



Legal Aid
Agency

Certificated Non-Family Session for Bar Council

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Certificated Non-Family Session – Bar Council September 2025

Today's session will cover:

1) Claiming Enhancement on Certificated Billing

- How much to apply and when to claim.**

2) General claiming tips for CCMS Billing

- Getting it right first time**

3) Certificated Inquest Billing

Enhancement on Certificated Billing



Enhancement on Certificated Billing

- **Counsel can claim enhancement on hourly rates for any case issued post 2nd December 2013.**
- *Section 12.7 and 12.8 Costs Assessment Guidance 2024*
- **Page 24-26 LAA Electronic Handbook**
- **Maximum of 50% allowable in County Court proceedings and 100% for High Court or equivalent (or proposed).**
- **Caseworkers will consider both the enhancement claimed by the Solicitor and instructed Counsel when making their decision.**
- **There are no guaranteed enhancements in non family. All claims for uplift must be justified either in a bill narrative, CF1A, fee note or case plan.**

Claiming Enhancement in Certificated Billing

- **Factors to consider when claiming enhancement;**
- **Expedition - acting for a client at short notice for example**
- **Exceptional competence, skill or expertise – Counsel has used their knowledge or a novel point of law to progress the case.**
- **Exceptional circumstances or complexity – a particular difficult case or high profile matter.**
- **Level of responsibility shown by Counsel – did Counsel take on an unusual workload on the case compared to the fee earner instructed.**
- **Care, speed and economy with which the case was prepared – was the parties particularly vulnerable or did the Counsel go above the norm to show economy when billing.**
- **The novelty, weight and complexity of the case – overlap from above but what made the case stand out as difficult**

Claiming Enhancement in Certificated Billing

- **Each claim for enhancement must not be generic in nature. Tying the reasons for uplift to specific details of a case make it easier to allow.**
- **The list of reasons above are not a checklist to make up to a maximum uplift but more an idea of what factors apply to the individual barrister who has worked.**
- There is no basis for arguing that proceedings within specific categories of law, or types of proceedings, will inherently satisfy the above criteria, such that an enhancement should be payable in every such case, (i.e.; the sole fact the provider is representing a client in mental health proceedings does not automatically guarantee an enhancement will be payable, but if it has led to more complicated issues then it could be taken in to account as part of a claim for enhancement). Each claim must be considered on its own facts.

Claiming Enhancement on Certificated Billing

- **Example narrative or justification below;**
- **Barrister A was instructed to represent a very vulnerable client in court of protection proceedings. The Barrister was instructed at short notice and given 2 days plus a weekend to familiarise themselves with the case ahead of a hearing on the Monday.**
- **Barrister A met with the client prior to the hearing at a hospital and liaised direct with both them and their guardian for the proceedings. This was extremely challenging given the clients mental capacity.**
- **Using their empathy and significant experience of similar cases; Barrister A was able to obtain clear instructions and articulate to the guardian the steps ahead.**
- **At the hearing, the Barrister led on all advocacy and took responsibility over the fee earner to not only conclude the case but also ensure the client and Guardian were kept up to date.**
- **An enhancement of 50% is claimed given the above and specific skill, expedition shown and difficulties working with the client.**

General Claiming Tips on CCMS



General Claiming Tips on CCMS

- **Non-Family Cases:**
- **Counsel cannot submit a final claim for costs until the Solicitor Final has been lodged**
- **A notification is sent to each assigned Counsel on the case requesting they submit their bill. The Solicitor Final bill is held until a response from each Counsel is received**
- **The Counsel Submit Bill task once it has a response will come back into the work queue and a caseworker will then make a decision on whether we have all bills after 5 working days.**
- **I would suggest Counsel replies to the notification when they are ready to bill. There is a tendency to reply to the task stating you will be billing which might cause issues with the overall task.**
- **If you delay responding until you are ready to bill that takes away any risk of the Solicitor Bill being rejected.**
- **On Non-Family cases only; you can decide to claim your costs as part of the Solicitor Final bill which would avoid any issues around timings.**

Solicitor claiming on behalf of instructed Counsel on CCMS cases

- **This option is available in all non-family proceedings but currently only used in a small minority of cases but does allow for Solicitors to claim Counsel Fees as part of their Final Bill.**
- **As part of the Solicitor Final bill; the option to tick a box confirming if they are billing on behalf of one or more Counsel. (“Are you claiming Counsel Codified Rates?”)**
- **This activates the relevant codified rates Screens for Counsel fees within the Solicitor bill**
- **As this is part of the Solicitor final bill; costs are paid to the Solicitor for Counsel’s Fees which should then be passed on to the Counsel.**
- **Where this option occurs Counsel should have their cost allocation reduced to zero on CCMS so to indicate that no separate bill is expected.**
- **Counsel should provide the Solicitors with a signed fee note confirming their agreement to bill on their behalf. This can be uploaded as evidence alongside the Solicitor’s final bill**

Solicitor claiming on behalf of instructed Counsel on CCMS cases

- The main advantage of this process, is it avoids the current issues around timings of bill submissions between Counsel and Solicitors. Particularly where multiple Counsel are instructed and timings can be difficult to coordinate.
- You can use a hybrid approach where some Counsel are claimed on the Solicitor's Bill and others are paid direct via a cost allocation and their own bill on CCMS.
- The current use of this process occurs most in Inter Partes part claims on the fund where the Solicitor and Counsel only have a small amount of work left to claim and the Solicitor claims it on their bill. Feedback we have had is it is often easier to balance the costs this way alongside the monies recovered from the paying party.
- However as mentioned earlier it can be used on any non-family CCMS certificated case.
- For the process to work smoothly however it does rely on a good relationship and communications between Chambers and the instructing Solicitors.

Certificated Inquest Billing on CCMS



Inquest Billing in Certificated Cases

- Inquest work is usually granted via Exceptional Case Funding (ECF) and split between a legal help/controlled work element and an Advocacy element at the Inquest itself.
- Counsel work under legal help would be claimed as part of the solicitor submissions albeit that can only occur when the inquest has concluded.
- Only work in relation to Advocacy can be claimed as part of the certificated work.
- Preparation, Attendances etc are all part of the legal help bill and not the certificated.
- Counsel under the certificated element is paid an events style fee. Larger fee for the first day and graduated amounts for the following days.
- These fees will include all the preparation and advocacy work undertaken by counsel.
- When billing on CCMS; the rules default to a screen where Counsel will enter their own rate.
- A fee note is sufficient evidence to substantiate the claim under the certificate.

Resources and Information



Resources and Information Available

- Best ways to communicate/get info from LAA;
- General enquiry via CCMS
- LAA Electronic Handbook
- Stephen.barker@justice.gov.uk
- Non CCMS related queries ContactCivil@Justice.gov.uk
- Payment Information for PSOAs – PaymentInformation@Justice.gov.uk

Our training website

CCMS Quick Guides



- [CCMS Advocate: Getting Started](#)
- [CCMS Advocate: Submitting Bills](#)
- [Calculate a FAS Fee \(Advocates\) - Interactive Module](#)
- [Bulk Claim Upload – Solving Problems](#)

Our communications channels

Legal Aid Bulletin

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- Get help from our customer service twitter account
- Read our blog

LAA Portal

- We post the status of our online systems on the portal's home page





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