



Legal Aid
Agency

2024 Standard Civil Contract

Useful Information For New Providers – Immigration and Asylum

September 2024



The Contract

- You should be familiar with all the contract documents. The contract documents, including the Immigration Specification, can be found here:

<https://www.gov.uk/government/publications/standard-civil-contract-2024>

Purpose of this document

- This document highlights some key requirements or pieces of information which may be of particular use to providers unfamiliar with legal aid or the immigration category.
- **This document is not intended to replace the need to familiarise yourself with the 2024 Standard Civil Contract, including the Immigration specification, or any available guidance.**
- **Links to some of the guidance documents cited, can be found at the end of this document.**

Funding levels

- Legal Aid funding for Civil advice, is separated into Controlled Work and Licensed Work, both of which are available in the Immigration category.

Controlled Work:

- This includes Legal Help and Controlled Legal Representation (CLR); most of your work will be anticipated to be conducted under Controlled Work.
- Legal Help and CLR are separate matters, requiring separate determinations on the granting of legal aid and separate matter starts to be opened.

Licensed Work:

- Legal Representation that is not Controlled Work or Special Case Work. This may include Judicial Review, appeals to the Upper Tribunal or Court of Appeal.
- This work is funded under a Certificate and is managed through the Client and Cost Management System (CCMS). You can find further details on CCMS in the [2024 Standard Civil Contract- Useful Information For New Providers](#).

Asylum and Immigration

- Advice is also separated into ‘Asylum’ and ‘immigration’.
- These are defined in para 8.7 and 8.8 of the Imm Specification, with reference to LASPO.
- It is expected that most work undertaken, will fall within scope of para 30 of part 1, Schedule :

Civil legal services provided in relation to rights to enter, and to remain in, the United Kingdom which

(a) arise from

(i) the Refugee Convention; or

(ii) Article 2 or 3 of the Human Rights Convention; or

(b) are conferred by—

(i) immigration rules, insofar as they implemented the Qualification Directive; or

(ii) any other provision of law which implemented the Qualification Directive.

- Providers should determine whether a matter is in scope of legal aid, with reference to LASPO and the Category Definitions, prior to opening a matter start.

Fee Schemes

- Most matters under Controlled Work, are funded under the **Standard Fee Scheme (SFS)**; exceptions to this, payable under **Hourly Rates**, are set out in the Immigration Specification (para 8.101).
- Details of what advice/activities the Standard Fees cover, can be found in paras 8.72-87 of the Imm Specification.
- The Standard Fees and additional payments, are set out in Tables 4(a), 4(aa), (b) and (c) of [Part 1, Schedule 1 of the Civil Legal Aid \(Remuneration\) Regulations 2013](#).
- For Hourly Rates matters, the applicable rates are set out in Tables 7(d) and 8(c) of those [Regulations](#).

Initial Cost Limitations

- These apply to the total value of disbursements incurred in a Legal Help or CLR matter, under the SFS (para 8.88).
- They also apply to disbursements in Legal Help Hourly Rates matters (para 8.110) and profit costs in such matters (para 8.106).
- Where CLR matters are payable under Hourly Rates, a single cost limit applies to the total profit costs, disbursements and counsel fees (para 8.112).
- These limits can be extended upon request via use of the appropriate [CW3 form](#). Such requests should be made prior to the limits being exceeded.
- Providers can apply via the MHU team in Liverpool, to participate in the Self Grant scheme, which allows them to self-certify an extension of the initial cost limits to a higher amount (max of £3000). The criteria for applying to join the scheme and further details on its operation, can be found in paras 8.116-8.134 of the Immigration Specification

Exceptional Case Funding

- Sometimes people can get legal aid even though their case is not in the scope of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).
- This is known as Exceptional Case Funding (ECF). An ECF team within the Legal Aid Agency (LAA) deals with these cases.
- To qualify for ECF, the client must meet the ECF criteria as set out in LASPO and described in the Lord Chancellor's funding guidance.
- They must also be financially eligible for legal aid and their case must meet the merits criteria to qualify.
- Providers can find out more about applying for ECF, here: [Legal aid: apply for exceptional case funding - GOV.UK \(www.gov.uk\)](https://www.gov.uk/legal-aid-apply-for-exceptional-case-funding)
- When reporting an ECF matter via CWA, providers must enter the ECF reference number that the matter has been allocated. This will allow reporting codes that are otherwise unavailable, to be used.

Cases which are brought into scope if conditions are met

- Some cases removed from the scope of legal aid advice, can be brought back into scope if an individual meets set criteria.
- This may include Immigration matters involving:
 - victims of trafficking/modern slavery or
 - separated migrant children
- See paras 31A and 32 of part 1, schedule 1 of LASPO for details of the criteria.
- Where the criteria are met, when reporting the matter in CWA, the relevant exemption code should be reported in the “Exemption Criteria Satisfied” field. You can find further details in section 14 of the Guidance for Reporting Controlled Work.

Advice to clients detained in an Immigration Removal Centre (IRC)

- Clients detained at an IRC can choose between providers who:
 - hold an exclusive Detained Duty Advice Scheme (DDAS) schedule authorisation
 - do not hold an exclusive DDAS schedule authorisation
- Advice given under the DDAS is provided under an exclusive Schedule authorisation whereby Providers are allocated rota slots with Client appointments arranged by the relevant IRC.
- Where a client is subject to the Detained Asylum Casework (DAC) processes, only a provider with Schedule Authorisation may provide Contract Work for those clients, unless one of the exceptions in para 8.6 of the Immigration Specification apply.

Bail advice

- Where a substantive matter is already open for a client, and the client requires advice on bail, this advice must be given under that same matter start.
- The costs associated with bail advice, should be claimed on a separate line in CWA to any claim for costs relating to the rest of the matter e.g. the costs relating to an asylum claim.
- The initial cost limit for bail advice under CLR, where no other advice is given, is £500, covering profit costs, disbursements and counsel fees.
- Where the matter is payable under Hourly Rates, the cost limit will apply to the total costs incurred in that matter even if that matter covers bail and another type of advice e.g. an asylum appeal and bail hearing, conducted under the same matter start, under Hourly Rates, will have an initial cost limit of £1600.
- Where bail is obtained, a completed claim should be made for those bail costs and a new, bail only matter must be opened to cover any advice on renewals/variation of bail. That second matter will cover all renewals.

Accreditation and reserved matters

- Paras 8.13-17 of the Immigration Specification confirm the requirements on all Caseworkers who carry out Immigration and Asylum Contract Work (in addition to those in Section 2 of the General Specification).
- Para 8.18 also confirms the levels of Accreditation that a Caseworker must have achieved to be able to carry out certain Contract Work.
- This also confirms which matters are 'Reserved' for only Senior Caseworkers and above.
- You cannot Claim for Contract Work which is carried out by a Caseworker who has not complied with the requirements at Paragraph 8.13.
- The Law Society have agreed a funding initiative in collaboration with the Ministry of Justice, via which the MoJ will fund the accreditation application and examination fees for those seeking to accredit as senior caseworkers who are employed at firms holding legal aid contracts.
- The funding is available to those applying for initial accreditation as a senior caseworker or re-accreditation as a senior caseworker for up to 12 months, starting on 1 January 2024. Further details here: [Immigration and Asylum Accreditation | The Law Society](#)

Interpreters

- The General Specification details the requirements on providers regarding the instruction of interpreters. This includes ensuring that an individual who provides interpretation services in connection with Contract holds at least one of the qualifications listed in the Specification, at the time the relevant services are provided.
- See paras 2.47-51 of the General Specification for details of the requirements and what is required to be evidenced on file.

Early billing of matters

- The Contract does allow for 'early billing' of Legal Help matters, in certain circumstances (see para 8.75 and 8.139 (iv) of the Immigration Specification).
- Where such a claim is made, it must be made as a Completed Claim using Outcome Code IY. Where such a claim is made and further costs are subsequently incurred on that matter, then a [Claim Amendment](#) must be made to add in these costs and amend the outcome. Providers must not submit a second claim as this may result in double payment of costs.
- Please refer to the '[Early Billing](#)' Key Card for further details.

Matter starts

- Providers are allocated a number of Controlled Work ‘matters’ that they may open during each schedule period (usually a 12-month period starting at the Contract start date).
- These are subject to the individual clients meeting the statutory means and sufficient benefit/merits tests.
- Providers can self-increase this initial allocation, should it not be sufficient to cover demand in that period.
- Where a provider tendered in Lot 1, they may self-grant supplemental matter starts providing they do not exceed an amount which is equal to 100% of their existing allocation of Matter Starts in the Immigration and Asylum Category for that year (para 8.37A of the Immigration specification).
- If you are a Lot 2/3 Provider, you may self-grant unlimited numbers of Supplementary Matter Starts in the Immigration and Asylum Category of Law (para 8.37B)
- You must, with 14 days of the exercise of this right, inform your Contract Manager of the number of Matter Starts granted (para 8.37C) and they will update your Contract Schedule accordingly.

Reporting New Matter Starts

- Providers must report the total number of matters opened each month, in each category and in each office, as part of their monthly submission in CWA.
- When doing so, they should report the total number of Imm matters (LH+CLR) that were opened in that month. All Imm matter start reporting is against category code IMMAS.
- Where no matters are opened, a 'nil submission' should still be reported.

New Matter Start Form & Immigration Controlled Legal Representation (Provider TEST Version 1.16.02)

Starts

> First select Category Code from drop down list
> Secondly enter the relevant Procurement Area, Access Point and number of starts
> Only enter Categories where the number of Starts is > 0
> Ensure you complete the table from **top to bottom**
> Leave no gaps between entries
> If you are reporting **Zero Matter Starts** please tick the box below

Enter each category on a separate row and complete all required columns

Category Code	Schedule Reference	Procurement Area	Access Point	Delivery Location	Starts

Key to Category Codes

Code:	Description
AAP	Actions Against the Police etc.
COM	Community Care
CON	Consumer/General Contract
DEB	Debt
EDU	Education
EMP	Employment
HOU	Housing
IMMAS	Immigration - Asylum
IMMOT	Immigration Other Than Asylum
MAT	Family
MED	Clinical Negligence
MHE	Mental Health
MSC	Residual (Miscellaneous)
PI	Personal Injury
PUB	Public Law
VB	Welfare Benefits

< Tick here to indicate if you are reporting Zero Matter Starts

If you have no matter starts please tick the Zero Matter Starts Indicator.

Reporting Procurement Areas

- When reporting in CWA, providers should report the Procurement Area under which matters were opened. The Procurement Area relates to the area that your office is in, not the area that the client resides in – the Procurement Areas that you have authorisation for at set out in Table 4 of your Schedule.
- For matters reported under DDAS, you must report these using the Procurement Area in your Schedule, which relates to the specific IRC at which you undertook the work and have authorisation for. You should use the Access Point ‘non-fast track’ for these claims.
- For matters reported under DAC, you must report these using the Procurement Area in your Schedule, which relates to the specific IRC at which you undertook the work and have authorisation for. You should use the Access Point ‘fast track’ for these claims.

TABLE 4 – 2024 STANDARD CIVIL CONTRACT WORK⁴

1.	2.	3.	4.	5.	6.	7.	8.		9.
Authorisation ID	Effective From	Effective To	Category of Law	Licensed Work only ⁵	Procurement Area	Access Point	Matter Starts		Type of Presence
					Name		MIN ⁶	MAX ^{7,8}	Type
[INSERT]	[]	[]	[INSERT]	[Yes/No]	[INSERT]		[INSERT]	[INSERT]	[INSERT]
[INSERT]	[]	[]	[INSERT]	[Yes/No]	[INSERT]		[INSERT]	[INSERT]	[INSERT]

Reporting Controlled Work claims in CWA

- Legal Help and CLR are reported as separate claims in CWA. The billing points for each are confirmed in the Contract (para 8.74, 8.75, 8.82, 8.92 and 8.139).
- Both claims should be '**Completed Claims**' – stage billing is not available for matters opened under the 2024 Standard Civil Contract.
- **Stage Disbursement Claims** can be made in accordance with the Contract (para 8.141) where at least 3 months have elapsed since the start of the Matter or if you have previously applied for payment under that paragraph and at least 3 months have elapsed since that submission.
- Multiple Legal Help or CLR Completed Claims, per matter are not permitted except in relation to Bail.
- Each matter should have a different Unique File Number – consisting of the case start date and a case ID (See section 4 of the Guidance for Reporting Controlled Work).
- When reporting Hourly Rates matters in CWA, you should report the value of the work undertaken at the applicable rates, in the Profit Costs and/or Counsel fee field (up to any cost limitation in place).

Reporting Codes - Matter Type I codes

- Matter Type I codes reflect the fee scheme that applies, whether the claim is under Legal Help or CLR and whether it is an asylum or immigration matter. Where payable under a Standard Fee, the Matter Type I code will trigger that fee.
- Most matters under the 2024 SCC in Immigration, would be expected to fall under either:
 - IALB** - relates to an asylum Standard Fee claim under Legal Help
 - IACE or F** - relates to an asylum Standard Fee claim under CLR (Stage 2D or E fee, respectively)
- Asylum Hourly Rates claims would be under **IAXL** for Legal Help or **IAXC** for CLR.
- See the Section I of the Guidance for Reporting Controlled Work, for more details and other codes that may apply in immigration and asylum matters.

Reporting Codes - Matter Type II codes

- These codes provide detail as to the type of advice given and the nature of the matter.
- In most instances we would expect a provider to report using code **IASY** as this relates to first time asylum advice, which we would anticipate representing much of a provider's case load.
- Advice concerning a fresh claim would be under IFRA and extensions of leave under ILEA.
- Separate codes exist for advice relating to UASCs (IUAS) or Bail advice (IBAI).
- See for more details and other codes that may apply in immigration matters.

Reporting Standard Fee matters in CWA

- In matters remunerated under the Standard Fee Scheme, providers are required to report the actual costs of the matter, had they been claimed at the appropriate hourly rates, in the Profit Costs and/or Counsel Fee field. These rates can be found in Tables 7(a) and 8(a) of [Part 2, Schedule 1 of the Civil Legal Aid \(Remuneration\) Regulations 2013](#).
- These costs are used to calculate whether the costs of the matter result in the claim 'escaping' the threshold which will lead to the full costs of the matter potentially being payable (subject to individual assessment).
- Providers should not report the value of the Standard Fee in these fields. The Standard Fee will be triggered by the Matter Type I code that is reported.
- You can find details as to how the escape fee calculation works, in paras 8.94-100 of the Immigration Specification.

Reporting Standard Fee matters in CWA: Additional payments

- Under the Standard Fee Scheme, additional fees can be claimed for:
 - attendance at a Home Office interview,
 - attending Case Management Review Hearings and
 - attending a substantive hearing or any hearings that are adjourned.
- For most of these, multiple fees can be claimed where appropriate. The value of these fees will be added to the overall value of the claim.
- See para 8.68 and 8.87 for details of these additional payments.

Useful information on common errors

- The main types of provider error found on audit include:
 - incorrect assessments of eligibility of clients or insufficient evidence kept on file
 - incorrect claims for payment submitted through CWA
- Find out more about the common errors found relating to Immigration and Asylum work, and how to avoid those errors on audit, please see the Immigration and Asylum Common Errors documents [Immigration and Asylum Common Errors August 2022](#) and [Immigration and Asylum Common Errors April 2024](#).

Useful Contact Details

- Your Contract Manager will be your key point of contact with the Legal Aid Agency (LAA).
- Case enquiry contact list for civil matters -
https://assets.publishing.service.gov.uk/media/64008426e90e0740dba78ca5/LAA_Contact_Details_Desk_Aid_CIVIL_final.pdf

Useful Guidance

ECF (non-inquest) guidance: Lord Chancellors Guidance)-

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/433502/legal-aidchancellors-guide-exceptional-funding-noninquests.pdf

Immigration and Asylum Key Card guidance on specific topics-

- [Course: Immigration and Asylum \(justice.gov.uk\)](https://www.justice.gov.uk/courses/immigration-and-asylum-key-card)

Guidance on how to submit a claim via CWA-

- <https://www.gov.uk/guidance/submit-a-contracted-work-and-administration-cwa-claim-online#amendments-to-submitted-claims>

Guidance for reporting Controlled Work-

- <https://www.gov.uk/government/publications/cwa-codes-guidance>

Useful Resources

- Dedicated training and support website - <https://legalaidlearning.justice.gov.uk/>
- Online Eligibility Tool to check a client's financial eligibility for civil legal aid - <https://www.gov.uk/government/news/civil-news-online-eligibility-tool-launched-for-allproviders>
- Guidance on determining financial eligibility for Controlled Work and Family Mediation - <https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-andcrime-matters>
- Cost assessment guidance: An amended version of this guidance will be available on the following web page: <https://www.gov.uk/guidance/funding-and-costs-assessmentfor-civil-andcrime-matters>
- Legal Aid Agency Audits and Common errors documents - [Legal Aid Agency audits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/legal-aid-agency-audits)
- 2024 Standard Civil Contract – useful information for providers - https://assets.publishing.service.gov.uk/media/66b0e5c9a3c2a28abb50dce9/2024_Standard_Civil_Contract-Useful_Information_For_New_Provider_September_2024.pdf



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