

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

Example 2 – Detained asylum matter funded under the Graduated Fee Scheme inc Bail.

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 **16/10/07** to assist with his asylum application. Legal Help was granted on this date. Following the second attendance with the supplier the client is subsequently detained at Tinsley House detention Centre. 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**

The Client confirms that he has previously registered an asylum claim (claimed asylum at port on arrival on 02/10/2007), and was granted temporary admission. The client has however breached his temporary admission conditions and has therefore been detained. His case has not been declared suitable for Fast Track. The Home Office have allocated him a **HO UCN A1234567**.

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**. In addition to the work done in relation to the substantive matter the supplier also submitted a successful bail application for which CLR was granted, having applied the appropriate merits test on. The Bail matter was concluded on **27/11/2007**. CLR was not however granted for the substantive matter (merits test not met) and this aspect concluded


at the Legal Help Stage on **20/11/2007**. The client was advised of his right to obtain an independent review of the refusal, via the Independent Funding Adjudicator (IFA), and a copy of the CW4 form was retained on file. The IFA upheld the supplier's decision not to grant funding for the substantive appeal.

Case information:

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

In this case the **UFN** would be **161007/001** 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	16/10/07	001	161007	JOHN	SMITH	01/01/1966	01011980	A1234567	M	03	NCD	E1 2AB	20/11/07

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

As this is:

- A substantive asylum matter – application lodged on/after 1/10/2007
- 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: **IIRC** (as the client is in detention)
- The **Stage Reached** code should be: **IF** (Legal Help completed, CLR refused)
- The **Outcome** code should be: **IE** (application refused)

B

Matter Type 1	Matter Type 2
IALB	IIRC

C

Stage Reached	Outcome for Client
IF	IE

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:	360 (3 journeys at 2hrs per return journey)	30.30	181.80
Detention Waiting Time:	90 (30mins per attendance)	30.30	45.45

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)
Travel Time	0 mins	Please note that this field remains as “null” as the claimable travel time relates to detention travel only and therefore should be entered in the detention travel costs field.
Waiting Time	0 mins	Please note that this field remains as “null” as the claimable waiting time relates to detention waiting only and therefore should be entered in the detention waiting costs field.
Net Profit Costs Excl VAT	£474.13	Costs of Attendance, Preparation, Routine calls/letters (No Advocacy costs, this would normally be included here)

		NB: Please note that for a Graduated Fee matter although travel and waiting time is generally included within the Net Profit costs figure, <u>detention travel</u> and wait is not and therefore <u>should not</u> be included in this field.
Net Disbursements Excl VAT	£327.50	Interpreter – 5 attendances – 6.5 hrs @ £15 per hr = £97.50 5 return journeys – 15 hrs @ £12 per hr = £180.00 2 x fare of £7 = £14.00 3 x fare of £12 = £36.00
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	327.50	0	0	N	N	0

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.

What do I put in the “Detention Travel Cost exc VAT” and “Detention Centre” Fields?

In this example, the only travel and wait incurred relates to time spent travelling to see the client in detention for the purpose of giving and receiving instructions and therefore must be claimed solely in the “Detention Travel Costs exc VAT” field.

Under the Graduated Fee Scheme at Stage 1, any time spent in relation to attendance at a Home Interview should be entered in both the “Net Profit Costs exc VAT” and “Travel & Waiting Costs” fields. In this instance, the Travel & Waiting costs field will be “null” as there was no funded attendance at interview.

The Detention Centre code can be obtained from the SMS drop down list or for paper submissions from the SMS guidance.

E

Detention Travel Costs excl VAT	Detention Centre
227.25	TIN

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) JR/Form Filling - SMS will default to **0**
- iii) CMRH Oral/Phone - SMS will allow this field to be left blank if not applicable

- iv) Substantive Hearing - SMS will default to N
- v) VAT Indicator - SMS will default to N
- vi) Legacy indicator - SMS will default to N

F

VAT Indicator	Legacy Case	Adjourned Hearing Fee	JR/Form Filing	CMRH/ Oral Phone	Substantive Hearing
N	N	0	0		N

The complete CMRF for Stage 1 would look as follows:

G

Office																
Schedule No: <input type="text"/> / <input type="text"/> 1 A 1 2 3 B / <input type="text"/> Imm - Consolidated Matter Report Form Month <u>DEC / 20 07</u> Sheet <u>1</u> of <u>1</u>																
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	16/10/07	001	161007	JOHN	SMITH	01/01/1966	01011980	A1234567	M	03	NCD	E1 2AB	20/11/07	IALB	IIRC	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	474.13	327.50	0	0	N	N	0	0	227.25	0	TIN		N	IF	IE

As this matter has proceeded to appeal, in relation to bail only, and a completed claim has been made for Stage 1 costs (substantive matter concluded), SMS will undertake the Exceptional Cases Calculation at this time – as the appeal work will be paid at hourly rates and there will be no further claim under the graduated fee scheme.

Exceptional Fee Calculation:

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

H – 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	16/10/07	001	161007	JOHN	SMITH	01/01/1966	01611984	A1234567	M	03	NCD	E1 2AB	20/11/07	I A B	IIRC	510
Travel Time	Waiting Time	Net Profit Costs excl VAT	Net Disb excl VAT	Net Cost of Counsel exc 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	474.13	327.50	0	0	N	N	0	0	227.25	0	TIN		N	IE	IE

The following fields are used by SMS to determine whether this claim is “Exceptional”.

- 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

Disbursements do not form part of the Exceptional Cases Calculation.

As the costs entered in the “Detention Travel Costs exc VAT” are payable in addition to the Graduated Fee, are would be payable regardless of whether the matter were exceptional or not , they are not included in calculating whether a claim is “Exceptional”.

Would this claim be “Exceptional”?

In this case the total Graduated Fee payable is **£450** (Stage 1 fee)

The 3 x threshold is therefore **3 x £450 = £1350**

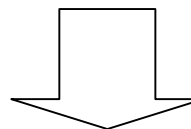
The total “actual” costs of the substantive matter, which concluded at the Legal Help Stage, is **£ 474.13 plus “additional” detention travel and wait costs of £227.25 = £701.38**

The calculation undertaken by SMS would be as follows:

Total Profit Cost (for work covered by the Graduated Fee & Additional payments) – Additional Payments => 3 x Graduated Fee

£474.13 - £0.00 => £1350

£474.13 =/ > £1350



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):	£450.00
Detention Travel & Wait:	£227.25
Net Disbursements:	£327.50
VAT:	£0

As stated above, whilst the substantive matter concluded at Stage 1, funding continued under CLR for Bail Only.

CLR Bail Costs:

In this example, when claiming the CLR costs, the information entered in the following highlighted fields will remain the same as the Stage 1 Legal Help Costs:

It is also assumed here that the supplier retains the same Case Reference Number for the Legal Help and CLR file.

Suppliers are also reminded that the Case start date and Case ID will be the same throughout the course of this matter.

- The **Stage Reached** code should be: **IH** (Determined after AIT Bail Hearing)
- The **Outcome** code should be: **IC** (Case results in Grant of Permission to Enter/Remain)

J		K	
Matter Type 1	Matter Type 2	Stage Reached	Outcome for Client
IACB	IILL	IH	IC

What work was done 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's time (mins)	Hourly Rate (£)	Value of Solicitor's work (£)
Preparation:	90	61.20	91.80
Attendance:	90	61.20	91.80
Advocacy:	30	69.60	34.80
Routine Phone calls/letters:	60 – (10 items @ 6 mins each)	4.40 per item	60.00
Travel Time:	360 (120 to substantive hearing) plus 240 - two return journeys	30.30	181.80

	at 2hrs per return journey)		
Waiting Time:	90 (30 at substantive hearing) plus (60 at detention centre)	30.30	45.45

Please note that as all Bail work is paid on an hourly rate basis there is no need for the “additional” detention travel / waiting time to be recorded separately. This field will ever only apply to Graduated Fee cases.

Fig 4

Fields on CMRF	Totals to be inputted on CMRF	Contributory Costs/time in this example
Advice Time	270 mins	Time for Attendance, Preparation, Routine calls/letters, Advocacy
Travel Time	360 mins	Return travel to AIT and Detention Centre
Waiting Time	90 mins	Waiting at AIT and Detention Centre
Net Profit Costs Excl VAT	£505.65	Costs of Solicitor’s Attendance, Preparation, Routine calls/letters, Advocacy, Travel and waiting
Net Disbursements Excl VAT	£132.00	Interpreter – 3 attendances (2 with client plus 1 at AIT) – 120mins @ £15 per hr = £30.00 3 return journeys – 6 hrs @ £12 per hr = £72.00 3 x fare of £10 = £30.00

Travel and Waiting Costs	£227.25	450 minutes @ £30.30 per hour.
--------------------------	---------	--------------------------------

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

K

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
270	360	90	505.65	132.00	0	0	227.25

Travel and Waiting time/costs

For this claim, you will note that **all** travel time (AIT hearing and attendance on client to take instructions) has been entered in the Travel & Waiting time fields accordingly. Similarly the costs of travel and waiting have been entered in the “Travel and waiting Costs” field and the “Net Profit Costs exc VAT” fields accordingly.

It should be apparent from the “Explanation of the Immigration CMRF” document that for hourly rates claims the Detention Travel Costs Field is not applicable and therefore all travel time should be entered together.

To illustrate this point, if this claim were in relation to a Graduated Fee case, then the breakdown for travel and waiting as detailed in **Fig 3** would be entered on the CMRF as follows (purely for illustration purposes):

L

Travel Time	Waiting Time	Net Profit Costs excl VAT	Travel & Waiting Costs	Detention Travel Costs excl VAT
120	30	354.15	75.75	151.50

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** (this is despite the fact that the client was in detention. As all Bail work is paid on an hourly rate basis there is no need for the “additional” travel / waiting time to be recorded separately. This field will ever only apply to Graduated Fee cases)
- ii) JR/Form Filling - SMS will default to **0**
- iii) VAT Indicator - SMS will default to **N**
- iv) Legacy indicator - SMS will default to **N**
- v) CMRH Oral/Phone - SMS will allow this field to be left blank if not applicable
- vi) Substantive Hearing - SMS will default to **N**

M

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

The completed CMRF for Bail 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	16/10/07	001	161007	JOHN	SMITH	01/01/1986	010119807	A1234567	M	03	NCD	E1 2AB	27/11/07	IAXC	IBAI	270
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	CMRF/ Oral Phone	Substantive Hearing	Stage Reached	Outcome for Client
360	90	505.65	132.00	0	0	N	N	227.25	0	0	0	TIN		N	IH	IC