



Legal Aid
Agency

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

Civil finance #HelpUsSayYes webinar: Your questions

Family advocacy scheme (FAS) for providers

November 2024



Contents

| | |
|---|------------------------------|
| Permission to submit a summary bill | Error! Bookmark not defined. |
| Recoupment of bills | 4 |
| Recoupment of POAs | 5 |
| Consolidated proceedings and linking cases | 6 |
| Bill submission guidance | 7 |

Permission to submit a summary bill

Q: Can you explain the point raised regarding the summary bill and what this applies to?

A: If a case concludes before a District or Circuit Judge or higher, and the assessable costs are over £2500, the court will handle the assessment of those costs. For these cases, you can submit a summary of the profit costs without needing permission, as long as the detailed breakdown is included in the documents. This also applies where the claim is submitted as a LAA voluntary assessed bill.

If the assessable costs are less than £2500 or if the case ends before a Lay Bench, we will assess these bills, and we expect a detailed line-by-line submission. If your bill is very large and you get an error when trying to submit it through CCMS, contact Online Support to ask for permission to submit a summary line of profit costs.

Recoupment of bills

Q: In a care case involving several children, if the lead certificate is transferred to another firm but we have already claimed counsel's fees under the original certificate, do we need to recoup those fees and then claim them under the certificate we still have?

A: In this situation, there is no need to recoup counsel's fees. If the new firm believes the cost limit is not sufficient to cover their bill, they can ask to recoup some of counsel's fees under the certificate you have. However, in most cases, counsel's fees can stay on the original certificate where they were first claimed.

Recoupment of POAs

Q: What is the best way to ask for recoupments for matters that reach high cost? We submitted an interim bill for pre-contract costs, but no POAs were recouped. How can I get the LAA to recoup the POAs?

A: If you create a bill through the provider user interface (PUI), you can choose which POAs you want recouped. For help, you can check these guides:

[Recouping payments on account – Legal Aid Learning](#)

[CCMS provider: actions, notifications and documents – Managing Notifications – Legal Aid Learning](#)

However, if you use bulk upload to submit your bill, you will not have this option. In that case, you should include a note for the caseworker with a list of the POAs you want to recoup. The caseworker can then select those for recoupment when they process the interim bill.

Q: How does the LAA determine which POAs to recoup when they process interim claims for payment for certificates marked as high cost? It seems like sometimes they recoup POAs fully, sometimes partially, and other times not at all, for both profit costs and disbursement POAs.

A: When you submit a bill through the provider user interface (PUI) and choose POAs to recoup, those will be taken back when the bill is paid. However, if you use 'Bulk Upload' to submit the bill, you cannot select POAs for recoupment.

If the caseworker sees that a POA is no longer needed because it has already been billed, they will manually select it for recoupment when the bill is paid. We advise you include a list of the POAs you want to be recouped in your bill narrative. This will help the caseworker recover the correct POAs with your interim bill.

Consolidated proceedings and linking cases

Q: What is meant by 'splitting preparation work between the two certificates' if it is not something that can be claimed and is already included in the FAS fee?

A: If preparation is for a FAS hearing, you can only claim the hearing once on one certificate. But if the preparation counts as profit costs and applies to both certificates, then split the total prep time equally between them. For example, if you spent 1 hour preparing a brief for a hearing that covers both areas, you would claim 30 minutes on one certificate and 30 minutes on the other.

Bill submission guidance

Q: What does ‘simultaneous’ constitute when submitting a solicitor’s bill and Counsel’s bill on hourly rates matters? If the solicitor uploads their bill before counsel and counsel does not upload their bill on the same day, will the solicitor’s bill be rejected or put on hold?

A: In non-family cases on CCMS, counsel must wait until the solicitor submits their final bill. CCMS then sends a notification for counsel to submit their bill and holds the solicitor final bill until we receive the first Counsel’s bill. If there are multiple counsel on the case the bill will not be held until all bills are received, therefore please check all counsel claims are ready for submission as soon as the solicitor claim is submitted. This will avoid unnecessary rejections.

There is not this restriction in family cases. As both bills are reviewed together, if one bill is received without the other, it will be rejected. A delay of 1 or 2 days is ok, but longer can potentially result in rejection.

Once you submit your bill and upload the supporting documents, it goes into a work queue. It will take approximately 5 days to reach a caseworker to be processed. Your bill will be rejected if we have not received the associated counsel bills and supporting documents. To avoid this, communicate with Counsel to agree a submission date.

Q: How does final solicitor process a matter when the first solicitor’s costs exceed the fixed fee in a private children matter, but the second solicitor’s costs will only be claiming a fixed fee upon conclusion of the matter?

A: Once the case has concluded, and the final acting solicitor has determined the position of their costs, then the first solicitor can submit their bill. They should confirm in their bill that the final solicitor will be submitting a fixed fee claim. Each bill will then be considered separately. When the solicitor interim bill is paid to the first solicitor, the final acting solicitor can submit outcomes and the final bill.



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit

[https://www.ogp.gov.uk/version/3](#)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

