

Immigration & Asylum – Consolidated Matter Report Form (CMRF) version October 2007

Example 1 – Asylum matter funded under the Graduated Fee Scheme

NB: Please note that all **bold** references are in relation to fields within the CMRF

Summary of the case

Client instructs a **London** supplier on **01/10/07**, Legal Help is granted on that date. Client confirms the following:

Client Forename:	John	Client Surname:	Smith
DOB:	01/01/1980	Gender:	Male (M)
Post Code:	E1 2AB	Disability:	NCD (see SMS list Oct '07 Guidance)
Ethnicity:	03 Black (see SMS list Oct '07 Guidance)		

The supplier allocates the client's file a **Case Reference** number as per their office's usual process: **e.g. AB/4567/1**.

The Supplier also allocates a **Case ID: e.g. 001**

Client confirms that they did not claim asylum on arrival at port and has no previous form of leave to enter/remain.

Client goes to the ASU the next day to claim asylum, the Home Office allocate him **HO UCN A1234567**. Client returns to the supplier the next day and confirms this to them.

Further work is undertaken pre/post interview, and 3 weeks later the client receives a **negative** decision from the Home Office, the client **has been refused asylum**. The client is advised of the decision, and the supplier proceeds to grant CLR on **15/11/07** having undertaken the appropriate merits test. Stage 1 work concludes on this date.

Case information:

The section highlighted below can be completed mainly using the information obtained at the start of the matter. SMS will automatically derive the UFN and UCN numbers using the information inputted by the supplier.

In this case the **UFN** would be **011007/001** and the **UCN** is **01011980/J/SMIT**.

A

Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date
AB/4567/1	01/10/07	001	011007/001	JOHN	SMITH	01/01/1984	01011980/J/SMIT	A1234567	M	03	NCD	E1 2AB	15/11/07

What Matter Type, Stage Reached and Outcome Codes should be used to report the costs of this Stage?

As this is:

- A substantive asylum matter,
- Opened on/after 1 October,
- With no previous asylum application having been made,
- The client is not a UASC nor is their case subject to Exclusive Contracting provisions
- The claim is for Legal Help Stage 1 costs
- The supplier did not attend the Home Office Interview

Therefore, the matter is payable under The Graduated Fee Scheme – the supplier would be able to claim the Stage 1 Asylum Graduated Fee of £450.

This payment will be triggered by the codes used when reporting the matter.

- The **Matter Type I** code should be: **IALB**

This indicates that the matter is a Legal Help claim, relates to asylum, is payable under the Graduated Fee Scheme and that the supplier is **not** claiming for the Additional Payment to attend the Home Office Interview.

The use of this code will automatically trigger a claim for **£450** Stage 1 Graduated Fee

- The **Matter Type II** code should be: **IILL** (as the client is an illegal entrant)
- The **Stage Reached** code should be: **IR** (Legal Help completed, CLR granted)
- The **Outcome** code should be: **--** (No outcome as this is a Stage Claim)

B

Matter Type 1	Matter Type 2
IALB	IILL

C

Stage Reached	Outcome for Client
IR	--

What work was done, what was the value of the work done and what do I report?

According to the Running Record of costs on the supplier's Case Management System, the following costs/time has been incurred on this matter using the appropriate hourly rates. These details should be entered in the applicable fields on the CMRF as shown:

Fig 1

Description:	Time (Minutes) as per Running Record	Hourly Rate (£) (London Rates)	Value of Work (£)
Preparation:	60	57.35	57.35
Attendance:	390	57.35	372.78
Advocacy:	0	69.60	0.00
Routine Phone calls/letters:	60 – (10 items @ 6 mins each)	4.40 per item	44.00
Travel Time:	0	30.30	0.00
Waiting Time:	0	30.30	0.00
Detention Travel Time:	N/A (Client not in Detention)	-	-
Detention Waiting Time:	N/A (Client not in Detention)	-	-

Fig 2

Fields on CMRF	Totals to be inputted on CMRF	Contributory Costs/time in this example
Advice Time	510 mins	Time for Attendance, Preparation, Routine calls/letters (No Advocacy, this would normally be included here)
Net Profit Costs Excl VAT	£474.13	Costs of Attendance, Preparation, Routine calls/letters (No Advocacy costs, this would normally be included here)
Net Disbursements Excl VAT	£267.50	Interpreter – 5 attendances – 6.5 hrs @ £15 per hr = £97.50 5 return journeys – 10 hrs @ £12 per hr = £120.00 5 x fare of £10 = £50.00
Net Counsel Fees Excl VAT	£0.00	Not Applicable
Disb VAT	£0.00	None

The costs/time details should be entered onto the CMRF as follows:

D

Advice Time	Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	VAT Indicator	Legacy Case	Travel & Waiting Costs
510	0	0	474.13	267.50	0.00	0.00	<input type="checkbox"/>	<input type="checkbox"/>	0.00

How do I claim for VAT on these costs?

If VAT is applicable to disbursements, then the amount of VAT payable should be recorded in the Disb VAT field on the CMRF.

If VAT in relation to Profit Costs and Counsel Fees is payable, then the VAT indicator should be ticked. This will automatically add VAT to any Graduated Fee/Additional Payments which are payable.

In this scenario, as the client was an asylum applicant and did not have residency status in the UK during the lifetime of his application, VAT will not be applicable for Profit Costs (please refer to Focus 48/49 for further guidance on such matters).

How do I know if the case is a “legacy” case?

A matter will only be deemed to be a “legacy” case if an application for asylum had been made prior to 1 April 2007. In this instance, the application was not made until October and as no previous application had been made prior to 1 April, this matter would not be a legacy case so the box should be left unchecked.

Fields, which are not applicable in relation to this claim:

In this example, the following fields are not applicable therefore the default values may be used:

- i) Adjourned Hearing fee - SMS will default to 0
- ii) Detention Travel Costs Excl VAT - SMS will default to 0
- iii) JR/Form Filling - SMS will default to 0
- iv) Detention Centre - SMS will allow this field to be left blank if not applicable
- v) CMRH Oral/Phone - SMS will allow this field to be left blank if not applicable
- vi) Substantive Hearing - SMS will default to N
- vii) VAT Indicator - SMS will default to N
- viii) Legacy indicator - SMS will default to N

E

VAT Indicator	Legacy Case	Adjourned Hearing Fee	Detention Travel Costs excl VAT	JR/Form Filling	Detention Centre	CMRH/ Oral Phone	Substantive Hearing
N	N	0	0.00	0			N

The complete CMRF for Stage 1 would look as follows:

F

Office																
Schedule No: <input type="text"/> / <input type="text"/> 1 A 1 2 3 B / <input type="text"/> Imm - Consolidated Matter Report Form Month DEC / 20 07 Sheet 1 of 1																
Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date	Matter Type 1	Matter Type 2	Advice Time
AB/4567/1	01/10/07	001	011007	JOHN	SMITH	01/01/1984	01011980	A1234567	M	03	NCD	E1 2AB	15/11/07	IALB	IILL	510
Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	VAT Indicator	Legacy Case	Travel & Waiting Costs	Adjourned Hearing Fee	Detention Travel Costs excl VAT	JR/Form Filling	Detention Centre	CMRH/ Oral Phone	Substantive Hearing	Stage Reached	Outcome for Client
0	0	474.13	267.50	0.00	0.00	N	N	0.00	0	0.00	0			N	IR	-

As this matter has proceeded to Stage 2 and a Stage claim has been made for Stage 1, SMS will not undertake the Exceptional Cases Calculation until the same supplier reports a subsequent Stage 2 claim:

CLR Stage 2:

For the appeal there was an oral CMRH, an Adjourned Hearing (not heard due to lack of court time) followed by a final Substantive Hearing.

Counsel was instructed to attend the Adjourned and Substantive Hearings, for which the following fees were agreed:

- a) Adjourned Hearing £175
- b) Substantive Hearing £320

The AIT allowed the appeal and the Home Office did not seek to review this decision.

The matter concluded and was closed on **20/12/2007**.

Case information:

As can be seen, the section highlighted below is similar to that of the earlier Stage 1 claim described above (see earlier graphic **A**) save for the **Case Concluded Date** which for this claim will be **20/12/2007**.

G

Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date
AB/4567/1	01/10/07	001	011007	JOHN	SMITH	01/01/1986	01011980	A1234567	M	03	NCD	E1 2AB	20/12/07

What Matter Type, Stage Reached and Outcome Codes should be used to report the costs of this Stage?

As this is:

- A substantive asylum matter,
- Opened on/after 1 October,
- With no previous asylum application having been made,
- The client is not a UASC nor is their case subject to Exclusive Contracting provisions
- The claim is for CLR Stage 2 costs
- An Oral CMRH, an Adjourned Hearing and a final Substantive Hearing were all attended.

Therefore, the matter is payable under The Graduated Fee Scheme – the supplier would be able to claim the Stage 2b Asylum Graduated Fee of £600 plus applicable Additional Payments.

The Graduated Fee payment will be triggered by the codes used when reporting the matter.

- The **Matter Type I** code should be: **IACB**

This indicates that the matter is a CLR Stage 2b claim (as a Substantive Hearing was attended), relates to asylum and is payable under the Graduated Fee Scheme.

The use of this code will automatically trigger a claim for **£600** Stage 2b Graduated Fee

- The **Matter Type II** code should be: **IILL** (as the client is an illegal entrant)
- The **Stage Reached** code should be: **IH** (Determined after Substantive AIT Hearing)
- The **Outcome** code should be: **IC** (Case results in Grant of Permission to Enter/Remain)

H

Matter Type 1	Matter Type 2
IACB	IILL

I

Stage Reached	Outcome for Client
IH	IC

Additional Payments

In the example above the following Additional Payments will be claimable:

Attendance at:	Oral CMRH	£175
	Adjourned Hearing	£170
	Substantive Hearing	£320

To trigger the relevant additional payments, the following CMRF fields should be completed as shown:

J

Adjourned Hearing Fee
1

K

CMRH/ Oral Phone	Substantive Hearing
O	Y

What work was done at Stage 2 under CLR, what was the value of the work done and what do I report?

According to the Running Record of costs on the supplier's Case Management System, the following costs/time has been incurred at Stage 2 using the appropriate hourly rates. These details should be entered in the applicable fields on the CMRF as shown:

Fig 3

Description	SOLICITOR		COUNSEL			OVERALL TOTALS	
	Oral CMRH (mins)	Value (£)	Adjourned Hearing (mins)	Substantive Hearing (mins)	Total Actual Value (£)	Total Time (mins)	Total Actual Value (£)
Advocacy	30	34.80	0	120	139.20	150	174.00
Travel	120	60.60	120	120	121.20	360	181.80
Waiting	30	15.15	240	90	166.65	360	181.80
Fare	-	10	-	-	20	-	30 (3 x £10)
TOTALS	180 mins	£120.55	360 mins	330 mins	£447.05	870 mins	£567.60

Fig 4

Description:	Solicitor's time (mins)	Counsel's time (mins)	Hourly Rate (£)	Value of Solicitor's work (£)	Value of Counsel's Work (£)
Preparation:	330	60	61.20	336.60	61.20
Attendance:	210	-	61.20	214.20	-
Advocacy:	30	120	69.60	34.80	139.20
Routine Phone calls/letters:	90 – (15 items @ 6 mins each)	-	4.40 per item	66.00	-
Travel Time:	120	240	30.30	60.60	121.20
Waiting Time:	30	330	30.30	15.15	166.65
Detention Travel Time:	N/A (Client not in Detention)	-	-	-	-
Detention Waiting Time:	N/A (Client not in Detention)	-	-	-	-

AIT Advocacy, Travel and Waiting

In this example the supplier attended the Oral CMRH whilst Counsel was instructed for the Adjourned and Substantive Hearings. Whilst the total of Advocacy time should be included in the Advice Time field on the CMRF, the actual costs will need to be split between the Profit Costs and Counsel Fee fields, reflecting the apportioning of this work.

The same will also apply to Travel and Waiting in respect of the Hearings. Again for clarification it should be noted that the combined Travel and Waiting Time respectively, should be entered in the Travel Time and Waiting Time fields, with the actual costs split between Profit Costs and Counsel Fees, reflecting the apportioning of this work.

Fig 5

Fields on CMRF	Totals to be inputted on CMRF	Contributory Costs/time in this example
Advice Time	840 mins	Time for Attendance, Preparation, Routine calls/letters, Advocacy
Travel Time	360 mins	Return travel to AIT (Oral CMRH and Hearings)
Waiting Time	360 mins	Waiting at AIT (Oral CMRH and Hearings)
Net Profit Costs Excl VAT	£727.35	Costs of Solicitor's Attendance, Preparation, Routine calls/letters, Advocacy, Travel and waiting
Net Disbursements Excl VAT	£330.50	Interpreter – 7 attendances – 6 hrs 10 mins @ £15 per hr = £92.50 7 return journeys – 14 hrs @ £12 per hr = £168.00 7 x fare of £10 = £70.00
Net Counsel Fees Excl VAT	£488.25	Counsel was instructed to attend the Adjourned and Substantive Hearings , for which the following fees were agreed:

		a) Adjourned Hearing £175 b) Substantive Hearing £320 As shown in Fig 1 , the actual value of the work undertaken by Counsel, (including their travel, waiting, advocacy, and preparation) where claimed at the appropriate Hourly Rates would total £488.25 . It is this actual value that should be recorded in the Net Counsel Fees field.
Disb VAT	£0.00	None
Travel and Waiting Costs	£363.60	720 minutes @ £30.30 per hour. Total value of all travel and waiting incurred (excluding Travel and waiting to a place of detention to take instructions)

The costs/time details should be entered onto the CMRF as follows:

L

Advice Time	Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	Travel & Waiting Costs
840	360	360	727.35	330.50	488.25	0.00	363.60

How do I claim for VAT on these costs?

If VAT is applicable to disbursements, then the amount of VAT payable should be recorded in the Disb VAT field on the CMRF.

If VAT in relation to Profit Costs and Counsel Fees is payable, then the VAT indicator should be ticked, this will automatically add VAT to any Graduated Fee/Additional Payments which are payable.

In this scenario, as the client was an asylum applicant and did not have residency status in the UK during the lifetime of his application, VAT will not be applicable for Profit Costs or Counsel Fees (please refer to Focus 48/49 for further guidance on such matters).

How do I know if the case is a “legacy” case?

A matter will only be deemed to be a “legacy” case if an application for asylum had been made prior to 1 April 2007. In this instance, the application was not made until October and as no previous application had been made prior to 1 April, this matter would not be a legacy case so the box should be left unchecked.

Fields which are not applicable in this matter

In this example, the following fields are not applicable therefore the default values may be used:

- i) Detention Travel Costs Excl VAT - SMS will default to **0**
- ii) JR/Form Filling - SMS will default to **0**
- iii) Detention Centre - SMS will allow this field to be left blank if not applicable
- iv) VAT Indicator - SMS will default to **N**
- v) Legacy indicator - SMS will default to **N**

M

VAT Indicator	Legacy Case	Detention Travel Costs excl VAT	JR/Form Filling	Detention Centre
N	N	0.00	0	

The completed CMRF for Stage 2 would look as follows:

N

Office Schedule No: / 1 A 1 2 3 B // Imm - Consolidated Matter Report Form Month JAN / 20 08 Sheet 1 of 1

Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date	Matter Type 1	Matter Type 2	Advice Time
AB/4567/1	01/10/07	001	011007	JOHN	SMITH	01/01/1980	01101980	A1234567	M	03	NCD	E1 2AB	20/12/07	1ACB	ILL	840
Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	VAT Indicator	Legacy Case	Travel & Waiting Costs	Adjourned Hearing Fee	Detention Travel Costs excl VAT	JR/Form Filing	Detention Centre	CMRH/ Oral Phone	Substantive Hearing	Stage Reached	Outcome for Client
360	360	727.35	330.50	488.25	0.00	N	N	363.60	1	0	0		O	Y	IH	IC

As both a Stage 1 and Stage 2 claim have both been reported, the exceptional fee calculation will now be undertaken by SMS.

SMS will use the UFN and UCN to track the case, ensuring both claims are identified for the purpose of the calculation.

The Exceptional cases calculation would be undertaken as indicated below:

What fields would be used to determine whether this claim is “exceptional”?

O – STAGE 1 CLAIM – DEC 2007

Office Schedule No: 1 A 1 2 3 B Imm - Consolidated Matter Report Form Month DEC / 20 07 Sheet 1 of 1

Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date	Matter Type 1	Matter Type 2	Advice Time
AB/4567/1	01/10/07	001	011007	JOHN	SMITH	01/01/1984	01011984	A1234567	M	03	NCD	E1 2AB	15/11/07	IA B	ILL	510
Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	VAT Indicator	Legacy Case	Travel & Waiting Costs	Adjourned Hearing Fee	Detention Travel Costs excl VAT	JR/Form Filing	Detention Centre	CMRH/ Oral Phone	Substantive Hearing	Stage Reached	Outcome for Client
0	0	274.13	267.50	0.00	0.00	N	N	0.00	0	0.00	0			N	IR	-

P – STAGE 2 CLAIM – JAN 2008

Office Schedule No: 1 A 1 2 3 B Imm - Consolidated Matter Report Form Month JAN / 20 08 Sheet 1 of 1

Case Reference Number	Case Start Date	Case ID	UFN	Client Forename	Client Surname	Date of Birth	UCN	HO UCN	Gender	Ethnicity	Disability	Client Postcode	Case Concluded Date	Matter Type 1	Matter Type 2	Advice Time
AB/4567/1	01/10/07	001	011007	JOHN	SMITH	01/01/1984	01011984	A1234567	M	03	NCD	E1 2AB	20/12/07	IA CB	ILL	840
Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel excl VAT	Disb VAT	VAT Indicator	Legacy Case	Travel & Waiting Costs	Adjourned Hearing Fee	Detention Travel Costs excl VAT	JR/Form Filing	Detention Centre	CMRH/ Oral Phone	Substantive Hearing	Stage Reached	Outcome for Client
360	360	727.35	330.50	488.25	0.00	N	N	363.60	1	0	0		O	Y	IR	IC

The following fields are used by SMS to determine whether this claim is “Exceptional”. These will be identified on both the Stage 1 and Stage 2 claims:

- Office Schedule Number
- UFN (in deriving this SMS will refer to the information in the Case ID and Case Start Date fields)
- UCN (in deriving this SMS will refer to the information in the First Name, Surname, and Date of Birth fields)
- Matter Type I
- Net Profit Costs Excl VAT
- Net Cost of Counsel Excl VAT
- Stage Reached

The following will also be picked up on a Stage 2 claim:

- Adjourned Hearing Fee
- CMRH Oral/Phone
- Substantive Hearing

Disbursements do not form part of the Exceptional Cases Calculation. The total Disbursements claimed are £598.

Would this claim be “Exceptional”?

In this case the total Graduated Fee payable is **£1050** (Stage 1 fee of £450 + Stage 2b Fee of £600)

The 3 x threshold is therefore **3 x £1050 = £3150**

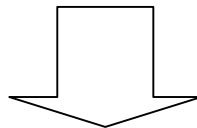
The total “actual” costs across both claims is **£1689.73** (Stage 1 = £474.13 + Stage 2 = £1215.60)

The calculation undertaken by SMS would be as follows:

Total Profit Cost – Additional Payments =/> 3 x Graduated Fee

£1689.73 - £665 =/> £3150

£1024.73 =/ > £3150



The actual costs are < than the threshold therefore this claim **is not** exceptional.

The following costs would be paid on this claim:

Graduated Fee(s):	£1050
Additional Payments:	£665
Net Disbursements:	£330.50
VAT:	£0