

Dear Sir/Madam,

Mental Health Specification – billing

We have provided additional supplementary billing guidance, which should be read in conjunction with the January 08 letter to all providers, frequently asked questions, matter start example and specification on our web-site at:

http://www.legalservices.gov.uk/civil/remuneration/mental_health_standard_fee_scheme.asp

This guidance has been produced following a meeting with representatives of the MHLA, in response to concerns raised by a number of our providers about the potential impact of the fixed fee scheme that went live on 1st January on their cash flow.

The Rule at 12.14 of the Civil Specification, Mental Health Category of Law Specific Provisions provides that if an MHRT hearing is applied for, or if there is an automatic referral to the MHRT, the MHRT Fees payable in that case will also cover all non MHRT legal issues arising out of or related to the Client's status as a patient and started during the same period of statutory entitlement for the MHRT hearing under the Mental Health Act 1983.

The Rule raises some practical issues about when to submit a Claim for a matter in circumstances where there is the possibility of further work becoming necessary, which is covered by a fixed fee. We will adopt the following approach. Following completion of the MHRT hearing, if you are satisfied that there will be no further work covered by the Mental Health Fee/Fees (which includes dealing with any aftercare issues) you are able to submit a claim at that stage. If, however, contrary to your expectations, further work does become necessary, which, under the rules in the Mental Health Category of Law Specific Provisions, is covered by the Mental Health Fee/Fees, you should produce a final claim to the Mental Health Unit informing them to delete the original claim. This should be made even if no extra fee becomes payable to ensure the case is reported correctly. If the matter becomes an exceptional case you will be able to submit a completed claim for all of your work. In these circumstances you should forward your file together with an EC Claim 1 form to the Mental Health Unit. It is your responsibility to notify the Mental Health Unit that your original claim should be deleted.

If you open a non MHRT matter for a detained Client which arises out of or is related to the Client's status as a patient and on completion you are satisfied that there will be no MHRT hearing applied for or automatic referral in the period of eligibility you can submit a Claim at that stage. If, however, contrary to your expectations, an MHRT is applied for and you are instructed in that matter, the MHRT Fees become payable for all your work and your original Claim will be adjusted accordingly. You must submit your final MHRT Claim. It is your responsibility to notify the Mental Health Unit that the non- MHRT Claim should be deleted.

We do not anticipate problems but, in accordance with our general approach, you should contact your Account Manager to discuss the position, if, as a result of the introduction of the Mental Health Category of Law Specific Provisions you experience an increase in your work in progress.

Yours faithfully,

Stuart Lee
Lead Contract Manager Mental Health.