



Steve Starkey
LAA

15 March 2017

Dear Steve,

Response to proposal on use of CCMS for FAS fees claimed alongside costs assessed by the Court.

Brief

The LAA will be proposing to the Civil Contracts Consultative Group at its next meeting on 15th March that FAS on court bills be entered individually onto CCMS as is the case for non-court bill claims. This would reflect the same information that is submitted on for court bill claims via the paper-based Claim1As.

Under the current process the total solicitor's FAS figure is submitted on CCMS with no breakdown that is given on Claim1As under the paper process. Therefore, the LAA are unable to establish whether the fees claimed are in accordance with the contract. These problems are likely to cause more criticism from the National Audit Office, whose negative conclusions on the LSC and LAA since 2009 have caused much of the increased controls and demands for more detailed information etc.

Response

The information sought is currently required on the paper based version (Claim 1A), however, the method required on CCMS is far longer than is required on the Claim1A and the time allowed in preparing the claim is allowed by reference to completing the Claim 1A for payment. The requirement is to ensure that a single type of format for easy and efficient use by the LAA when checking that those fees and calculations are correct.

The LAA asserts (and has always asserted) that CCMS is designed as a transactional system and not a case management system (or more relevant: a costing system). It was never designed to a reasonable level to require the use of CCMS as anything other than simply a method of reporting. The fees have already been calculated when preparing the bill of the costs and use of the CCMS PUI to do this when preparing the bill of costs is significantly more time consuming as explained below, and in some cases not possible due to the nature of instruction of third parties to carry out this work.

We believe the most efficient way of doing this is to allow the provider to submit the matrix on the Claim1A as supporting evidence with the claim for payment of a court bill. If reporting FAS claimed by use of the CCMS PUI then additional time must be allowed carrying out this additional task. We estimate that the time to do this is on average between 30 minutes to 1 hour, but may be more for substantial amounts numbers of FAS claims and also dependent upon the amount of bolt-ons being claimed with them.

Software providers have informed us that the optional claim upload cannot currently be used for this task, as this functionality is not part of claim upload design. They have said that time is required to design and successfully test this before such functionality is available.

On the Claim 1A a single table (matrix) is completed to show how the fees are calculated. This dovetails with the method of preparing a claim for costs already calculated in a bill of costs which can then be transposed into a single type of format for easy and efficient use by the LAA when checking that those fees and calculations are correct. Whereas, using CCMS to submit the claim requires completion of an individual online form for each FAS claim (line entry) by completing questions and selecting drop down boxes to calculate claims that have already been calculated when drawing the bill.

The business operations used in preparing a bill of costs for detailed assessment that includes FAS cannot be adapted for use with CCMS without increasing the time in preparing the claim.

Individually entering the FAS claims onto CCMS, when these standard and graduated fees have already been calculated and checked whilst prepared the bill of costs, is going to generate substantially more time in work done in preparing the claim than it does by completing the matrix on the Claim 1A.

Yours sincerely,

Paul Seddon
ACL Legal Aid Group Chairman (on behalf of the LAG)