



Legal Aid
Agency

Working with others to achieve excellence in the delivery of legal aid

Civil Finance: Help Us Say Yes Webinar: Your Questions

Top 10 reject reasons and how to avoid.

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Court orders are not provided:

Q: Do you need a court order for DNA testing?

A: A court order is not required to evidence the instruction of DNA testing. The only expert fees we require a court order for are:

- Drug and alcohol testing
- Transcription fees
- Risk assessment expert fees

The invoice must contain sufficient information to determine how the fee has been calculated. It must include the name of the party tested. This ensures the invoice is in relation to the case.

If we require further information in respect of the apportionment of fees, or further general information, we may request court orders for other experts.

Q: Do you need a court order for missed drug sample appointments?

A: Where fees are being claimed in relation to missed drug and alcohol testing appointments, we require a court order. This must evidence that drug and alcohol testing had been ordered to evidence the need for the appointment. Where a cancellation fee has been claimed, we require confirmation that any cancellation occurred within 72 hours of the scheduled appointment. The invoice must clearly stipulate when the fee claimed is due to client non-attendance.

At provider request

Q: Can you submit a supplemental bill if an invoice has been omitted rather than requesting the bill to be returned? Do we get penalised for supplemental claims?

A: Yes, you can submit a supplemental bill. You need to request permission to submit an adjustment bill: Submit a billing enquiry, via CCMS, and state the reason you require an adjustment bill. Although there is no adverse key performance indicator for submitting an adjustment bill, they are expected to be the exception rather than the norm. If your firm has a higher than average number of adjustment bill submissions, your contract manager may wish to discuss the reasons for this.

Please note: Where the option exists to return the claim for payment, an adjustment bill request will not be granted prior to the claim being processed.

FAS: Incorrect hearing claimed

Q: In care proceedings can a final hearing advocates bundle payment be claimed for both a separate finding of fact hearing and a final hearing?

A: Public law proceedings:

- A finding of fact hearing would be considered to form part of a multiple day final hearing. Only one final hearing advocates bundle is payable in relation to either an effective fact final hearing or an effective final hearing and consequently only one bundle payment is applicable within care proceedings (see page 61 [Civil Finance Electronic Handbook \(publishing.service.gov.uk\)](#)).

Private law proceedings:

- A finding of fact hearing, and final hearing may be listed and treated as two separate hearings claimed at final hearing rates. In this instance a final hearing advocates bundle could be claimed for each.

Disbursement voucher: Insufficient information

Q: Why do the LAA reject, instead of assessing down, disbursement vouchers for missing information? If they were assessed down for minor issues such as insufficient travel details for an expert, it would allow us to decide if we can make an appeal, instead of completing additional work for a resubmission.

A: The caseworkers will only make an assessment where it is considered that we have sufficient information to make a fair and accurate assessment of the costs. Where information is missing from a disbursement voucher, our guidance is caseworkers should reject the claim to request this information. This means when we do assess costs, it is on the basis on having all the necessary information to ensure that our assessments are accurate and reasonable.

Q: If we state in the text box on CCMS "we know invoice ### might be insufficient, please assess what you can based on the information provided. The expert has not responded to requests for further information" or similar, will that allow the case worker to assess it down as they see fit instead of rejecting for lack of information?

A: Yes, as a rule, such comments should be sufficient. However, there may be occasions where the information available to us is limited and we are unable to make a fair assessment of the costs. In these cases, we require further information from you, rather than the expert, which we may not usually request. An example of this may be your letter of instruction, a court order, or a copy of a report.

Include any further information you wish to provide regarding an expert, or any other aspect of your bill, in your narrative, or by amending the invoice prior to upload, or within the initial document request response.

Q: We often have cases when an expert will attend a child at the home of a foster carer. To protect the location, the last digit of the post code is often left off. Is this a reject reason?

A: The full postcode should not be necessary. We can make assessments of travel based on the first part of the post code only. When you encounter this scenario, we recommend you state it in your narrative.

Q: If the disbursement invoice does not contain all the details, will the whole claim be rejected? Or will the bill be reduced / assessed down by the value of the disbursement, so we have the right to appeal the disbursement?

A: The claim will be rejected. The LAA will only make an assessment where it is considered that we have sufficient information to make a fair and accurate assessment of the costs. Where information is missing from a disbursement voucher, our guidance is that caseworkers should reject the claim to request the information required.

Q: I uploaded a different disbursement voucher for a payment on account (POA) claim and it was still paid. Are they checked at the POA stage?

A: The LAA take a risk based approach when processing all claims, including POA. However, errors can occur, so it is important you ensure you upload the correct documents against the claim.

Solicitor bill premature

Q: If we are making a final claim, as a second provider, but the first provider has gone into liquidation and cannot provide written authority, what would you like in the alternative?

A: You should highlight the case to the LAA. The caseworker will give permission for independent claiming regardless of any assessable costs. This is subject to the financial impact on the client due to revocation of the certificate, refund due, or statutory charge decision.

Where agreed, the second firm must then, **in this specific order**, submit to the LAA:

1. All relevant claims for their costs as solicitor interim bills in CCMS, ensuring all POAs are selected for recoupment.
2. The case outcome to close proceedings and discharge the case.

In the event the intervened firm bills from the LAA, they will then submit the solicitor final bill.

Q: Why are solicitor bills rejected but counsel's bills have been assessed and paid, even though both bills were submitted at the same time?

Also, upon resubmission, would counsel's allocation need amending as they have already been paid?

A: As part of our contingency measures to improve cash flow for providers during COVID-19, there was a period where caseworkers were authorised to pay counsel bills if the solicitor claim needed to be rejected for a reason unrelated to counsel fees. This was a temporary measure and should no longer be occurring. We apologise if this has happened.

In such a scenario, counsel's cost allocation should not be amended, as payment of counsel's claim should mean the amount billed, and paid, matches counsel's cost allocation.



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