|  |  |
| --- | --- |
| Legal Aid Agency | LAA-assessed Claim 5 (FGF) checklistFor use with CIV CLAIM5 |

The purpose of this checklist is to reduce the likelihood of your CIV CLAIM5 (claim for Counsel’s fees under the **Family Graduated Fee Scheme**) being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

 CIV CLAIM5 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 5 is version 19 (September 2022). It is available at <https://www.gov.uk/government/publications/family-graduated-fee-and-family-advocacy-claim-forms>

**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.

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| Clerk’s name |  |  |  |

|  | **Requirement** | **Notes** | **Counsel checked** | **LAA use:** |
| --- | --- | --- | --- | --- |
| **Pass** |
| **1** | Times attended at courtWarning Sign Clip Art | Please list the times counsel attended at court on page 2 of CIV CLAIM5, or on the back page of counsel’s brief, showing the start time (the listing time), the end time and the time counsel took for lunch. If the times you claim include lunchtime (12:00–14:00), and you do not show a lunch break or state that counsel worked through lunch, LAA will assume that counsel took a 60-minute break. |  |  |
| **2** | Legal Aid Certificate reference numberWarning Sign Clip Art | LAA often rejects claims that have an incorrect Legal Aid Certificate number. Please either provide a copy of the certificate or double-check that the number you provide is correct. |  |  |
| **3** | Original signature by CounselWarning Sign Clip Art | Unless LAA has previously agreed that the declaration on page 7 of the CIV CLAIM5 may be signed by a fee clerk or other designated person, the declaration must be signed and dated by counsel. The CIV CLAIM5 sent to LAA must have an original signature, not a copy. |  |  |
| **4** | Claimable workWarning Sign Clip Art | All of the work carried out by counsel must fall within the scope of the Legal Aid Certificate. If your CIV CLAIM5 appears to claim for work other than that specified by the certificate, LAA will rejected it and ask you to explain how the work falls within the certificate’s scope.Counsel’s work must also:* be claimed at the correct rates (see <http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims>);
* comply with the Legal Aid fee scheme guidance
* be in accordance with the SIPS and brief provided by their instructing solicitor; and
* not exceed the cost limit on the Legal Aid Certificate.

LAA will reject claims for amounts greater than the Legal Aid Certificate’s cost limitation. If you wish to claim for more than the limit, you should contact your instructing solicitor. They may apply to LAA for permission to extend the certificate’s scope or cost limitation. |  |  |
| **5** | SIPS FormWarning Sign Clip Art | For a F2, F3 or F5 hearing, if you claim for SIPS (Special Issue Payments), special preparation time or an advocates bundle payment, you must provide LAA with a completed SIPS form. The SIPS form must be signed by the judge and sealed by the court, and any amendments on it must also be signed or sealed. |  |  |
| **6** | Brief or letter of instructionWarning Sign Clip Art | You should provide LAA with a copy of the brief or letter of instruction given to counsel by their instructing solicitors. The brief/letter should include the case’s hearing date, listing time, the type of hearing and type of court, and it should specify the application before the court. LAA needs this information to determine whether counsel’s work is in accordance with their instructions, within the scope of the Legal Aid Certificate and whether you have claimed the correct fee.If you cannot provide this, you should provide LAA with the court order or notice of proceedings that records counsel’s activity. If the order/notice does not specify the application before the court, you should state this on page 2 of the CIV CLAIM5 (e.g. ‘application for a prohibited steps order’, ‘application to discharge a contact order’).If there are any discrepancies between the work you claim for and the brief and other supporting documentation, please explain the reason for this on page 2 or in a covering letter and if possible provide evidence to support your reasons. |  |  |
| **8** | Court orders | LAA will accept draft copies of court orders as long as they have been sealed by the court or signed by the judge or court officer. |  |  |
| **9** | Evidence in Support of Settlement | Where a settlement supplement is claimed, a finalised copy of the relevant settlement order must be attached. |  |  |
| **10** | Evidence that the court ordered the counsel to attend before the listing time | If counsel was specifically directed by the court to attend before the listing time for a particular hearing, and your claim uses this time to calculate the hearing fee, LAA requires evidence of this in a court order or notice of proceedings, or (if this direction is not included in the counsel’s brief or distinguishable from a request that the advocate attend early for a client conference) confirmation from counsel’s instructing solicitors. |  |  |
| **11** | Evidence of opinions or conferences | For Function 1 cases you must provide LAA with a copy of counsel’s opinions or written submissions. For Function 4 cases you must provide LAA with evidence and times for conferences. |  |  |
| **12** | Justifying travel and hotel expenses | If you claim expenses for journeys and overnight stays on page 4 of CIV CLAIM5, you must describe and justify them on page 2, especially if counsel is not based at the address you give for chambers on page 1. If a local counsel is not instructed, you must explain why.If you claim for taxi costs rather than public transport, you should provide evidence that public transport was unavailable or inappropriate. If you fail to do so, LAA may assess the travel costs at the amount that public transport would have cost.If you apportion costs between more than one Legal Aid Certificate, or justify overnight accommodation as reasonable because counsel was engaged in the same location on the preceding or following day in an unrelated publicly funded matter, you should give the additional certificate’s reference on page 2 and provide evidence of the costs claimed on that certificate. |  |  |
| **13** | DisbursementsWarning Sign Clip Art | If you claim for mileage, the miles you claim must reflect the actual distances between your chambers and the destination (e.g. the relevant court or the location of advocates’ meeting/conference).You must provide a voucher for all other disbursements of £20 (including VAT) or more. If you are unable to provide your ticket for rail or other public transport travel, LAA will accept an alternate proof of disbursement (e.g. receipt, booking confirmation, bank/credit card statement), supported by relevant evidence (e.g. a screenshot from the ticketing website). **Please note that LAA will keep your vouchers.** |  |  |
| **14** | Cases where no prior authority to instruct counsel has been granted | If counsel acts on a case in a Magistrates’ Court on behalf of solicitors who have not been granted prior authority to instruct by LAA, you should claim on page 6 of CIV CLAIM5 at the solicitor’s rate of remuneration (see <http://www.justice.gov.uk/forms/legal-aid-agency/civil-forms/claims>).  |  |  |
| **15** | Has the solicitor’s final bill already been paid? | If your instructing solicitor’s final bill has already been paid by LAA, you must provide LAA with evidence that your fees were included in the advocacy costs specified in that bill. If your instructing solicitor’s final bill did not include your fee, your instructing solicitors must submit a revised bill that includes your fee.This does not apply to some High Cost Cases; your instructing solicitors can advise you on this. |  |  |
| **16** | The correct rate of VAT has been used | Please ensure that the VAT claimed for on page 4 of CIV CLAIM5 is shown at the correct rate. You should use the VAT rate that applied on the date the work was carried out (either 15%, 17.5% or 20%). |  |  |

**For LAA use:**

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