



Legal Aid
Agency

Providing access to justice through working with others
to achieve excellence in the delivery of legal aid

Contract management & assurance: #HelpUsSayYes webinar: Your questions

Introduction and basics

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New matter start (NMS) reporting

Q: You said we should only open NMS under IMMAS if we work on immigration / asylum, but we have also used code IMMOT. Is that incorrect? What is IMMOT for?

A: All NMS should be reported as IMMAS as all NMS are allocated as IMMAS.

IMMAS and IMMOT exist to distinguish between asylum and immigration **outcome** claims:

- Matter Type 1 codes such as IALB, IAXL, IACE, IACF and IAXC sit under IMMAS whereas IMLB, IMXL, IMCE, IMCF and IMXC sit under IMMOT.

Prior to the introduction of LASPO in 2013, providers were allocated separate IMMAS and IMMOT matter starts. From April 2013 only one allocation has been given, recorded under IMMAS. NMS should be reported under IMMAS, whereas outcome submissions will be under IMMAS or IMMOT depending on whether the claim relates to a matter payable as asylum or immigration.

Q: Can we only open new matters within our procurement areas? For example, if we cover east of England, can we only take clients located in the east of England?

A: No, you may open a matter for a client regardless of their location in England or Wales. However, the procurement area you include in your NMS and outcome reporting should then relate to the authorisation in your schedule, in this example it would be Midlands and East of England.

Q: Do we have to upload the matter start information in bulk at end of each month?

A: You must upload an NMS return each month, by 20th of the next month (e.g. September submission is to be made by 20th October), either directly into CWA as a [line by line](#) submission or via the [bulkload spreadsheet](#). Where no NMS have been opened, a [nil submission](#) must be made.

Opportunities to bill outcomes and early billing:

Q: Can you claim an early bill if you are in escape fee territory?

A: Claims can only be submitted where meeting the requirements of paras 3.64, 8.75 8.92, 8.139 of the 2024 Standard Civil Contract. A claim cannot be submitted just because the costs incurred to date, if claimed at the applicable escape fee hourly rate, would exceed the escape fee threshold. If the matter is continuing, then it can be billed once it reaches a billing point set out in the contract paragraphs above.

Q: Do you get paid in full for an early bill, if it has become an escape fee, or just the fixed fee?

A: For any matter payable under the standard fee scheme, whether it's billed at the end of the matter or as an early bill, the provider will first be paid the standard fees and any additional payments that apply. Any extra payments beyond that will only be added after the file has been reviewed and additional costs confirmed.

Q: After amending the claim to add additional work for early bills, how do we get the extra costs? What codes should we enter when submitting the final claim?

A: If an early bill has been submitted, a further claim for that matter **must not** be made. If further costs have been incurred, then you should submit a claim amendment to add those additional costs to the early bill. Once processed, if that leads to a repricing of that claim, and additional amounts are due, then these will be added to the value of your next contract payment.

Q: Can early billing include the escape fee?

A: Matters payable under the standard fee scheme, can be reported as early bills where the matter is continuing but it has reached the billing point set out in para 8.92(C) of the 2024 Standard Civil Contract Immigration Specification.

At the point of reporting the early bill, it may be that the actual costs reported are such that the escape fee threshold is exceeded, in which case CWA will flag the claim as an escape fee case. The case can be submitted for assessment at that point, however with the likelihood of further costs to be incurred, it may be preferable to wait until those have been added to any amended early bill, and the claim re-priced, before submitting the file for assessment.

Q: What is the earliest a fees claim as opposed to a disbursements claim can be made?

A: Please refer to the 2024 Standard Civil Contract General and Immigration Specifications – paras 3.64, 8.75 8.92, 8.139 confirm when a claim may be made for costs payable under the

standard fee scheme or hourly rates, and para 8.141 confirms when a stage disbursement claim may be made.

Q: I have a submission period for October 2024, does this means matters for September?

A: No. Your October submission relates to new matters opened in October or outcomes concluded in October (or within the previous 6 months, which have yet to be reported). The October submission may be made on / after 1 November but by the close of 20 November.

Q: Will the schedule reference be different each month because the last digit changes?

A: No. The schedule reference will be the same for the duration of the schedule period, which is normally 12 months. The number at the end of the reference, indicates whether this may be the first, second, third schedule allocated under that contract. For example, a reference ending 2024/01 would be the first schedule issued under the 2024 contract, running from September 2024 to August 2025, whereas one ending 2024/02 would be the second schedule issued, potentially running from September 2025 to August 2026.

Q: Do we need to submit another claim for early bills after amending the amount and outcome, or will the money be credited automatically?

A: If you have amended the early bill to include any additional amounts that have been incurred up to the end of the matter, then no further claim should be made. Where a claim amendment is submitted, the LAA will amend the claim and if that leads to a change in the value of that claim, then the additional amount will be credited to the next monthly payment.

Cost limitations

Q: How do we extend the costs limits for controlled legal representation (CLR) matters under the graduated fee scheme?

A: Where CLR is funded under the standard fee scheme, under the 2024 Standard Civil Contract the cost limit in relation to disbursements (para 8.88(b) of the Immigration Specification), can be extended via application using the CW3C Imm form (see [CW2 \(IMM\) for representation, disbursement limit extension \(CW3C\), review of refusal \(CW4\): immigration forms - GOV.UK \(www.gov.uk\)](#))

Q: Is there a limit for counsel fees as there are in profit costs and disbursement?

A: If the matter is payable under hourly rates, the CLR cost limit covers the total of profit costs, disbursements and counsel fees (see para 8.112 of the 2024 Standard Civil Contract Immigration Specification). There are not separate cost limits under CLR.

Counsel fees are covered by the standard fees and advocacy services additional payments for matters payable under the standard fee scheme.

Q: How do I extend the cost limits for appeal matters under the standard fee scheme?

A: Where CLR is funded under the standard fee scheme, under the 2024 Standard Civil Contract the cost limit in relation to disbursements (para 8.88(b) of the Immigration Specification), can be extended via application using the CW3C Imm form (see [CW2 \(IMM\) for representation, disbursement limit extension \(CW3C\), review of refusal \(CW4\): immigration forms - GOV.UK \(www.gov.uk\)](#))

Counsel fees

Q: Is the counsel fee recorded as a disbursement?

A: Under legal help (LH), counsel fees are reported as a disbursement. Under CLR, they are reported in the counsel fee field, with any disbursements incurred by counsel included in the total value of disbursements claimed. This applies to both matters paid under hourly rates and under the standard fee scheme.

Counsel's fee note should break down the total value of the work undertaken, at the applicable hourly rate, i.e. preparation, attendance, advocacy and travel and waiting. You should report the overall total value in the counsel fee field:

- For example: Counsel has recorded on their fee note a total of 6 hours of preparation (£346.98), 3 hours of advocacy (£197.37) and 3 hours of travel (£85.86), with £10 travel fare, the £10 travel fare should form part of your disbursements and the time that counsel has incurred should be converted to a monetary figure (total of £630.21) and reported in the counsel fee field. You may have agreed a fee with counsel, but this is not recorded in your submission to us.

In the above example, that time if charged under the applicable hourly rate, equates to £630.21 and that should be reported in the counsel fee field.

For hourly rates matters, you will be credited the amount claimed in the counsel fee field as part of your claim. For standard fee matters, it will contribute to the escape fee calculation.

Q: Can you clarify, post April 23 CLR files, reporting counsel fee work would be part of profit costs?

A: Under LH, counsel fees are reported as a disbursement. Under CLR, they are reported in the counsel fee field, with any disbursements incurred by counsel included in the total value of disbursements claimed. This applies to both matters paid under hourly rates and under the standard fee scheme.

Counsel's fee note should break down the total value of the work undertaken, at the applicable hourly rate, for example, preparation, attendance, advocacy and travel and waiting. You should report the overall total in the counsel fee field:

- For example, counsel has recorded on their fee note a total of 6 hours of preparation (£346.98), 3 hours of advocacy (£197.37) and 3 hours of travel (£85.86), with £10 travel fare, the £10 travel fare should form part of your disbursements and the time that counsel has incurred should be converted to a monetary figure (£630.21) and reported in the counsel fee field. You may have agreed a fee with counsel, but this is not recorded in your submission to us.

In the above example, that time equates to £630.21 and that should be reported in the counsel fee field.

For hourly rates matters, you will be credited the amount claimed in the counsel fee field as part of your claim. For standard fee matters, it will contribute to the escape fee calculation.

Escape fee calculations

Q: Are counsel fees and profit costs combined in CLR to reach the escape limit?

A: Yes. Please refer to paras 8.99 and 8.100 for details of the Escape Fee calculation. All the information required to calculate the initial value of the matter, and the potential value if allowed in full as an escape fee case, is included in the initial submission; no further claim is required.

Para 8.99 confirms that:

In order to calculate whether a Matter becomes an Escape Fee Case, the following steps must be applied:

(a) identify the total hours spent on the Matter up to the end of the last stage remunerated under the Standard Fee Scheme or when the Matter concludes (whichever is earlier), including any advocacy services but excluding services which are outside the Standard Fee and are always payable at Hourly Rates (as specified under Paragraph 8.101);

(b) calculate the total costs for the hours spent on such services using the Hourly Rates set out in the Remuneration Regulations to determine the 'gross total' (Total A);

(c) from Total A deduct all the claims for additional payments (as set out in Remuneration Regulations) paid or payable, to determine the 'reduced total' (Total B);

(d) identify the Standard Fee(s) claimable for the Matter and multiply that total by the Stage Threshold (Total C); and

(e) if Total B exceeds Total C then the Matter has escaped the Standard Fee Scheme and is therefore an Escape Fee Case payable at Hourly Rates.

Example:

As an example, if you undertook CLR under the standard fee scheme, attending 1 oral CMRH and a substantive hearing, you would be entitled to claim:

IACF – standard fee Stage 2E	£1009
Oral CMRH additional payment x1	£166
Substantive hearing additional payment	£302
= total value credited via standard fees and additional payments	£1477
Plus, Disbursements totalling	£255

Upon submission of your claim, you would be credited a total of £1732 towards your next contract payment (£1477+£255).

As the matter was opened on 1 September 2024, the escape fee threshold in this instance would be the value of the Standard Fee x 2 = £1009x2 = £2018 (**TOTAL C**).

The total value of the advocacy services additional payments claimed = £468

Against the standard fee and advocacy services fees, the actual value of the work undertaken, if claimed using the escape fee hourly rates (para 8(a) of the Civil Legal Aid (Remuneration) Regulations 2012), was:

Profit Costs	£1745
Counsel fees	£1055
= Total of	£2800 (TOTAL A)

The £1745 should be reported in the profit costs field in CWA.

The £1055 of counsel fees should be reported in the counsel fees field in CWA.

Any disbursements incurred by counsel such as mileage or travel fare, have already been included in the amount reported in the disbursements field.

CWA will then undertake the escape fee calculation as follows:

TOTAL A minus additional payments for advocacy services= **TOTAL B** (£2800-£468 = £2332)

If **TOTAL B** is greater than **TOTAL C**, then CWA will flag the matter as an escape fee case.

In this case, **TOTAL B** (£2332) is greater than **TOTAL C** (£2018). The claim will be flagged as an escape fee case.

CWA will initially credit you £1732. The total value of the claim, following assessment (assuming costs are allowed in full) is £2800 (profit costs + counsel fees) + £255 (disb) = £3055.

The balance due to you following assessment is £3055- the £1732 already paid = £1323. This will be credited in your next Contract payment.

You will not be credited any additional costs until the file is submitted for assessment and the final allowable costs are confirmed.

Q: Just to confirm, for asylum appeals after April 2023, the 2(e) fixed fee is £1009. To exceed the escape claim threshold, the total costs need to be more than £2018, which is double the fixed fee. Is the following correct: If a solicitor's costs are £1600 and counsel's fee is £700, making a total of £2300, this would count as an escape claim, meaning that hourly fees and costs would be covered for everyone involved? In other words, is it the total costs (not just the solicitor's costs) that need to exceed £2018 for it to qualify as an escape claim?

A: As set out in para 8.99 of the 2024 Standard Civil Contract Immigration Specification, profit costs and counsel fees should both be converted to a monetary amount using the escape fee hourly rates and the total will contribute to the escape fee calculation.

Q: When a case is taken on, we bill as standard claim, when we bill at stage billing and realise that the claim will become an escape bill. How do you amend the already submitted stage claim? Do you just send in an amendment? If yes, how do we change the rates for what is already submitted?

A: CWA will automatically calculate whether the claim has reached and exceeded the applicable escape fee threshold and will flag the claim in CWA as an escape fee case. There is no need to change any codes. You should report the matter using the applicable matter type codes for standard fee matters, and CWA will use these to establish the applicable escape fee threshold. The rates that you report in the profit costs (and for CLR in the counsel fee field), should already have been the escape fee rates as set out in tables 7(a) and 8(a) of part 2, schedule 1 of the [Remuneration Regulations](#).

Bail advice

Q: Do we use codes for bail or appeal if CLR is open for bail and appeal (same file)?

A: Where a matter includes advice on a substantive appeal (e.g. asylum) and bail advice, two claims may be made for that matter. One covering purely the bail costs, using the matter type combination IMXL or IMXC and IBAI. The other will use the matter codes that reflect the funding for the substantive appeal (e.g. IACE or IACF: IASY if a Standard Fee CLR for an asylum appeal is applicable).

Q: How do I claim the extra work if I represent a client for bail and the application was refused and I bill the file if I then put in a fresh bail application and an extension granted? Do I just do a claim amendment?

A: Where bail is refused by an immigration judge, and you intend to submit a further bail application, then a stage claim must be made for all unreported bail costs incurred to date.

If that second bail application is successful, you would submit a completed claim for the costs incurred since the previous stage claim. If bail is refused again, and a further application is to be made, you may submit a stage claim again at this point.

See section I6.2 of the guidance for reporting controlled work.

Claim amendments

Q: Can we claim a missed invoice on the next stage disbursement claim if we missed out an invoice at the last stage disbursement claim?

A: In this situation, a provider can choose to either request a claim amendment to the earlier stage disbursement claim, to add in the costs of a disbursement incurred in the period prior to the entitlement to report that claim, or you can include it in a future claim. Any further stage disbursement claim could only be made once a further 3 months has elapsed since the earlier claim (see para 8.141 of the 2024 Standard Civil Contract Immigration specification).

Q: Will a granted claim amendment need to be put on the CWA or will it be paid automatically?

A: Where a claim amendment is submitted, the LAA will amend the claim and if that leads to a change in the value of that claim, then the additional amount will be credited to the next monthly payment.

For instance, if you submit a claim in September 2024, and then request an amendment in December 2024 to increase the value of the claim, with this processed before the 20th of that month, it will lead to an additional credit applied to your monthly Controlled Work payment due in January 2025. Please refer to the [Claim Amendment Guidance](#).

Q: Do we need to submit another claim to get paid additional costs after an amendment has been approved?

A: No further claim should be made. Where a claim amendment is submitted, the LAA will amend the claim and if that leads to a change in the value of that claim, then the additional amount will be credited to the next monthly payment.

Q: When the submission has been amended, will it be automatically credited? Or do we have to resubmit the claim using CWA?

A: No further claim should be made. Where a claim amendment is submitted, the LAA will amend the claim and if that leads to a change in the value of that claim, then the additional amount will be credited to the next monthly payment.

Miscellaneous

Q: Can you provide some guidance about how to claim on CWA for DAC standby dates when we are Provider A on the rota, for example, for Colnbrook?

A: Please refer to the Guidance for reporting Controlled Work v36 – section I8, page 120. The table sets out what needs to be recorded in each field when claiming for a standby day in accordance with the provisions set out in para 8.184 of the 2024 Standard Civil Contract.

Q: Is it one claim even if there is a merits assessment before the matter goes on to certificate?

A: The claim for costs for the first-tier tribunal appeal, whether payable under hourly rates or the standard fee, should include the time spent in assessing the merits of any application for permission to appeal to the upper tribunal. Any subsequent application for permission to appeal to the upper tribunal would be funded under licensed work in accordance with paras 8.142-145 of the 2024 Standard Civil Contract Immigration Specification.

Q: Are there any changes to claims pre-April 23?

A: There have not been any changes to how matters are reported since April 2023.

Q: Do we enter the code for asylum or immigration for victims of modern slavery matters where we represent the client in their reasonable / conclusive grounds representations?

A: An application by a victim of slavery, servitude or forced or compulsory labour for leave to enter or remain in the United Kingdom (as described in subparagraph 32A (1) of Part 1 of Schedule 1 to the Act), will be payable as an immigration matter.

Q: Which codes should we use for asylum support appeals?

A: Asylum support appeals are not within scope of the immigration category. Please refer to the [category definitions](#) document.

Q: What postcode should be entered for clients with no fixed address? It accepts "NFA" but will then reject escape claims later if we do not enter an actual known postcode.

A: The guidance for reporting controlled work, section 10.4 on page 20, confirms that “If you or the client genuinely cannot provide an accurate postcode (perhaps because new properties have not yet had their codes notified) or if the client is homeless, you should enter NFA.”.

CWA will not reject a claim if this is used.

Q: If the client is a victim of modern slavery, will their asylum support appeal be brought into scope of LASPO?

A: No. Para 32A, sub para 1, of Part 1 of Schedule 1 of LASPO, brings into scope an application by a victim of slavery, servitude or forced or compulsory labour for leave to enter or remain in the United Kingdom.

Q: We have difficulties using the combination IMXL and IJRA. The CWA system seems to reject this combination. What can we do?

A: The combination should be permitted in CWA. There may be other reasons why the claim may be being rejected. Please raise any such technical issues with the Online-Support@justice.gov.uk team who will investigate.

Q: Can you explain how we claim for work under the NRM?

A: The funding provisions in the 2024 Standard Civil Contract Immigration Specification (paras 8.56-58) have not been enacted and therefore the advice under those provisions is not claimable at present.

Q: What do you claim when you attend an asylum appeal at the first-tier tribunal for the substantive appeal hearing and it is changed to a CMR?

A: If the substantive hearing does not proceed as such, but rather as a CMRH, then you should claim a CMRH. It may be that subsequently a substantive hearing does take place, which you can then claim as such.

Q: How do we record the cost of translated documents in English? Do we have a fixed rate for it?

A: The guidance on remuneration of Expert Witnesses (5.23-27) confirms that a rate of £100 per 1,000 words would be considered reasonable for translation as this is the rate that prior authority would not be required in a certificated matter. Please note this does not supersede the codified rates for interpreters which should be applied where applicable.

For translation we will require either the rate per word and number of words translated, or the hourly rate and time taken. We will generally consider the hourly rate for interpretation to be a comparable rate to that used for translation.

They would form part of the disbursement costs in that matter and should be reported in the disbursement field on CWA.

Q: Have the rates of the 2024 contract changed?

A: The rates are set out in part 2, schedule 1 of the [Remuneration Regulations](#). They have not changed under the 2024 Contract.

Q: If an interpreter attends a clients main asylum interview, do they get the waiting rate? If yes, what is the waiting rate?

A: The Civil Finance Electronic Handbook V3.4 states:

10.18: Interpreters and Translation Costs.

Interpreters Charges For work undertaken from 01/04/2019, attendance and waiting at a hearing can be claimed at the codified rate for interpreters. It is considered that a rate of 2/3rds of the hourly rate is reasonable in respect of travel time in all instances.

The codified rates for Interpreters as set out in para 1, Schedule 5 of the [Civil Legal Aid \(remuneration\) regulations](#), are £25ph for London and £28ph outside of London.

Q: Where we use a client who does not hold a relevant qualification under the contract, would you accept a letter from the interpreting agency to confirm they hold them as a suitable interpreter to use?

A: Please refer to para 2.49 of the 2024 Standard Civil Contract General Specification, in which it confirms when you may accept an agency's confirmation of their assessment of the individual's qualifications and suitability. Para 2.50 confirms what is required of you, should the individual not hold a qualification listed in para 2.48.

Q: We deal with large numbers of minors. An aspect we have come across is as follows:

- **We obtain a letter of support from the local authority to confirm the child is in their care. When completing the CW1, do we complete the income section of the CW1 form despite the client being in the care of the local authority? The letter provided by the local authority in support of the child, does not specify any amount given to the client per month, so do we insert £0 in the income section of the form?**

A: This question does not relate to immigration billing; however, the answer is as follows:

In this instance, if the child is signing the form as the client, the means assessment is still required, and the letter will form part of the evidence of that assessment. If there is no income received, via support from the local authority or any other party, then £0 may be entered in the gross income section. However, you should ensure any evidence is clear as to whether financial support is being given.



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