

## **Claiming for work undertaken under the Family Advocacy Scheme.**

### **Which Payment Scheme:**

The FAS scheme applies to the majority of family certificates applied for on/after 09/05/11. There are some exemptions and these are detailed in section 1.4 of the FAS guidance exemptions

Where the certificate was clearly issued before 09/05/11 and it is a family certificate it is likely that the payment will be made under the FGF scheme (unless it escapes the scheme). For certificates issued around the 09/05/11 you may want to check with your instructing solicitors when the application was made to allow you determine the correct fee scheme. Where you are in doubt please refer to your instructing solicitor who will be able to provide you with details as to the applicable scheme.

### **FAS Guidance**

This can be found on our website in the guidance on fees and funding or by clicking the following link.

[http://www.legalservices.gov.uk/docs/cls\\_main/Family\\_Advocacy\\_Scheme\\_guidance\\_May\\_2011.pdf](http://www.legalservices.gov.uk/docs/cls_main/Family_Advocacy_Scheme_guidance_May_2011.pdf)

### **Categories of Law:**

#### **Public Law Children Cases**

There has been confusion between the two public law children categories. Care and supervision covers applications for care and supervision orders only; all other matters within the scope of the FAS scheme should be claimed under other Public Law Children at the appropriate rates

*Further details can be found in sections 2.2.3 - 2.2.6 of the FAS guidance.*

#### **Mixed Categories:**

Where a hearing covers a number of proceedings the advocate must choose which category to claim under. Only one claim can be made for a specific hearing.

*Further details can be found in section 2.3 of the FAS guidance.*

### **Advocates Attendance Form:**

All bolt on payments claimed must be individually sealed or initialled by the judge

The advocates attendance form must detail the times of the hearing, the start time will usually be the time the hearing was listed.

*Further details can be found in section 4.2.6 of the FAS guidance.*

*and also in the guidance for the judiciary*

[http://www.legalservices.gov.uk/docs/cls\\_main/Information\\_for\\_Judges\\_on\\_the\\_Family\\_Advocacy\\_Scheme.pdf](http://www.legalservices.gov.uk/docs/cls_main/Information_for_Judges_on_the_Family_Advocacy_Scheme.pdf)

### **Claiming Issues:**

#### **Hearing Times**

The length of the hearing is measured from the time that the hearing is listed to start at court to the time that the hearing concludes, disregarding any period in which the court is adjourned, either for lunch or overnight. For interim hearings over multiple days the hearing times run from the initial listing time to the hearing conclusion (less lunch and overnight adjournments). The hearing units will be calculated based on the overall time spent.

Details of the lunch adjournment (where applicable) must be provided alongside the listing time on page 2 of the claim 5A

If the court has directed attendance prior to the listing time evidence must be provided of this. This would preferably be evidenced by court order but a letter from the solicitors would suffice, this should also detail the listing time.

Where the above information is not provided the claim will be rejected.

*Further details can be found in section 3.2.5 of the FAS guidance.*

#### **Conferences:**

A conference fee may be claimed for a conference that takes place on the same day as an interim hearing, only if the conference takes place outside of any time period that is taken into account in calculating the fee for the interim hearing.

No conference fee may be claimed for a conference that takes place between the time that the hearing is listed to start and the time that hearing actually starts as this will be claimed as part of the Hearing Unit'

We require times for both the listing of the hearing, and any conference attendance in order to assess claims for payment in these circumstances

When claiming for a conference we require evidence in support of conference claim, for example a note of the conference

*Further details can be found in section 3.2.21 – 3.2.28 of the FAS guidance.*

### **Rates:**

Where you have claimed the incorrect rate we will reject your claim and ask you to amend to the correct rate.

The rates can be found in the payment annex of the contract

[http://www.legalservices.gov.uk/docs/main/Payment Annex 2011 - Apr 2011.pdf](http://www.legalservices.gov.uk/docs/main/Payment%20Annex%202011%20-%20Apr%202011.pdf)

Please note that the rate for hearing unit 2 for Private Law Children cases in the county court is £191.55. It appears that this was incorrectly quoted in one of our early publications.

### **Under claiming:**

Please ensure that you all include all items you wish to claim for on your claim form and that they are included in your calculations. Where items which may possibly have been justified by counsel's attendance have not been claimed, we will pay as claimed.

### **Claiming for Items that cannot be claimed:**

Where you are claiming for an item but there is no provision to pay we will not pay or assess those items – you will however receive payment for the work that can be claimed. In addition a note will be placed on your remittance advice confirming that you are unable to claim for those specific items and that there is no right of appeal. Two examples are detailed below:

You have claimed a final hearing payment in domestic abuse and have claimed for a bolt on in respect of allegations of harm. We will pay you for the hearing but not for the bolt on as this cannot be claimed in domestic abuse cases – you will receive a note on your remittance advice confirming this. Another example would be where you are claiming for a court bundle on a private law children interim hearing. As the scheme only allows for payment of one court bundle per aspect for an interim hearing in private law cases you would receive payment for the hearing but not the

court bundle if the court bundle payment had been claimed for an earlier hearing – you will receive a note on your remittance advice confirming there is no provision to pay as it has already been paid.

### **Disbursements**

Please ensure you submit vouchers for all disbursements over £20. Failure to do so will result in your claim being rejected.

### **Claim 5A Form**

Please note the current version of the form is version 2 (October 2011). This can be found on our website and by clicking on the following link

[http://www.legalservices.gov.uk/civil/forms/7455\\_12709.asp](http://www.legalservices.gov.uk/civil/forms/7455_12709.asp)