

## **Family Graduated Fee Scheme – amendments to support the Public Law Outline**

1. The Family Graduated Fee Scheme (FGFS) for barristers has been amended to support the introduction of the President's Public Law Outline (PLO) on 1 April 2008.
2. The relevant amendment order – The Community Legal Service (Funding) (Counsel in Family Proceedings) (Amendment) Order 2008 – S.I.2008/666 – is available on the Legal Services Commission's website at [www.legalservices.gov.uk/civil/remuneration/family\\_graduated\\_fees.asp](http://www.legalservices.gov.uk/civil/remuneration/family_graduated_fees.asp) together with a marked up version of the Funding Order showing the amendments.

### **The changes**

3. The Funding Order has been amended at Articles 2, 2E and 8 to introduce references to the PLO while continuing to permit payments under the Protocol for Judicial Case Management in Public Law Children Act Cases (the Protocol).
4. Article 2, which deals with interpretation, has been amended to define the relevant terms in the PLO and to reflect its finalisation.
5. Article 2D, as amended, provides for the fees of Advocates' Meetings held other than in care proceedings to be paid as an F4 fee. Article 6(1) is amended to confirm that an F4 unit claimed for an Advocates' Meeting does not count towards the limit of two F4 claims in a case for conferences.
6. Under Article 2(1), as amended, an Advocates' Meeting is defined as a meeting held "face to face". Meetings held by video conference, webcam, or other forms of modern technology enabling the participants to see each other although they may not all be physically present together in a single place, qualify as "face-to-face" Advocates' Meetings. Where a face-to-face Advocates' Meeting takes place, an advocate who participates in that meeting through a telephone link may claim one half of the single function

F3 hearing unit fee, without Special Issue Payments or Court Bundle Payments.

7. As under the Protocol, attendance at an Advocates' Meeting in care proceedings under the PLO is paid as a Function F3, with special issue payments and court bundle payments as appropriate. Payment is as according to the time that counsel participates in the Meeting, in units of two and a half hours (or part two and half hours) as normal under Function F3.
8. Special Issue Payments for Advocates' Meetings, whether under Function F3 or F4, will be paid according to certification by the court at the subsequent "relevant hearing". The relevant hearing is the associated Case Management Conference, Issues Resolution Hearing or Pre-Hearing Review.
9. Article 8(1B) provides for the payment of one half of a single function F3 hearing unit fee, without Special Issue Payments or Court Bundle Payments where, in care proceedings only, the advocates are able to discuss all relevant matters and complete the draft Case Management Order without the need for an Advocates' Meeting.
10. Where there is more than one Issues Resolution Hearing Article 8(3)(dd) - which provides for a function F5 primary hearing fee to be paid in respect of either the Pre-Hearing Review or the Issues Resolution Hearing where there is continuity of counsel - applies only to the first such Hearing.

## **Contact**

Queries on the Scheme as amended can be sent to [family@legalservices.gov.uk](mailto:family@legalservices.gov.uk).