

Legal Services Commission

CLS CLAIM 1A

Guide to the completion of the CLS CLAIM 1A (Claim for costs in fixed fee family matters)

When do I need to fill in a CLAIM 1A?

You need to complete this form if you are claiming your costs for work carried out under any certificate issued for family proceedings where the following schemes apply to work undertaken by the solicitor;

- Care Proceedings Graduated Fee scheme (CPGFS)
- Private Family Law Representation Fee Scheme (PFLRS)
- Family Advocacy Scheme (FAS) and
- Where your claim is an exceptional claim under either the CPGFS or PFLRS.

From 9 May 2011 most new family cases will be dealt with under the Private Family Law Representation Fee Scheme or the Care Proceedings Graduated Fee Scheme and/or the Family Advocacy Scheme. The new CLAIM 1A can be used for all these cases and for other public law cases where advocacy costs are covered by the FAS. If the proceedings are **excluded** from the above schemes, the CLAIM 1 should be used.

Claims for FAS should be claimed at the same time as any claim under a fixed fee or under hourly rates.

What claims will be assessed by the LSC/Court?

LSC assess all costs where;

- Claim is for fixed fees only (your file of papers is not required for assessment of fixed fee only claims).
- Proceedings have not been issued.
- Case concludes in the Family Proceedings Court (regardless of the amount of the claim and even if work has been done in the County/High Court).
- Case concludes in the High/County Court (even if some work has been done in the FPC) where the assessable costs are under £2,500.

For cases which conclude in the County Court or High Court the £2,500 limit for assessable costs continues to apply i.e. if the amount of assessable costs is less than £2,500 the costs will continue to be assessed by the Commission. However, where the case attracts a fixed fee and the £2,500 limit for assessable costs is exceeded solely by virtue of the claim for disbursements and/or payments under the FAS or the Family Graduated Fee Scheme, the bill should be submitted to the Commission for assessment. **Therefore, bills should only be submitted to the Court where the profit costs (not covered by standard fees) exceed £2,500.**

Where assessment is by the Court, the Court will assess all the costs of the case in one exercise (including costs in the Family Proceedings Court). The costs of the Family Proceedings Court will no longer be assessed separately.

There is a Court Assessment Certificate available on the HMSC website; EX80B – LSC Assessment Certificate in Family Proceedings where a fixed fee is payable.

What information is required under Section 1

Type of case

You should list all of the aspects that are being claimed on the form e.g. if you are claiming both a children and finance fee then you should list private law children and finance in the case type. The description of the case type must relate to one of the categories for standard fees ie it must be care proceedings, other public law children, domestic violence, private law children or finance or a combination of these categories.

Previous advice and other related claims

Since October 2007 the statutory charge has applied to the cost to the fund. In fixed fee cases this will be the fee claimed. The “Total costs incurred” figure should therefore be the fixed fee received by you plus any disbursements claimed. If your claim was exceptional, your actual costs should be recorded. The figure should also include any advice received by the client by a specialist telephone provider operating under a CLA Contract if you are aware of this through specific case referral from a CLA provider.

Outcome of case

- **Outcomes** - If the case concluded with a final order, you should give the date of the order. If there has been no final order, please give the date of the last work you did in the case. Where you are claiming multiple proceedings then the outcomes should relate to whichever was the most significant for the client.
- **Recoveries** – the costs award section should only be completed where costs have been awarded against the opponent.

Certification

- The Certification must be completed in all cases.
- In all cases where a Panel Membership enhancement has been claimed, all Panel Members in respect of whose work an enhancement is claimed must sign the Panel Membership Declaration on page 7

What information is required under Section 2

Nature of the proceedings

Please give a brief description of the proceedings and any factors which you think may be relevant to the assessment of the claim including work claimed under the FAS.

If there is more than one private law aspect on the certificate e.g. children and finance which is subject to a fixed fee then you will need to complete this section and sections 3 and 4 (if applicable) for each proceeding. If the case is exceptional you will need to complete separate claims for each element that becomes exceptional and all applicable parts of the claim form will need to be completed. Note that the omission of section 1 is not mandatory and can be completed if required (i.e. the whole claim form can be generated multiple times if desired).

You should also use this section to justify any necessary part of the claim such as where you are claiming a Hearing Unit fee (other than HU1 with no bolt – ons) and there is no Advocates Attendance Form e.g. where there has been a hearing by telephone or video conference.

The half fee where there is a change of solicitor only applies to work undertaken under the public or private law schemes for representation (PFLRS/ CPGFS) where the costs incurred are less than the standard/ fixed fee that would be payable under the scheme.

Actual costs incurred

Please refer to the fee table on page 12 of this guidance to ensure you are claiming the correct fee and to work out whether or not your costs are exceptional.

A) Care and Supervision cases

- Profit costs – this figure should be the **actual costs** you have incurred and includes the cost of all letters and telephone calls. It does not include the cost of any work done that falls within the definition of Advocacy i.e. preparation and travel time associated with advocacy as this is covered under the FAS.
- Regions – There are four regions, which all attract different fees (please refer to the fee table at the end of the guidance for details). The region is determined by the location of your schedule office and **not** the Court in which the case is being heard.

Region	Covers these LSC Regional Office Boundaries
South	London, Brighton, Reading, Bristol
Midlands	Birmingham, Nottingham, Cambridge
North	Newcastle, Leeds, Liverpool, Manchester
Wales	Cardiff

- The relevant fee is also determined by your client (ie child/parent/joined party), the number of parties you are representing and the Court in which the case **concluded** – please tick the relevant boxes.

B) Private law cases

- Profit costs – this figure should be the **actual costs** you have incurred on that aspect and includes the cost of all letters and telephone calls. It does not include the cost of any work done that falls within the definition of Advocacy i.e. preparation and travel time associated with advocacy as this is covered under the FAS.
- Regions – there are two regions, which attract different fees, London and non London. The region is determined by the location of your schedule office and not the Court in which the case is being heard. The London region covers those offices that are within the LSC London Regional Boundary. All offices outside this will attract the non London rate for the claim.
- The relevant fee is determined by the court in which the aspect being claimed concluded.
- Where you are claiming different levels please tick all applicable boxes. For example if you are claiming for L4 and a further breach in domestic abuse you would tick domestic abuse, level 4 and enforcement boxes.
- The settlement fee is payable in finance cases where the matter was concluded at level 3. If you are claiming this please provide a copy of the consent order. If a Level 4 fee is being claimed then the settlement fee cannot also be claimed.

C) Is this an Exceptional Case?

- If Yes – go straight to Section 3 (full details are completed on page 8).
- If no – Please complete this section summarising the costs claimed on this aspect. .

Fee Scheme	Exceptional Threshold
CPGFS	2 x Fixed Fee
PFLRS	3x total fixed fee for that aspect

Section 3

You need only complete the parts of Section 3 which are relevant to your claim. If you have not instructed counsel and are not claiming any disbursements then this section will not need to be completed.

Counsel's fees and disbursements

Complete this section where Counsel has been instructed under the Family Graduated Fee Scheme or where "Counsel" (i.e. a self employed and independent advocate) has been instructed under the FAS.

What Expert/Disbursement information must be provided in Section 3?

For all claims assessed by the LSC any expert's costs or other disbursements being claimed must be itemised in Section 3 and supported by appropriate vouchers.

Experts Invoice Details

Complete the table, entering one item per line;

Enter the Expert Group Code and Expert Type Code that best describe the nature of the expert services used (see checklist on page 10 and 11). 'Expert Group' refers to a core area of work, whilst 'Expert Type' refers to the expert's area of expertise. Where the cost of an expert has been apportioned between a number of parties, only the cost being claimed on the certificate in respect of the disbursement should be inserted

e.g For a GP's report, record 'MED' as the Expert Group , and 'GP' as the Expert Type.

When claiming experts' costs, you should indicate whether prior authority to incur the expert cost has previously been obtained from the LSC.

State the hourly rate and total preparation cost charged by the expert for preparation of the report.

Where applicable, state the court attendance rate charged by the expert, as well as the total charged by the expert for attendance at court.

Where applicable, enter the costs charged by the expert for time spent travelling (from 9 May 2011 this is capped at £40 per hour).

Any other costs charged by the expert (which are covered by the Funding Code) should also be recorded in this section. You should provide further details to justify these costs when detailing the nature of proceedings in section 2.

The figures from the "Total Prep Cost", "Total Court Cost", "Travel Time Costs", and "Other Costs", fields should be added and the total entered in the "Net Amount" box. Any VAT charge should be included in the VAT amount column

Other Disbursement details

Complete the table, entering one item per line.

You should include in this section those costs incurred that are part of the solicitors integral service or are 'true' disbursements, e.g. court fees, or travel expenses.

N.B. Experts fees, including interpreters, should **not** be entered in this section but should be included in "Expert Invoice Details", above.

Section 4

Advocacy Costs under the Family Advocacy Scheme

If you are claiming advocacy costs as an employed advocate that fall within the FAS you should complete Section 4. The fees payable are included within this guidance note.

An advocates' attendance form must be submitted with each hearing claimed unless you are claiming a Hearing Unit 1 or the hearing took place by video/teleconference. This should be the original form that has been signed by the judge, magistrate, legal advisor or clerk.

Initial Table Completion

A new line on the table should be completed for each hearing

Date of Hearing - For hearings lasting more than one day, this should be the first day that the hearing was listed for.

Level of Court – this is the court in which the particular hearing took place. The rate is determined by the court in which the hearing has taken place.

Court	Code to be used in the table
Family Proceedings Court	FPC
County Court	CC
High Court	HC

Type of work – you should say what the work was that was undertaken;

- Interim Hearing (IH)
- Financial Dispute Resolution Appointment (FDR)
- Advocates Meeting (AM)
- Final Hearing (FH)

If you are claiming a finding of fact hearing or issues resolution hearing as a final hearing please claim using the FH code and note the nature of the hearing on page 3.

Actual time spent – This section is designed to help you work out the correct number of units to be claimed for each hearing. You should record, in minutes, the amount of time between the listing time of the hearing and when the advocates leave the courtroom. This should also be recorded for final hearings. This may be the time that is set out on the Advocates' Attendance Form, however where the Court has

adjourned for lunch and this has not been discounted in the time verified on the form, then you should **exclude** this time for the purposes of claiming Hearing Units. Generally we would expect time to be deducted for lunch. However, there may be circumstances where an advocate is required to work during a lunch adjournment if work is required by the judge.

Number of hearing units or days if final hearing –

For an interim hearing this will be the number of Hearing Units claimed. For example, if two Hearing Unit 2s are claimed the number in this column will be 2. Hearing Units 1 and 2 cannot be claimed together. If the hearing time is in excess of one hour then either one or more Hearing Unit 2 will be claimed.

The number of hours will be that given on the Advocate Attendance form which is the court evidence document. One Advocates Attendance form will be required for each hearing regardless of the number of days or hours over which the hearing takes place. It is expected that there is a row completed per hearing attended in the first table of Section 4 of the Claim 1A.

For a final hearing the number of days that the hearing lasted should be inserted here.

Rate for unit - this is the rate per unit claimed ie for a Hearing Unit 2 in a care case in the County Court this would be £238.46.

Standard fee total cost – this is the total cost for the hearing or advocates' meeting calculated by multiplying the rate by the number of units ie 2 x Hearing unit 2 for a care case in the County Court would be £476.92.

% bolt-on claimed – this is the total percentage bolt-on claimed. For example, in a private law children case if the bolt-on for both expert and allegations being made against the client was claimed this would be 45% (25% + 20%). It does not include settlement fees, court bundles or exceptional travel. Details of the Bolt-ons that may be claimed in each category of work are set out below. Bolt-ons, other than exceptional travel, may not be claimed for advocates' meetings.

When claiming bolts on's please use the codes indicated in the table below

Cost of bolt-ons – this is the amount of the bolt-on claimed in the previous column eg if the Hearing Unit fee for a children case in the County Court is £172.04 and the total bolt-on claimed was 45% the cost of bolt-ons would be £77.58.

Court bundle payment – this is the relevant fee for any court bundle payment claimed.

Settlement fee – this is the amount of any settlement fee claimed. The settlement fee is only available in finance cases. It only applies where the case has been fully concluded at the FDR hearing and the advocate has materially assisted in that settlement. It must be recorded in a Consent order approved by the Court. A copy of the order must be provided to support this claim.

Exceptional travel – this is the cost of any exceptional travel payment claimed. The cost is fixed at £32.04 for all hearings and advocates’ meetings if travel from your office to court/location of the advocates’ meeting is more than 25 miles each way. If a hearing goes on for three days and travel is undertaken each day, this cost will be 3 x £32.04.

Total – this is the total cost for each hearing.

There is no need to put in the Court Bundle and Travel codes in the “bolt on” table.

Bolt-on payments

This is the breakdown of the bolt-on payments claimed for hearings or advocates’ meetings. Each of the bolt-ons claimed at a hearing and the relevant % must be separately listed.

Where you are claiming any bolt-on you must submit the Advocates Attendance Form verified by the judge/magistrate/legal advisor together with the CLAIM 1A.

Exceptional Travel Bolt-on

The “Exceptional travel bolt –on” table is used to justify the travel that is incurred. The costs associated with the travel are included in the top table in the “Exceptional travel” column.

-Exceptional travel is claimed by entering multiple rows in the “Exceptional travel bolt –on” grid or a single row provided it clearly covers the dates concerned.

Summary of Bolt-ons

	Client Harm	Expert	Client Instruction	Early Resolution	Court Bundles	Exceptional travel
Claiming code	B1	B3	B2		CB1 CB2 CB3	
Private law Children	25%	20%			Yes	Yes
Public Law Children	25%	25%	25%		Yes	Yes
Domestic Abuse						Yes
Ancillary Relief				Yes	Yes	Yes

Section 5

Only complete this section for;

- Exceptional cases which are being assessed at hourly rates
- Other Public Law cases where solicitor preparation is paid at hourly rates and advocacy is remunerated under the FAS.
- Fixed Fee cases where solicitor advocacy costs do not fall within the FAS e.g. certificates for care and supervision cases issued after 1 October 2007 but before the introduction of the FAS - therefore falling within the care proceedings graduated fee scheme but outside the FAS.
- For care cases prior to the implementation of the FAS if you are claiming advocacy in an exceptional case, please ensure that all the advocacy claim elements are clearly identified as such.
- In all cases, except where the Court has assessed them, any experts' costs or other disbursements being claimed must be itemised in section 3 and supported by appropriate vouchers.

If your costs have been assessed by the court:

- If the Court assessed the whole of your claim, you need only complete the box entitled "Your Claim and VAT". You should submit the Court Assessment Certificate in support of the claim.

For claims to be assessed by the LSC;

- In exceptional cases, complete the breakdown of time spent with details of all times claimed in the same way as you would if you were completing a CLS CLAIM1 in any other case. You should submit the file of papers in support of your claim
 - If only the advocacy costs are to be assessed you should submit the file or relevant attendance notes relating to that part of the claim only.
 - Your file of papers is not required where the bill is covered by standard fees.

Section 6

This section is to be completed with details of any costs awarded and, if all costs have not been recovered, details of the last known address of the debtor is required.

Expert Descriptions Checklist

The 'Expert Invoice details' section of the claim form requires both an Expert Group and Expert Type to be entered. 'Expert Group' refers to a core area of work, whilst 'Expert Type' refers to the expert's area of expertise.

Enter the Expert Group and Expert Type descriptions that best describe the nature of the expert services used. The codes may be used when completing the Claim 1A form.

Group Code	Expert Group	Type Code	Expert Type
MED	Medical	AEC	A & E Consultant
		ANA	Anaesthetist
		BAC	Back calculations
		CAR	Cardiologist
		DEN	Dentist
		DRM	Dermatologist
		DIS	Disability Consultant
		DGP	Doctor (GP)
		GRE	GP (records report)
		GEN	Geneticist
		GYN	Gynaecology
		HAE	Haematologist
		MID	Midwife
		MCN	Medical Consultant
		MIC	Medical microbiologist
		MRE	Medical Report
		NEO	Neonatologist
		NEU	Neurology
		NER	Neuroradiologist
		NES	Neurosurgeon
		NEP	Neuropsychiatrist
		NUR	Nursing expert
		OBS	Obstetrician
		OCC	Occupational Therapist
		ONC	Oncologist
		PAE	Paediatrician
		PAT	Pathologist
		PHA	Pharmacologist
PHY	Physiotherapist		
PST	Psychotherapist		
RAD	Radiologist		
RHE	Rheumatologist		
SPE	Speech therapist		

Group Code	Expert Group	Type Code	Expert Type
MED	Medical	SUR	General surgeon
		SEN	ENT surgeon
		SOR	Orthopaedic surgeon
		SPL	Plastic surgeon
MED (cont)	Medical (cont)	URO	Urologist
		VET	Vet
		OTH	Other
ACC	Accountant	ACC	Accountant
		BEN	Benefit expert
		OTH	Other
ENQ	Enquiry agent	ENQ	Enquiry agent
IDN	Identification	FME	Facial mapping
		HAN	Handwriting expert
		VRE	Voice recognition
		OTH	Other
INT	Interpreter	INT	Interpreter
		LRS	Lip reader / Signer
		TRL	Translator
		OTH	Other
ISW	Independent Social Worker	ISW	Independent Social Worker
LAB	Laboratory	DNA	DNA test
		DRG	Drug expert
		FII	Fire investigation
		FIA	Firearm expert
		FNG	Fingerprint expert
		FOR	Forensic scientist
		TOX	Toxicologist
		OTH	Other
MIT	Media & IT	CEL	Cell telephone site analysis
		CRE	Computer expert
		TEL	Telecoms expert
		OTH	Other
PSO	Psychologist	CSO	Child psychologist
		PSO	Psychologist
PSI	Psychiatrist	CSI	Child psychiatrist
		PSI	Psychiatrist
STR	Structural expert	ARC	Architect
		ENG	Consultant engineer
		SUV	Surveyor
		OTH	Other
TRA	Traffic	ACR	Accident reconstruction
OTH	Other	EMP	Employment consultant
		MEA	Mediator
		MET	Meteorologist

Group Code	Expert Group	Type Code	Expert Type
OTH	Other	OVE	Overnight expenses
		PHC	Photocopying
		PHG	Photographer
		PSR	Process server
		RAE	Risk assessment expert
		TRC	Transcripts
		OTH	Other

Family Fees from 9 May 2011 to 1 February 2012

Private Law Family fees (excluding VAT)

Court	Area	Level 3 Children	Level 4 Children	Level 3 Finance	Level 3 Finance with settlement uplift	Level 4 finance	Level 4 Domestic Abuse
Other	National	£392	£279	£436	£523	£346	£563
High	National	£471	£335	£523	£628	£416	£675
Other	London	£471	£335	£523	£628	£416	£675
High	London	£565	£402	£628	£753	£499	£810

Level 3 fees for Legal Representation in Section 31 Care and Supervision Proceedings (excluding VAT)

Party	Court	No of clients	Midlands	North	London and south	Wales
Child	Other	1	£2,165	£1,775	£2,485	£2,426
Child	Other	2+	£3,247	£2,662	£3,728	£3,639
Child	High	1	£2,879	£2,361	£3,305	£3,226
Child	High	2+	£4,319	£3,542	£4,957	£4,838
Joined party	Other		£1,148	£887	£1,334	£1,445
Joined party	High		£1,527	£1,180	£1,774	£1,922
Parent	Other	1	£2,840	£2,359	£3,230	£2,925
Parent	Other	2	£3,551	£2,948	£4,037	£3,657
Parent	High	1	£3,777	£3,137	£4,296	£3,891
Parent	High	2	£4,721	£3,922	£5,369	£4,864

FAMILY ADVOCACY SCHEME - VAT exclusive
In House and Self Employed (SE) Advocates

Fees (National)	Care & supervision	Other public law	Private children	Private finance	Private domestic abuse
Hearing Unit 1	£96.35	£84.25	£69.65		£90.55
Hearing Unit 2	£240.90	£210.65	£174.15		£226.40
Final Hearing Fee	£562.50	£515.90	£441.15		£401.30
Advocates Meeting Fee	£142.40	£142.40			
County Court					
Hearing Unit 1	£106.00	£92.65	£76.60	£70.20	£90.55
Hearing Unit 2	£264.95	£231.70	£191.55	£175.50	£226.40
FDR Hearing Unit 1				£112.30	
FDR Hearing Unit 2				£280.80	
Finance Early Resolution Fee				£140.40	
Final Hearing Fee	£618.75	£567.50	£485.25	£493.00	£401.30
Advocates Meeting Fee	£156.65	£156.65			
High Court					
Hearing Unit 1	£127.20	£111.20	£91.95	£84.25	£90.55
Hearing Unit 2	£317.95	£278.00	£229.85	£210.60	£226.40
FDR Hearing Unit 1				£134.80	
FDR Hearing Unit 2				£336.95	
Finance Early Resolution Fee				£168.50	
Final Hearing Fee	£742.50	£681.00	£582.30	£591.60	£401.30
Advocates Meeting Fee	£188.00	£188.00			

Court Bundles - Public Law & Private Law Children & Finance					Exceptional Travel
	CB1 (350 - 700)	CB2 (>700)	CB3 (>1,400)		Travel (>25miles)
Interim Hearing	£66.00	£99.00			£35.60
Final Hearing	£177.00	£266.00	£354.00		£35.60

Family Fees from 1 February 2012

Private Law Family fees (excluding VAT)

Court	Area	Level 3 Children	Level 4 Children	Level 3 Finance	Level 3 Finance with settlement uplift	Level 4 finance	Level 4 Domestic Abuse
Other	National	£353	£251	£392	£470	£311	£507
High	National	£424	£302	£471	£566	£374	£608
Other	London	£424	£302	£471	£566	£374	£608
High	London	£509	£362	£565	£678	£449	£729

Level 3 fees for Legal Representation in Section 31 Care and Supervision Proceedings (excluding VAT)

Party	Court	No. of Clients	Midlands	North	London and South	Wales
Child	Other	1	£1,949	£1,598	£2,237	£2,183
Child	Other	2+	£2,922	£2,396	£3,355	£3,275
Child	High Court	1	£2,591	£2,125	£2,975	£2,903
Child	High Court	2+	£3,887	£3,188	£4,461	£4,354
Joined Party	Other		£1,033	£798	£1,201	£1,301
Joined Party	High Court		£1,374	£1,062	£1,597	£1,730
Parent	Other	1	£2,556	£2,123	£2,907	£2,633
Parent	Other	2	£3,196	£2,653	£3,633	£3,291
Parent	High Court	1	£3,399	£2,823	£3,866	£3,502
Parent	High Court	2	£4,249	£3,530	£4,832	£4,378

FAMILY ADVOCACY SCHEME - VAT exclusive

In House and Self Employed (SE) Advocates

Fees (National)	Care & supervision	Other public law	Private children	Private finance	Private domestic abuse
Hearing Unit 1	£86.72	£75.83	£62.69		£81.50
Hearing Unit 2	£216.81	£189.59	£156.74		£203.76
Final Hearing Fee	£506.25	£464.31	£397.04		£361.17
Advocates Meeting Fee	£128.16	£128.16			
County Court					
Hearing Unit 1	£95.40	£83.39	£68.94	£63.18	£81.50
Hearing Unit 2	£238.46	£208.53	£172.40	£157.95	£203.76
FDR Hearing Unit 1				£101.07	
FDR Hearing Unit 2				£252.72	
Finance Early Resolution Fee				£126.36	
Final Hearing Fee	£556.88	£510.75	£436.73	£443.70	£361.17
Advocates Meeting Fee	£140.99	£140.99			
High Court					
Hearing Unit 1	£114.48	£100.08	£82.76	£75.83	£81.50
Hearing Unit 2	£286.16	£250.20	£206.87	£189.54	£203.76
FDR Hearing Unit 1				£121.32	
FDR Hearing Unit 2				£303.26	
Finance Early Resolution Fee				£151.65	
Final Hearing Fee	£668.25	£612.90	£524.07	£532.44	£361.17
Advocates Meeting Fee	£169.20	£169.20			

Court Bundles - Public Law & Private Law Children & Finance				Exceptional Travel
	CB1 (350 - 700)	CB2 (>700)	CB3 (>1,400)	Travel (>25miles)
Interim Hearing	£59.40	£89.10		£32.04
Final Hearing	£159.30	£239.40	£318.60	£32.04