

Legal Services Commission Complex Crime Unit: Mav 2009

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Welcome to the second edition of the Complex Crime Unit newsletter. The purpose of this newsletter is to update you regarding any changes to work in the office and to provide you with what we hope is useful information on our audit processes.

We would be very grateful if you would please circulate this leaflet around all of your legal aid fee-earners. We hope to provide this information regularly and would greatly appreciate any comments you have on its usefulness to you.

THE SIX "ALWAYS" THAT CAN MAKE THE DIFFERENCE FOR SUPPLIERS

A checklist of the 6 "always" must do that can prevent delay in processing your claims.

- **Always** remember to use the correct forms for panel cases (Yellow & Blue colours).
- **Always** remember to split your claim into "Pre & Post 13/11/08" to reflect the rate change.
- **Always** apply 15% VAT on audit where the stage ends after 1 December 2008.
- **Always** provide the breakdown of individual documents perused on a case.
- **Always** submit relevant page count where required.
- **Always** submit relevant receipts/invoices for the payment of travel expenses and other disbursements.

Bill Submission for Non-Panel Advocates

Following the implementation of the VHCC panel in January 2008 only panel advocates continue to be paid directly through their legal aid account numbers.

Non-panel advocates will have their fees paid to their instructing solicitors. In order to facilitate this all non-panel advocates should submit their bills alongside the solicitor's stage bills.

Bills submitted separately will be returned without payment to be included with the solicitor's bill.

Settlement Run Dates

Payment runs will continue to be weekly.

The attached link: www.legalservices.gov.uk/criminal/payment_dates.asp provides a table of payment dates up to December 2009.

Please also see this link for payment methods.

Response published to the Very High Cost Cases consultation

We have announced the [outcome of our consultation](#) on the provision of a sustainable scheme for Very High Cost (Crime) Cases (VHCCs). We will extend the [current interim scheme](#) for 12 months. We will contact all panel members and panel advocates shortly concerning their contracts. Chief Executive Carolyn Regan said:

"Having reviewed the responses to the consultation and having sought the views of the Working Group, the LSC has decided not to implement either of the VHCC payment mechanisms suggested. Along with the other members of the Working Group we will continue to work towards an acceptable replacement scheme. However, it seems that this work may not be completed in time to be brought into force immediately before the scheduled end date of the existing VHCC Panel Contracts on 13 July 2009. To ensure continuity, we are extending the current interim scheme for a further 12 months."

For more information please visit:

www.legalservices.gov.uk/criminal/cds_news_9428.asp?page=1

Useful panel contract information

You will find useful information relating to panel contracted cases at the following web address:

www.legalservices.gov.uk/criminal/contracting/panel_membership.asp

Updates to the contract can also be found at this address along with lists of all panel members, advocates and contracting forms.

Why not place this hyperlink onto your desktop to save time when searching the contract and looking for suitable panel advocates.

Completing Panel stage 0 and trial stage claims

Please note that when completing the Excel claim forms for stage 0 each attendance note must be entered on a separate line, as opposed to claiming the prep hours worked by all grades on a particular date simultaneously. This ensures that the audit team can easily identify the hours claimed for each particular piece of work, and should any items be queried or disallowed, these can be dealt with quickly and easily. If counsel are submitting a separate worklog to the stage 0 form, then each separate piece of work in the log should be entered on its own line on the form, rather than entering the total hours worked each day, for the same reasons.

Counsel should also note that when claiming daily refreshers on a Panel case they should use a separate line for each day in court, entering the actual number of hours of advocacy in the "actual court time" column, less 1 hour for the lunch break if appropriate. If the total number of days at court are claimed together on one line, e.g. "38", the Excel form will calculate this as 1 day lasting 38 hours, and will pay for 1 full day's refresher only.

VHCC Appeals – A Brief Guide to the Appeals Process in Criminal High Cost Cases

Appeals are considered within the CCU to be a very last resort to contract negotiations. However they can also be viewed positively as a process, which allows both parties an opportunity to state their case before a Committee made up of their peers.

So, should negotiations with your Contract Manager reach the unlikely stage where no agreement can be reached in relation to a request for hours, please bear in mind the following points:

- You will have 10 working days to submit your written reasons for appealing the Contract Manager's decision.
- Your Contract Manager will have 10 working days to respond to your written appeal submissions.
- Your appeal will be listed for a date within 30 working days of the Contract Manager's appeal response. Appeals are generally heard fortnightly on Wednesdays.
- Your appeal will be heard by a Committee of experienced VHCC practitioners (usually consisting of 2 solicitors and 1 barrister). You have the right to attend your appeal in order to make further oral representations.
- The decision of your Appeal will be made and communicated in writing within 5 working days of the hearing.

We would hope that full written submissions are submitted well in advance of the hearing. This gives the Committee sufficient time to consider all of the paperwork from both the Appellant and Contract Manager.

Ensuring that full submissions are lodged as soon as possible avoids any unnecessary adjournment to your appeal. Particularly where further submissions are provided, your Contract Manager will need time to consider the same, and respond in writing should they need to.

Should you require any further information in relation to the Appeals process, please visit the following link:
www.legalservices.gov.uk/criminal/contracting/how_to_appeal.asp

Alternatively please refer to Annex 14 of the panel contract, or email a member of the appeals team at: CCUAppeals@legalservices.gov.uk

Legal Aid is 60

Did you know that 2009 marks the 60th anniversary of Legal Aid?
For more information please visit: www.legalaid60.org.uk

E-mail us your thoughts

We hope you have found this newsletter flyer informative however if you have any suggestions on what you wish the newsletter to cover in future additions please e-mail us at ccu@legalservices.gov.uk. We regret that we cannot accept general queries not related to the newsletter via this address.