

## **Civil Contract Compliance Audit checklist**

The following are general reminders for suppliers who are undertaking Civil Controlled Work. They have been compiled based on the analysis of recent audits.

Before submitting your files for audit please check the following: -

- **Is the original Legal Help form on file?**
- **Is the Legal Help form fully completed?**
- **Has evidence of income been obtained and retained?**
- **All files that have been requested are submitted. The only acceptable reason for not providing a completed file is where the file has been transferred to another supplier.**
- **Is the file presented in an orderly and logical manner? (SQM Requirement E1.3)**

The following are the main reasons for reductions which we have identified on audit: -

### **Means assessment issues**

- Eligibility must be fully assessed at initial attendance, see Contract Specification rule 2.5
- Evidence of means should be obtained whenever possible
- Evidence must relate to computation period, one calendar month prior to signature of form

### **Evidence of means**

- Please refer to paragraph 3.3.5 of the Civil Contract Cost Assessment Guidance for details of acceptable evidence
- Income support- copies of relevant pages of benefit book detailing the name of the benefit and dates of receipt or letter from Benefits Agency
- JSA Income based- letter from Benefits Agency

- Form ES40 is not sufficient evidence
- Employed- copies of recent wage slips covering computation period
- If raised as an issue on previous audit reduction can be made. The claim can be limited to 2/3 hours work only

### **Late submission of claims**

- Claims must be made within 3 months of completion of the case under Legal Help
- Considered unreasonable to have gaps in contact with the client of more than 3 months
- If raised as an issue on previous audit reduction can be made

### **Sufficient benefit test not met**

- The test is set out in rule 3.3 of the Contract Specification and states: -
  - “Legal Help may only be provided where there is sufficient benefit to the client, having regard to the circumstances of the matter, including the personal circumstances of the client, to justify work or further work being carried out.”*
- Test must be applied in all cases
- Test may initially be met but may not continue to be met
- Cost benefit ratio should also be considered in relevant cases
- Would a fee-paying client of moderate means incur these costs?

### **Excluded work**

- Work which is outside the scope of controlled work will be disallowed in full
- No claim can be made for the time spent before the supplier identifies the matter is outside scope of funding
- It must be a matter of English law
- The exclusions are set out in Schedule 2 of the Access to Justice Act 1999
- They include slander, matters arising from the carrying on of a business, boundary disputes and advice on personal injury claims

### **Evidence of work on files**

- There should always be a record of work done on the file. Rule 2.18 of the Contract Specification states: -
  - “Allowance should only be made for work claimed which is supported by appropriate evidence on the file”.*
- There should be a file note which is time, dated and records the fee earner's initials

- The file note should be sufficiently detailed in order to support work claimed
- An accurate, computer generated running record of costs is a contract requirement
- Where disbursements have been incurred receipts or invoices are evident on file

### **File reviews**

- Can be claimed in one of two ways: -
  - 1) *Rule 1.15 allows claims to be made under SQM. These are report annually for all relevant files.*
  - 2) *Can be claimed as part of the individual file.*
- They should only be claimed where the review takes place at a stage in the proceedings where the file would normally be reviewed. This would include where developments occur
- They should not be used for general re-reading and consideration of a file

### **Administrative work**

- Contract specification rule 1.10 states that payment will only be made: -

*“For work directly involved in the provision of contracted legal services to the client”*
- File opening/closing procedures and maintenance of time costing records are not remunerable
- Telephone calls which are message-taking only should not be claimed for if they are taken by a non fee-earner
- Work undertaken by a non fee-earner can be remunerable if it involves the provision of legal advice and/or taking the client’s detailed instructions