

LEGAL AID AGENCY

High Cost Crime Appeal Decision – Single Adjudicator

Case: R v [REDACTED]

Appellant (firm/counsel): [REDACTED]

LAA Respondent: [REDACTED]

Date of decision: [REDACTED] August 2025

Case Manager's original decision:

Rejection of Stages 3 to 12 of Counsel's VHCC claim.

Adjudicator's Decision:

Appeal part-granted, claims to be assessed and paid in the usual way subject to a 20% reduction.

Reasons:

(The full reasons for the decision should be noted here, making specific reference to points raised at the appeal if necessary)

R
v.
[REDACTED]
Single Adjudicator
[REDACTED] August 2025

1. This decision concerns an appeal by [REDACTED], junior counsel in the above Very High Cost Case ("VHCC"), against the decision of the Senior Case Manager, [REDACTED] dated [REDACTED] July 2025, to refuse assessment and payment of claims for Stages 3–12 of the case on the basis that they were submitted out of time.
2. The case was classified as a VHCC on [REDACTED] December 2011 under the 2010 VHCC Scheme. Mr [REDACTED] signed the VHCC contract on [REDACTED] February 2012. Stages 1 and 2 were billed and paid. The case concluded in December 2014 and the papers retained by The Criminal Cases Unit ("CCU") were destroyed on 14th March 2022.
3. On 10th December 2024, counsel's clerk attempted to submit claims for Stages 3 –12,

covering the remainder of the work undertaken. This was approximately ten years after the case concluded.

4. The CCU refused to assess the claims, citing the extreme delay, destruction of the LAA file in March 2022 under its retention policy, and the absence of any good reason or exceptional circumstances.

5. The 2010 VHCC Specification states:

Paragraph 5.3: "You must submit a Claim at the end of a Stage..."

Paragraph 5.7: "The Assessment Bundle must be submitted to the CCU within twenty Business Days of the Stage end date."

Paragraph 4.1: Extensions may be granted by agreement between the Advocate and the VHCC Contract Manager.

6. Unlike the Litigators' Graduated Fee Scheme (LGFS) considered in Grigoropolou & others (SCCO Ref: 77/12, 79/12, 76/12, 78/12), the VHCC Specification does not appear to impose a statutory time bar or expressly require "good reason" or "exceptional circumstances" for late claims.

7. I have considered the submissions of both the Appellant and the LAA and would summarise the position as follows;

8. In respect of the Appellant, it is submitted that no contractual deadline for submission existed when the contract was signed and no time limit was ever communicated. The CCU has historically accepted late VHCC claims, evident from the existence of a "dead case rota" within the CCU and the acceptance of the [REDACTED] claims which were over 4 years late without requiring reasons. The former head of the CCU, Nigel Field, confirmed there was no time limit for VHCC claims and refusal is disproportionate given the value of the claim and the fact the work was pre-approved. Counsel has

retained all supporting documentation therefore assessment is still possible despite the destruction of the file held by the CCU.

9. The LAA's main points refer to paragraphs 5.3 and 5.7 of the 2010 VHCC Specification requiring claims to be submitted promptly at the end of each stage and within 20 business days. Late claims are considered only on a case-by-case basis where good reason or exceptional circumstances exist, it is the LAA's position neither applies here. Further, the delay is unprecedented, and no contact was made during the intervening 10 years and the destruction of the file was reasonable and in accordance with data minimisation principles.
10. Whilst I note the Costs Judge's decision in *Grigoropolou and others* was not a VHCC case but dealt with late LGFS claims I consider it reasonable to adopt a similar approach in this decision as a benchmark for fairness. To that end I consider it reasonable to allow Counsel's appeal in part and adopt a sliding scale of a percentage reduction for lateness recognising that a complete disallowance is disproportionate for work which was clearly done and can be verified but still applying a sanction to reflect the breach of time limit.
11. In reaching this decision I have taken into consideration the lack of an explicit deadline within the Specification combined with past practice, including the [REDACTED] example, which supports that late claims can be accepted. The work was pre-approved and the Appellant has retained the necessary supporting documents to permit a proper assessment.
12. However, the delay is significant and no adequate justification has been given for failing to submit the claim or seek an extension of time over the course of the last 10 years. I also recognise the delay places an undue administrative burden on the LAA considering the destruction of its file and sole reliance on Counsel's retained records.

13. Overall, I consider the claim should be assessed and paid in the usual way subject to a 20% reduction to account for late submission.

Single Adjudicator: [REDACTED]

Date: [REDACTED] August 2025