

 **Crime Lower Common Billing Errors**

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**Overview**

To be paid in full for your work under the Standard Crime Contract, the Legal Aid Agency requires that you follow contractual requirements and the Remuneration Regulations in relation to the accuracy of costs claimed.

The purpose of this document is to identify the most common claiming errors we encounter, and to provide guidance to help prevent those errors.

Please take time to review this document and share it with colleagues within your department. This guidance could help avoid reductions in costs following LAA audits and assessments.

If any of your claims need amending, please refer to the Claim Amendment process set out on our website – link available [here](https://www.gov.uk/guidance/submit-a-contracted-work-and-administration-cwa-claim-online#amendments-to-submitted-claims)

References to guidance in this document are contained in the following documents:

* The Standard Crime Contract 2022 (SCC) – link available [here](https://www.gov.uk/government/publications/standard-crime-contract-2022)
* The Criminal Bills Assessment Manual (CBAM) – link available [here](https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-and-crime-matters#crime)

**Crime Lower Common Errors**

1. **Travel and Disbursements**

**Increased travel costs as a result of using an agent**

You may instruct a solicitor or representative working as an agent to carry out work on your behalf, provided that the use of such an agent does not increase the costs payable. Where you instruct an agent or counsel, you must claim payment for the work as if you had carried it out yourself.

When using agents during Business Hours (9am to 5:30pm, Monday to Friday), the claimable travel is only permissible up to a maximum of the travel that would have been incurred from the office, irrespective of where the agent has travelled from and potentially claimed from the firm.

For clarity, travel claims outside of Business Hours are permissible from a non-office address subject to reasonableness, and details of such travel (including postcode) should be noted on file.

Relevant Guidance:

* Section 4.13 of the 2022 SCC Specification
* Sections 3.9(13) (maximum fee principle) and 6.8(7) of CBAM
1. **Police Station Claims**

**Police Station Fee/Codes**

The LAA has noticed an increase in the number of Police Station Attendance (INVC) claims using an incorrect Police Station code, which therefore triggers an incorrect fixed fee. This may have resulted from changes in way custody cases were dealt with by the Police during the Covid period.

This is a reminder to Providers to ensure that the correct Police Station code is reported for Police Station Attendance claims based upon the Duty Solicitor Scheme in which the first attendance takes place.

A Police Station attendance claim (INVC code) should involve a physical attendance on the client at the Police Station by the advisor (unless the Police and client have specifically agreed to a remote attendance under the Joint Interim Interview Protocol (NPCC). Instances where the client is given telephone advice whilst at the Police Station should be claimed as Telephone Advice (INVB code), unless they were carried out during the period of Covid Contingency policies

Relevant Guidance:

* Section 5.8(4) and (5) of CBAM
* Annex C of CBAM for Covid-related Contingency policies
1. **Magistrates Court Fee Category**

**Category 1 or Category 2 claiming**

A Category 2 Magistrates Court claim should be made where the case has either; a) been listed & fully prepared for trial, or b) where mixed pleas have been entered.

Any Magistrates court proceedings where a Not Guilty plea has been entered, which are then disposed of (discontinued or cracked trial, etc.) before trial preparation has been completed, should be claimed as Category 1 claims.

Relevant Guidance:

* Section 10.89 of the SCC Specification
1. **Court Duty Solicitor Claiming**

**Court Duty Solicitor Travel**

For Court Duty (PROD) claims – travel should only be claimed where the attendance is on a non-business day or where the Duty Solicitor is recalled back to Court. Travel for Court Duty sessions cannot be claimed where the attendance is on a Business Day, even if the Court Duty session has been moved to a non-local Court location.

For clarity, Court Duty Solicitor attendances on non-Business Days can include reasonable travel costs (both travel time and disbursements) and the higher Enhanced hourly rates.

Relevant Guidance:

* Section 6 of Schedule 4 of the Crime Remuneration Regulations 2022
* Annex C of CBAM
1. **Court Duty - Correct Hourly Rates**

Some Providers are not claiming the correct hourly rates for Court Duty work following the 15% fee increase in October 2022. This may be because some Case Management systems are not applying the increased rates to these cases where a ‘dummy’ UFN has been applied.

We therefore advise Providers to check their Court Duty claims from October 2022 onwards to ensure the correct uplifted rates have been claimed.

1. **Duplicate Claims**

Providers are reminded to check their monthly submissions for any possible duplicate claims. Both the LAA Portal and most IT Case Management Systems carry out a basic check for any duplicate claims, but this is not always a comprehensive check and can miss some types of duplicated claims - for example where two different UFN’s may have been allocated to the same case, or some Court Duty claims.

Providers are therefore encouraged to carry out a manual check before submitting their claims each month to limit any errors and recoupments.

1. **Series of Offences**

**Police Station**

For detailed guidance on how to claim for series of offences, or linked clients, in the Police Station, please refer to the guidance and useful table at Section 5.9 of CBAM.

**Magistrates Court**

For guidance on when to submit more than one claim for matters in the Magistrates’ Courts and what can be classed as a “series of offences” please refer to the guidance below.

Relevant Guidance:

* Section 10.69-70 of the SCC Specification
* Section 6.6 of CBAM
1. **Designated Fees**

Errors are occurring in relation to when a Designated Fee should be claimed for a Magistrates’ Court matter. A Designated Fee must be claimed where either;

1. The Provider is based in a Designated Area, or
2. The case is dealt with in a Magistrates Court based in a Designated Area.

For clarity, where a provider in an Undesignated Area has a case that is transferred to or from a court located in a Designated Area, they should still claim the Undesignated Fee for the case.

The Undesignated Fee claim codes are PROE and PROF (which can include travel and waiting costs), and the Designated Fee claim codes are PROK and PROL (travel disbursements only).

There is a list of Designated Fee areas contained within the Glossary at the front of the 2022 SCC Specification.

Relevant Guidance:

* Section 10.77-85 of the 2022 SCC Specification
* Section 6.6 of CBAM ‘Designated Area fees and work moving between Courts’.
1. **Crown Court Sending Fee Claims**

Claims for Crown Court Sending Fee (PROW) matters should only be made where the case has been sent to the Crown Court for **trial**. These claims should not include matters that are sent to Crown Court for sentence, or for any reason other than for trial.

Relevant Guidance:

* Section 10.131-143 of the SCC Specification
* Further PROW Guidance is to be issued in the next update of the Criminal Bills Assessment Manual.