



iLaw Family Module

Guide to Phase 2 Claims

PFLRS Levels 3 and 4

Family Advocacy Scheme (FAS)

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iLaw Family Phase 2

Introduction

Family Phase 2 Fees are split into two schemes. The Private Family Legal Representation Scheme, PFLRS, covers all work from the issue of proceedings up to the conclusion of the Final Hearing. The Family Advocacy Scheme is the advocacy claim that operates alongside of the PFLRS claim and the Care Proceedings Graduated Fee Scheme introduced in October 2007.

This guide details the PFLRS and FAS schemes and how claims can be created in the iLaw Family Module. It is strongly advised that this guide is used in combination with guidance provided by the Legal Aid Agency.

Private Family Legal Representation Scheme

PFLRS Claims

PFLRS is a standard fee scheme for Family Representation work submitted on the revised Claim 1A. The fees cover all work from the issue of proceedings up to the conclusion of the Final Hearing and are payable plus any disbursements incurred.

PFLRS Standard fees are determined by the following:

a. Provider Location:

- National
- London

b. The Court the case was heard:

- Family Proceedings Court
- Family County Court
- Family High Court

c. The type of case, referred to as an 'aspect'. A Standard fee can be claimed for one or more than one of the following aspects:

- Children
- Finance (Ancillary Relief)
- Domestic Abuse (PFLRS Level 4 only)

d. The Aspect level:

- Level 3 – up to not including final hearing
- Level 4 – final hearings

An additional claim can be made for attending Enforcement Hearings for Children and Finance matters for Level 4 work. A further hearing claim can be made Domestic Abuse Level 4 work.

Exceptional claims should be made for any aspect where the work recorded exceeds the Exceptional claim threshold. This calculation is based on the total of the work recorded for each Level of the aspect.

When creating a new client matter for PRLRS claims make sure that "Family" is selected in the 'Work type' dropdown in 'Client Details'. You should also check that either "London" or "National" is selected as the 'Location?' in 'Setup'.

Note. The applicable PRLRS fees shown in 'Billing' are determined by the work entered in 'Time Records'

adding the right record for the Court and Aspect the case concerns is important.

After the case has been created, you can record your time in 'Time Records'. Set the 'Fee Earner' and charge date. If you are a fee earner logged in with your own details, you should be automatically selected in the 'FE' dropdown.

Select the 'Legal Aid type'. This will reflect the PFLRS level (Either Level 3 or Level 4) and the Court (Family Proceedings, County or High Court).

Level 3 Children and Finance

Family Private Level 3 work requires the aspect to be selected in the 'Level 3 WorkType' dropdown. At this level, the work the aspect is either "Children" or "Finance". If you need to record work for both aspects then this can be done, one after the other.

With time recorded for Family Private Level 3 Children or Finance, a row of costs is created in the PFLRS billing screen showing the appropriate standard fee. If work is recorded for both aspects then two rows will show allowing two standard fees plus disbursements.

Finance Level 3 Settlement Fee

When Finance is selected as the Family Private Level 3 Work type you can claim a settlement fee which will be added to the Level 3 Standard Fee calculated. The settlement fee is not included in the totals that determine if a case escapes the exceptional claim threshold. If the total of costs recorded mean the case does go exceptional then no settlement fee may be claimed.

The Finance Level 3 Settlement Fee can be added by selecting 'Finance' as the Level 3 Work type after selecting any of the Level 3 Court types from the 'Legal Aid Type' dropdown. The Financial Settlement Charge Code will show. Select from the Amount dropdown 'Yes' and then click 'Add Record'.

PFLRS Level 4 Children, Finance and Domestic Abuse

There are three Aspects which can be claimed for Level 4 final hearing work and these are Children, Finance and Domestic Abuse. For each aspect there is the potential to claim an additional payment (presented as a separate aspect for billing purposes in the 'Level 4 Worktype' dropdown box) should there be an extra enforcement hearing for Children and Finance matters or a further Domestic Abuse hearing attended. Select the appropriate 'Level 4 WorkType' for the work or attendance being recorded. These are:

- Children
- Finance
- Domestic Abuse

- Children – Enforcement
- Finance - Enforcement
- Domestic Abuse – Further Hearing

When Level 4 time has been recorded, each aspect will have a row of costs showing in the PFLRS billing screen which presents the relevant fee. Level 3, Level 4 and any enforcement or further hearing work will all show as separate rows detailing the total of costs and the fee that will be paid.

Level 4 Enforcement Fee for Children and Finance claims

This additional fee for Enforcement Proceedings will be half the relevant Level 4 fee. Enforcement Hearing(s) are attended after the Final Hearing (Level 4 work) and are for Children and Finance aspects only. Although a separate row for these fees show in the PFLRS billing screen the costs will be included in the calculation for Exceptional claims if there is time recorded for the same aspect at Level 3 or Level 4.

Domestic Abuse Further Hearing

If further court hearings are necessary for Domestic Abuse Proceedings, a second standard fee can be claimed. This payment is triggered by selecting 'Family Private: Level 4' for the court type and 'Domestic Abuse – Further Hearing' set as 'Legal Aid Type'.

PFLRS Billing

There are two new links under the Claim 1A heading in the Family billing options screen for PFLRS and FAS which will take you to the appropriate section for reviewing costs recorded and the fees that can be claimed

The Billing screen shows the Standard Fee for the Level, Court and Aspect of work entered in time records.

Exceptional Claims

Exceptional cases will be paid by hourly rates if the total for each aspect is three times the aggregate of fees payable. There are separate thresholds within each aspect according to the levels time is recorded for.

The following examples show how the exceptional claim threshold is aggregated for a matter:

- *Level 3 Work only*

If only Level 3 work is recorded the Exceptional case threshold will be 3 x Level 3 Fee.

- *Level 3 and Level 4 Work*

If Level 3 and Level 4 work is recorded the Exceptional case threshold will be 3 x Level 3 Fee + 3 x Level 4 Fee. The combined actual costs of the Level 3 and Level 4 work must be equal or more than this amount.

- *Level 3, Level 4 and Enforcement Hearing (further Domestic Abuse Hearing)*

If Level 3 and Level 4 work is recorded with an Enforcement additional fee the Exceptional case threshold will be $3 \times \text{Level 3} + 3 \times \text{Level 4} + 3 \times \text{Level 4} \text{ divided by } 2$ (Enforcement Fee). The combined actual costs of all levels of work must be equal or more than this amount.

iLaw will calculate whether the work recorded for each individual aspect has gone exceptional. A Yes or No will show in the **Exceptional** column in the row of costs.

PFLRS Excluded Schemes

There are a number of schemes excluded from PFLRS Schemes claimed on the Claim 1 such as Child Abduction, Inheritance Act (Provision for Family and Dependents) Act 1975 and TOLATA 1996. A full list of excluded schemes can be found in the guidance for Phase 2. These claims can continue to be billed on the revised Claim 1 for Family Magistrates' and County or High Court matters.

Family Advocacy Scheme (FAS)

Family Advocacy Scheme Claims

The FAS scheme covers all Advocacy from the issue of proceedings up to the conclusion of the final hearing under a certificate granted following an application made on or after the date specified by the LSC.

The FAS scheme is divided into Five Proceedings

- Care and Supervision
- Other Public Law Children
- Private Law – (These reflect the aspects for Level 3 and Level 4 PFLRS work)
 - Children
 - Finance
 - Domestic Abuse

FAS Fixed Fees depend on the Proceedings and the Court the advocacy takes place

- Family Proceedings Court
- County Court
- High Court

In the Time Records screen, record the Advocacy time spent at each hearing under one of the FAS Activities.

- Interim Hearing
- Advocates Meeting Fee (Public Law Only)
- Final Hearing
- FDR Hearing (Private Law Finance)

Note: Conference Hearing and Opinion Hearing Fees can only be claimed by Counsel and is not included in iLaw.

A Standard Fee may be claimed for the provision of advocacy at Interim Court Hearings. The Fee is determined on the Category (or Proceeding) of the Case and the Court in which the Advocacy is provided to the client. Fees are then paid in respect of each activity provided in different categories of the case. These fees can be increased by the addition of 'Bolt-On' fees which are available in the billing screen only and not in time records.

FAS Activities

The hearings and meetings attended on the client are referred to as 'Activities'. Each activity is time recorded in order to calculate the applicable fee in the FAS billing screen.

Interim Hearing fees

Interim Hearing fees are based on 2 hearing units for Advocacy work recorded.

Hearing Unit 1 – Less than or equal to 1 hour

Hearing Unit 2 – More than 1 hour but less than or equal to 2.5 hours

When the advocacy recorded is over 2.5 hours a multiple of HU2 is calculated and rounded up.

Advocates Meeting Fee

An Advocates Meeting Fee can be claimed for Public Law matters.

The FAS Worktype will either be 'Public Law: s31 Care Proceedings' or 'Public Law: Other Public Law'. Select 'Advocates Meeting Fee' from the FAS Activity dropdown.

iLaw will know when there has been an Advocates Meeting Fee recorded for different dates and present multiple Hearing Fees in the Advocacy costs screen.

FDR Hearing Fee

Financial Dispute Resolution Hearings for Finance cases are paid in the same way as Interim Hearing fees with the fees involved reflecting the importance, complexity and additional preparation. Select 'FDR Hearing' as the 'FAS Activity' in 'Time Records'. iLaw will calculate which hearing fee(s) can be claimed from the time entered.

FDR Hearing Unit 1 Fee – Less than or equal to 1 hour

FDR Hearing Unit 2 Fee – More than 1 hour but less than or equal to 2.5 hours

When the advocacy recorded is over 2.5 hours a multiple of Hearing Unit 2 is calculated and rounded up.

So:

If you are claiming less than 60 minutes – Hearing Unit 1 is claimed

If you have claimed 61 – 150 minutes – Hearing Unit 2 is claimed

If you are claiming 151 – 300 minutes – 2 x Hearing Unit 2 fees are claimed

Final Hearing Fee

A Final Hearing Fee can be recorded by adding the work done for the hearing in 'Time Records' and then entering how many days the hearing lasted in the FAS billing screen. The fee is payable for each day, or part day of a hearing regardless of the length of time spent at court.

Select either 'Family FAS County Court' or 'Family FAS High Court' as the 'Legal Aid Type'. A Final Hearing Fee cannot be claimed for Finance Hearings at the Family Proceedings Court. Select the 'FAS Worktype'

applicable and 'Final Hearing Fee' as the 'FAS Activity' to record your work.

In the FAS billing screen select the row of costs for the Final Hearing. You will be able to see this from the description in the 'Type' column. In the lower part of the screen the Length of Final Hearing will become active. Enter the length of the final hearing.

FAS Billing

The 'Family Advocacy Scheme' link in the Family Billing options screen takes you into the screen where you can view the FAS Fees calculated for claiming and where you can select any appropriate Bolt on Fee.

FAS work is billed in the **Billing** screen.

FAS "Bolt-On" Payments

Bolt-On Fees are claimed in addition to the Hearing Fee and these are selected in the billing screen when preparing the FAS claim. Click on the row of costs shown, The Bolt-On Fees applicable will become active.

Allegations of Significant harm

This Bolt-On Fee can be claimed where your client is facing allegations that they caused significant harm to a child. The fee is 25% of the hearing fee and is claimed for Public and Private Law FAS claims.

Client – Lack of Understanding/ difficulty given instructions

This Bolt-On fee is for public law cases only. The fee claimed is 25% of the base fee.

Expert's Cross Examination (Expert/s has to be substantially challenged in court)

This bolt-on can be claimed for Public law and Private Law Children cases. It is not available for private law finance and domestic abuse cases. The Bolt-On is payable for each advocate at the hearing where the cross examination took place.

- Public Law Cases are 25% of the base fee
- Private Law Children cases are 20% of the base fee

Finance Early Resolution Fee

This Bolt-On is claimable only on Private Law Finance Cases (Ancillary Relief) that settle at the first appointment or FDR. This activity covers all hearings other than the final hearing, commonly covering all directions hearings

including: the first appointment and the Financial Dispute Resolution hearing in an ancillary relief case.

The Finance Early Resolution Fee applies to matters in the County or High Court. Select 'Family FAS County Court' or 'Family FAS High Court' as the 'Legal Aid Type' and the appropriate FAS work type. In the FAS Activity dropdown select 'Final Hearing Fee'. The Finance Early Resolution Fee is only claimable for Private Law Finance cases.

Court Bundle Payments

Court Bundle payments can be claimed as a Bolt-On for Interim and Final Hearings. Only one Court Bundle Fee can be claimed per hearing. They can be claimed in public and private law Children and Finance cases but may not be claimed for Domestic Abuse hearings.

To record court bundle payments, enter the number of pages in the Court Bundle box provided. The additional payment will show in this section and in each FAS row of costs for billing.

There are three levels of additional payments with 350 the minimum amount of pages that can be claimed for.

Exceptional Travel

This Bolt-On payment is available for all Hearings and is the only Bolt-On which can also be claimed for attendance at an Advocates' Meeting in Public Law cases and for Conferences (Counsel only). The exceptional travel fee is only payable where the journey from the advocate's office or chambers to the court exceeds 25 miles each way.

Family Phase 2 Rates

PFLRS and FAS Advocacy Rates for Family Proceedings, County and High Courts Feb 2012

(These rates are also applicable to Family Private: Magistrates' Court/ County and / Family Private: High Court)

Table 9(b) Other Family Proceedings (Payment Annex 2012)

<i>Activity</i>	<i>Higher Courts</i>	<i>County Court and Family Proceedings Court</i>
Routine letters out	£6.35 per item	£5.40 per item
Receiving routine letters	£3.15 per item	£2.70 per item
Routine telephone calls	£6.35 per item	£5.40 per item
Preparation and attendance	£70.56 per hour (London Rate) £65.75 per hour (Non-London Rate)	£59.40 per hour (London Rate) £54.90 per hour (Non-London Rate)
Attending court or conference with counsel	£37.13 per hour	£32.40 per hour
Advocacy	£70.56 per hour (London Rate) £65.75 per hour (Non-London Rate)	£59.40 per hour (London Rate) £56.70 per hour (Non-London Rate)
Travelling and waiting time	£32.18 per hour	£28.80 per hour (London Rate) £27.90 per hour (Non-London Rate)

PFLRS Level 3 and 4 Fees

PFLRS Level 3 & 4

High Court, Family Proceedings and County Court Fees February 2012

Table 3(e) Higher Standard Fee Scheme – Children (Payment Annex 2012)

Table 3(f) Higher Standard Fee Scheme – Finance (Payment Annex 2012)

Table 3(g) Higher Standard Fee Scheme – Domestic Abuse Proceedings (Payment Annex 2012)

Court	Area	Proceedings and Service Level					
		Level 3 Children	Level 4 Children	Level 3 Finance	Level 3 Finance with Settlement uplift	Level 4 Finance	Level 4 Domestic Abuse
FPC & County	Not London	£353	£251	£392	£470	£311	£507
High	Not London	£424	£302	£471	£566	£374	£608
FPC & County	London	£424	£302	£471	£566	£374	£608
High	London	£509	£362	£565	£678	£449	£729

Family Advocacy Scheme (FAS) Fees

Table 3(e) Higher Standard Fee Scheme – Children (Payment Annex 2012)

Table 3(f) Higher Standard Fee Scheme – Finance (Payment Annex 2012)

Table 3(g) Higher Standard Fee Scheme – Domestic Abuse Proceedings (Payment Annex 2012)

Fees (National)	In House and Self Employed (SE) Advocates				
	Care & supervision	Other public law	Private children	Private finance	Private domestic abuse
Family Proceedings Court					
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			
Conference Fee (SE)	£127.71	£127.71	£125.37		
Opinion Fee (SE)	£105.66	£105.66	£94.05		
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			
Conference Fee (SE)	£127.71	£127.71	£125.37	£126.36	
Opinion Fee (SE)	£105.66	£105.66	£94.05	£94.77	
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 Res. Fee				£151.65	

In House and Self Employed (SE) Advocates					
Fees (National)	Care & supervision	Other public law	Private children	Private finance	Private domestic abuse
High Court continued					
Final Hearing Fee	£668.25	£612.90	£524.07	£532.44	£361.17
Advocates Meeting Fee	£169.20	£169.20			
Conference Fee (SE)	£127.71	£127.71	£125.37	£126.36	
Opinion Fee (SE)	£105.66	£105.66	£94.05	£94.77	

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