

How the pilot will work

The pilot does not intend to change the way that solicitors involved in the pilot instruct experts or the relationship you have with experts when working to ensure that the child's best interests are met. The major effect that the pilot will have on the solicitors involved is that due to the LSC paying the expert directly for the work being undertaken on behalf of your clients, you will not have to seek prior authority for the experts work, or claim the costs through disbursements. If using a pilot organisation, you will not need to submit evidence of getting more than one quote for the work.

We expect the Experts Practice Directions to be adhered to.

Although the solicitors firms who have cases involved in the pilot will not be responsible for paying the experts for their service, any cost limitations on the case, such as on a certificate, will need to be adhered to. If it is thought that costs will exceed this limit, then it will be necessary to seek an extension of the limit, as per current procedure. The steps outlined below illustrate the process that will be followed to ensure that solicitors are aware of the cost of the expert's service in a case.

We expect that this approach will benefit all concerned:

- Although you will need to agree the amount of work with the team and include the total cost in any cost of case calculations, we will have agreed the rate of pay and we will pay the teams directly, therefore removing the possibility of having experts bills assessed down and reducing the amount of administration you will have to do.
- These teams are committed to increasing the number of health professionals who act as expert witnesses, and will make themselves available wherever possible
- The multi-disciplinary team approach involves regular team discussions about the cases they are working on, meaning that if it appears that another specialty from within the team is required, it can be obtained without additional time and effort from the solicitor
- Reports will all be produced within court timeline
- The teams all have quality standards and assurance processes in place, meaning that you can be sure that the opinion you will be getting will be of the highest quality
- In order to ensure that we obtain the best value for money from these services, we would encourage the use of video-conference for the experts to give evidence at court wherever possible. A list of courts that are set up to do this can be found on the HMCS website.
- You can find further detail of how the pilot will work in practice in the documents attached to this page.

How it will work in practice

- Identify the requirement for a jointly instructed health expert witness.
- If you are taking a case that meets the criteria for a pilot case, please look to use a pilot organisation. This applies only to Public Law Childcare Proceedings where:
 - More than one health professional is required to provide expert opinion
 - Experts are to be jointly instructed
 - An organisation taking part in the LSC's pilot in your location is able to provide or procure the required expertise.
- Details of pilot teams can be found at www.legalservices.gov.uk.
- Approach the pilot organisations as you would approach an expert ordinarily. If you do agree to use a pilot organisation, there is no need to seek prior authority for the experts' work to be undertaken as the LSC will pay the organisation directly.
- You will need to write a letter of instruction, as you currently do, and agree the work that the experts will be undertaking. The experts will forward a copy of this agreement to the LSC, in order to identify claims and match to the case.
- You will need to provide the experts with your LSC account number and all relevant certificate numbers (or other LSC identifier) for the parties involved in the case. This information will need to be provided so that the LSC can ensure that the costs are allocated to the correct clients. The experts organisations have been instructed to ask you for these details as part of the process by which they will be paid – please do not be surprised when they do.
- As per current practice, you will need to agree the work to be done, the amount of work and determine a date for the completion of the work. The experts will communicate this to the LSC. For some of the pilot organisations a pre-agreed rate has been established.
- The pilot will not alter the work that is undertaken by the expert for the benefit of the clients. It will remain the solicitors' responsibility to ensure that this is undertaken as expected.
- If you have any concerns about the terms of work or the service that you receive, please contact Emily Paddy at the LSC.
- If the experts' organisation seeks payment from the LSC they will need to get the invoice countersigned by the lead solicitor prior to submitting it to the LSC. This is so that the LSC knows that the work has been completed and that it has been completed to an acceptable level.

- You should use this as an opportunity to keep track of the ongoing cost of a case. This will ensure that you will be aware if the cost limitation on a case is to be exceeded, and therefore if you will need to apply to the LSC for an extension in the same way as you would for any other case.
- If there is a change in instructions resulting in a change in work undertaken, the lead solicitor will need to formally agree the change (i.e. through an updated letter of instruction). This formal agreement will be submitted to the LSC by the expert's organisation as evidence that the extra work that needs to be undertaken is valid. This process will need to be followed for court appearances not mentioned in the initial letter of instruction.
- All other costs of the case except for payments due for the expert's service will need to be claimed following the current process. The LSC will ensure that all payments for the expert's services are allocated to the correct certificate number. For a case within the pilot, continue to include any costs related to the provision of services by an experts organisation as a disbursement – however it will not be paid. Inclusion will ensure that the total costs are evident for the purposes of cost limitations, which are binding on the totality of the costs.
- If the Court assesses the costs of a pilot case, the expert organisation will provide you with their invoice to include when submitting your file. Once costs have been agreed with the court, the experts' organisation invoice will need to be returned to the organisation.
- Their invoice will need to be countersigned (as above), to show that you consider the work being claimed for has been completed, and that it has been done to a satisfactory standard. Following sign-off from the lead solicitor, the expert's organisation will submit the invoice to the LSC for payment. This is the same process as for any invoice the experts' organisation submits for payment under the pilot.

Evaluation:

There will be ongoing evaluation of the pilot. This means that the solicitors whose cases are involved in the pilot will be asked to complete a short feedback form at the conclusion of each case. This will help the LSC fully evaluate all aspects of the service provided by the expert's organisation.

Certain solicitors involved in the pilot may also be asked to take part in a more detailed evidence gathering exercise, but this will not occur after every case.

Areas that will be subject to evaluation include, why a particular experts' organisation was selected and solicitor's feedback on the service that they received.