- | --- | --- |
| **Pass** |
| **1** | Have you used the correct fee scheme and rates?  Warning Sign Clip Art | You must ensure that you use the correct fee scheme and fee rates are used. A rates calculator and guidance for civil claims are available at:  <https://www.gov.uk/government/publications/civil-claims-rates-calculator>  You must detail the amount of your profit costs so that LAA can check that you have claimed the correct fee. |  |  |
| **2** | Eligible for Payment  Warning Sign Clip Art | **Judicial Review Payment Criteria**  The provider is only entitled for payment for work in relation to the issue and conduct of proceedings, if permission for JR has been granted by the court or discretion exercised by Lord Chancellor   * Do the costs arise from the reasonable pre issue disbursements and investigations; or * Was permission for the JR granted? If yes evidence of permission must be submitted with the claim * Payment claimed for work in relation to the issue and conduct of proceedings where permission has neither been granted nor refused. Has discretion to authorise payment been exercised? If yes submit evidence with your claim.   **Failure to clarify the case status may give rise to a mandatory reject. A decision on the appropriateness of the claim submission must have been made prior to its submission.**  **Ensure that the appropriate outcome codes are utilised?** |  |  |
| **3** | Expert invoice details  Warning Sign Clip Art | You must claim experts’ costs at the correct codified rate. These are shown at:  <https://www.gov.uk/expert-witnesses-in-legal-aid-cases>  If you claim for the cost of Drug and/or Alcohol tests, unless LAA has granted prior authority for the tests you must provide a copy of the court order for the tests to be carried out. |  |  |
| **4** | Disbursements  Warning 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.   If you are unable to provide this level of detail due to the nature of a disbursement or the age of the case, LAA may accept a copy of your ledger plus evidence of the work undertaken (e.g. an expert report and instructions). You must explain your reasons for this in a covering letter accompanying the CIV CLAIM1.  Please mark each disbursement voucher with a number, and list all of the vouchers in numbered order on page 6 and 7 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.** |  |  |
| **5** | 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, you must provide LAA with a fully completed CIV ADMIN1, a copy of the court order/settlement agreement and your client’s repayment proposals, so that LAA can make a decision. Where proceedings have not concluded the statutory charge may still apply after discharge/revocation; therefore please ensure details are provided to enable consideration by the LAA.  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.  If you receive money on behalf of your client, you must either provide LAA with a cheque for the full amount or an undertaking as to costs, pending a statutory charge decision.  The legal help costs section on page 1 of CIV CLAIM1 must also be completed. |  |  |
| Stage Two Checks | | | | |
| **6** | Expert Standards | All experts must meet the required Ministry of Justice standards for experts in England and Wales.  Where the standards have been met please tick the box. Where the standards are not met and no prior authority has been granted please provide a copy of the court order and experts CV |  |  |
| **7** | Apportionment | In the case of an apportioned claim, please provide the reference number for each Legal Aid certificate to which the claim relates and state the percentage of your costs that should be apportioned to each certificate. |  |  |
| **8** | Account number | The account number that you provide on page 1 of the CIV CLAIM1 must match that on your Legal Aid Certificate. |  |  |
| **9** | Previous advice | If you are the final conducting solicitor and are submitting your final bill for a case, you must:   * state that this is your final claim; and * ensure that all previous firms have submitted their claims before you submit yours. |  |  |
| **10** | Outcome of case | You must provide the date of last work, outcome codes and the name(s) of the court(s) or proposed court. The date of last work determines the applicable VAT rate; please ensure that you use the appropriate VAT rate. The court (or proposed court) determines the rates applicable. |  |  |
| **11** | Do the costs qualify for court costs assessment | Your claim should be assessed by the court if the case has concluded in the county court or a higher court, and:   * the total (excluding VAT) assessable profit costs, disbursements and (non FAS) counsel’s fee costs exceeds £2,500; and/or * there are inter-partes costs to be assessed by the court.   Please refer to Section 14.1, 14.2 & 14.13 of the Costs Assessment Guidance 2018 for further details on assessable costs in fixed fee cases. |  |  |
| **12** | Outstanding show cause or reassessment  Warning Sign Clip Art | Before you submit your claim you must check that neither a ‘show cause’ nor a reassessment is outstanding on the certificate. If either applies, it must be resolved before you submit your claim. |  |  |
| **13** | Details of work done | You should provide details of the work you have done on page 3, 5 and 8 of CIV CLAIM1. In particular, you must give details of any ‘other’ work claimed for under DOT, AOT, ROT or OOT codes. A list of codes is available at:  <https://www.gov.uk/government/publications/outcome-expert-and-claiming-codes> |  |  |
| **14** | 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. In the event that the fee earner is unable to sign this declaration, in exceptional circumstances LAA will accept the signature of either one of your firm’s partners or a fellow panel member, supported by an explanation in a covering letter provided with the CIV CLAIM1. |  |  |
| **15** | Counsel’s fee notes (non‑FAS/FGF) | Codified rates for counsel apply to Legal Aid Certificates issued on or after 3/10/11, so LAA requires that fee notes contain counsels’ rates, details of their seniority and hours worked. Rates for counsel are shown at:  <https://www.gov.uk/government/publications/civil-claims-rates-calculator>  For Legal Aid Certificates issued on or after 02/12/13 rates for solicitors apply to counsel an submission of CF1a is mandatory detailing counsel’s fees.  The CF1a can be located at:<https://www.gov.uk/government/publications/cf1a-counsel-claim-form> |  |  |
| **16** | Has claim form been signed and dated? Warning Sign Clip Art | The certification must be signed and dated as indicated on the claim form. This must be an original signature and it must be clear who has signed the claim form. |  |  |
| **17** | File of papers | You should submit your file of papers with your CIV CLAIM1:   * for **all Mental Health Claims**; * for **Judicial Review and Immigration cases,** if your net claim for solicitors profit costs exceeds £1,000 * for **other cases**, if your claim for solicitor’s profit costs (excluding VAT) exceeds **£2,500**.   If your claim is rejected and remains over the above values when you resubmit it, you should resubmit your file of papers with your CIV CLAIM1. |  |  |
| **18** | Claim form fully completed | Before you submit the form you should check that all of the relevant pages of the claim form have been fully completed, with correct addition where applicable, and ensure that all necessary information required to process your claim is included. |  |  |
| **19** | Costs Orders/Default Costs Certificate | The LAA can only assess costs payable to the client by another party where no assessment of those costs is needed; i.e either costs agreed, for a specific amount or default costs certificate has been obtained.  Where costs have been ordered in favour of your client but have not been recovered, and, court assessment of those costs is not required you must complete pages 9 and 10 of CIV CLAIM1.  Where the Default Costs Procedure has been followed you must provide a copy of the default costs certificate. Alternatively please enclose a copy of the order in which the fixed costs were ordered.  Please remember that, while a court order may entitle your client to recover costs from a debtor at the rate ordered by the court, you may only claim costs from LAA at LAA’s prescribed rates, which are shown at:  **http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims** |  |  |

**For LAA use:**

|  |  |  |  |
| --- | --- | --- | --- |
| Caseworker’s name |  | Region |  |