

Civil Fee Schemes Matrix for Schemes introduced from October 2007

	TFF Replacement (Standard Fees) Published Nov '06	Family Public Published Jun '07	Family Private Published Jun '07	Family Mediation Published Jun '07	Mental Health Published Jun '07	Immigration Published Mar '07	Asylum Published Mar '07
Implementation	1 October 2007	1 October 2007	1 October 2007	1 October 2007	1 January 2008	1 October 2007	1 October 2007
Document containing final fee scheme	Legal Aid Reform: the Way Ahead	Family and Family Mediation Fee Schemes from October 2007	Family and Family Mediation Fee Schemes from October 2007	Family and Family Mediation Fee Schemes from October 2007	Legal Aid Reform: Mental Health Fixed Fees	Legal Aid Reform: Final Immigration and Asylum Fee Schemes	Legal Aid Reform: Final Immigration and Asylum Fee Schemes
London/Non-London, Regional or National fee	National	Levels 1 & 2 - National Level 3 - Supra-regional	Level 1 - National Level 2 - National fee with London uplift	National	National	National	National
Number of levels / stages	1 standard fee for each category of law	3 levels as follows: * Level 1 - Advice * Level 2 - Negotiation * Level 3 - Representation (from issue of proceedings to final hearing)	2 Levels as follows: * Level 1 - initial advice and assistance and divorce proceedings * Level 2 - Negotiation Scheme includes all work up to the issue of proceedings	Separate payments for: * Willingness tests * Assessment meetings (dependent on whether conducted with parties separately or together) * Mediation sessions (dependent on the issues mediated on and whether sole or co-mediation)	4 levels as follows: * Non-MHRT * Level 1 (MHRT) - initial advice * Level 2 (MHRT) - negotiation and preparation * Level 3 (MHRT) - representation before the MHRT	2 levels as follows: * Legal Help * Controlled Legal Representation (CLR)	2 levels as follows: * Legal Help * Controlled Legal Representation (CLR)
Are there any sub-levels / stages?	No	No	Yes Level 1 - separate fee if representing a petitioner in an uncontested divorce	No	No	Yes At CLR, the fee will depend on whether the case concludes before the substantive hearing or if representation is needed at this hearing	Yes At CLR, the fee will depend on whether the case concludes before the substantive hearing or if representation is needed at this hearing
Where multiple levels, are payments cumulative e.g. L1 + L2	N/A	Yes	Yes	Yes	Yes Where MHRT work is conducted, levels can be claimed cumulatively. MHRT and non-MHRT fees cannot be claimed for the same matter	Yes	Yes
Settlement Payment / Early Resolution Payment	No	No	Yes Level 2 - settlement payment is payable for cases concluding at this level within the fee	No	No	No	No

Exceptional Case Threshold	x3 the fixed fee	* Level 1 & 2 - x3 the fixed fee * Level 3 - x2 the fixed fee This is cumulative for work done at Controlled Work level - so where level 1 and 2 advice provided with be (L1 + L2) x 3 Level 3 exceptional limit calculated on its own and applied for separately	Exceptions are permitted at Level 2 (and at Level 1 for standalone domestic violence and divorces issues). This is cumulative so if work is done at L1 & L2, the exceptional threshold will be (L1 + L2) x 3	N/A	x3 the fixed fee For MHRT work this is cumulative so if work is done at L1, L2 & L3, the exceptional threshold will be (L1 + L2 + L3) x 3 Additional payments will need to be included in the calculation (at the standard rate not 3x).	x3 the fixed fee Additional payments will need to be included in the calculation (at the standard rate not 3x).	x3 the fixed fee Additional payments will need to be included in the calculation (at the standard rate not 3x).
Travel & Waiting	Included in fee	Included in the fee. However, travel to and waiting at the hearing at which advocacy is provided paid on hourly rates.	Included in the fee	N/A	Included in the fee. Additional payment is available where the client is resident in a remote hospital.	Included in fee	Included in fee
Disbursements	Excluded Subject to assessment	Excluded Subject to assessment	Excluded Subject to assessment	Excluded Subject to assessment	Excluded Subject to assessment	Excluded Subject to assessment. Costs limits and prior authority also apply (interpreter and translation costs outside the scheme)	Excluded Subject to assessment. Costs limits and prior authority also apply (interpreter and translation costs outside the scheme)
Advocacy	N/A	At Levels 1 & 2 this is not claimable At Level 3 excluded and payable at hourly rates	N/A	N/A	Included in fees	Additional fee payable. Same is payable whether solicitor or counsel advocacy	Additional fee payable. Same is payable whether solicitor or counsel advocacy
Panel uplift	N/A	Payable up to 100% on exceptional cases	No	N/A	N/A	5% uplift for casework personally undertaken by an Accredited Advanced Caseworker	5% uplift for casework personally undertaken by an Accredited Advanced Caseworker

Areas of work outside the scheme	N/A - covers all controlled work in civil categories except Family, Mental Health and Immigration & Asylum	Level 1 covers all public law family work Levels 2 & 3 cover care and supervision and related proceedings. All remaining public law family work not covered by the scheme and continue to be paid at hourly rates	Only included at L1 are: * Emergency proceedings * Domestic Violence work * Stand alone divorce * Child Abduction This is because further work will usually proceed straight to a certificate. All work from the issue of proceedings to the end of final hearing is excluded	N/A	N/A	* Onward appeals (application for review and reconsideration) * Advice on form filling * Advising on an application for Licenced Work * Appealing to the Court of Appeal from the AIT * Bail applications * Initial advice on an asylum application prior to attendance at ASU * Where advice is needed on the merits of lodging a review app. under s 130A NIA 2002 and advice has not been given under the fee scheme	*- Onward appeals (application for review and reconsideration) * Advice on form filling * Advising on an application for Licenced Work * Appealing to the Court of Appeal from the AIT * Bail applications * Initial advice on an asylum application prior to attendance at ASU * Where advice is needed on the merits of lodging a review app. under s 130A NIA 2002 and advice has not been given under the fee scheme
Additional payments available	N/A	N/A	Level 2 - settlement fee paid where cases settle at this stage without being exceptional	N/A	* Adjourned hearing fee * Remote travel payment: Non-MHRT * Remote travel payment: Level 1 (MHRT) * Remote travel payment: Level 2 (MHRT) * Remote travel payment: Level 3 (MHRT)	* Representation at Home Office Interview * Representation at oral CMHR * Representation at telephone CMHR * Representation at substantive AIT hearing * Additional hearing: part heard or re-list	* Representation at Home Office Interview * Representation at oral CMHR * Representation at telephone CMHR * Representation at substantive AIT hearing * Additional hearing: part heard or re-list
Statutory Charge	N/A	N/A	Will apply to cases that conclude at Level 2 which are exceptional	N/A	N/A	N/A	N/A
POA	N/A	At Level 3, up to 75% of fee Where own advocacy undertaken up to 100% of the fixed fee	N/A	N/A	N/A	N/A	N/A

<p>Other changes to the current scheme</p>	<p>* Level 1 work removed * Tolerance paid at the historic average rate for those cases in each category * NfPs will be paid per case rather than for hours of work</p>	<p>* Residential Assessments removed from the scope of public funding from Oct 07 * From Oct 07, 2 appropriate use of funding tests will be introduced as follows: 1 - as to whether a child is in need of separate representation from other children who are subject of the proceedings 2 - for parents and people with parental responsibility who, in the absence of any conflict of interest, can be protected by being jointly represented with another party</p>	<p>N/A</p>	<p>* Harmonised payments for not for profit and for profit providers * Increased fee for Child Only multi session cases to reflect additional work that may be carried out directly consulting with children</p>	<p>LSC will publish a list of hospital locations deemed to be remote, and which will therefore attract remote travel payments</p>	<p>NASS related advice in excess of 30 mins is no longer within scope of immigration and should be claimed under the most appropriate social welfare category where this is held or tolerance (normally welfare benefits)</p>	<p>NASS related advice in excess of 30 mins is no longer within scope of immigration and should be claimed under the most appropriate social welfare category where this is held or tolerance (normally welfare benefits)</p>
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