Legal Aid Agency

Certificated Non-Family Session for Bar Council

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Certificated Non-Family Session – Bar Council June 2022

Today's session will cover:

1) Common errors on Non-Family XML files for Claim Upload and CCMS billing issues on lesser seen proceedings.

- Particular reference to some of the more uncommon proceeding and how to bill to avoid pricing errors. Appeal to First Tier Tribunal for example.

2) Ability for a Solicitor to bill on behalf of instructed Counsel on CCMS.

- Covering how the process works; who gets paid and what the advantages are.

3) Addition Support from LAA

CCMS Claim Upload Tips and Avoid Pricing Errors

CCMS Claim Upload Tips and Avoid Pricing Errors

- Counsel Chambers can use Claim Upload software to submit their FAS (Family Advocacy Scheme) bills through CCMS rather than entering line by line via the Portal.

- Non-Family Bills can also be able to be submitted but that will depend on the software vendor used. CCMS does accept non-family submissions as we see on the Solicitor side of CCMS.

- Claim Upload can be used to price a claim before submission or to price and submit as one entry which will attempt to lodge the claim into CCMS. Pricing only is more of a checking option to see if the claim will be accepted first.

- An XML file will either be accepted or rejected at the submission stage

- Where it is not accepted; you will receive an exception report outlining the code and reasons.

- Please note a 'rejection' at the XML stage is not the same as a rejection of a claim in CCMS and should not be challenged via claimfix.

CCMS Claim Upload Tips and Avoid Pricing Errors

- Two most Common exception codes for pricing errors on claim upload;

- 1) Error Code 2001 – A valid bill line has not been supplied

- 2) Error Code 4001 – Fee Scheme not valid for the claim type

- Claim upload error code generator look up tool is below from the LAA training website:

- [Claim Upload Solving Issues Tool](#)

- This tool allows you to enter the error code from the exception report and it will attempt to clarify what the reason is for the error.

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CCMS Claim Upload Tips and Avoid Pricing Errors

- Proceedings where we see common referrals to Online Support Team (OST) for XML errors.

- Immigration cases Appeals to the Upper Tribunal where a certificated is granted in CCMS

- Due to the complexity of the scheme involved; CCMS was designed to allow a Solicitor or Counsel to enter their own rate. CCMS is set up effectively blank and should therefore be populated with the work undertake, rate, time taken and any enhancement claimed.

- [Submitting a Claim in an Immigration and Asylum Upper Tribunal Appeal: Quick Guide (justice.gov.uk)](justice.gov.uk)

- Any XML file or indeed bill submitted should reflect the above requirements. We often see XML pricing errors where they have been billed as if they were standard Immigration cases on CCMS.

CCMS Claim Upload Tips and Avoid Pricing Errors

- The other main error we see on submission or pricing of bills on CCMS is around claiming for Queen's Counsel in a non high cost contract case.

- Generally fees will be paid with reference to FGF however CCMS does not have a rules engine which covers FGF built into the system.

- In order to claim FGF rates; the high cost flag must be entered by the LAA and Counsel can then claim their fees using the high cost screens, entering their own rate and uploading the evidence required.

- [LAA Counsel Advanced Billing Guide and FAQ (including QC fees)](#)

- Without the flag in place; CCMS won't recognise the FGF rates and will show a pricing error or you will encounter an error on the portal when billing.

Solicitor claiming on behalf of instructed Counsel on CCMS cases

Solicitor claiming on behalf of instructed Counsel on CCMS 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.

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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.

Additional Support

Guidance to Help Us Help You Get Paid First Time

Additional Support

We have an Interactive training module available on our Legal Aid Learning website. It takes no more than 5 minutes to get through and will help you bill any hourly rated case in CCMS (including non-family civil cases).

Click on the image to go to the module.

The Civil Finance Electronic Handbook (chapter 9) has detailed information to help you with all hourly rated claims.

Click on the image to go to the handbook.
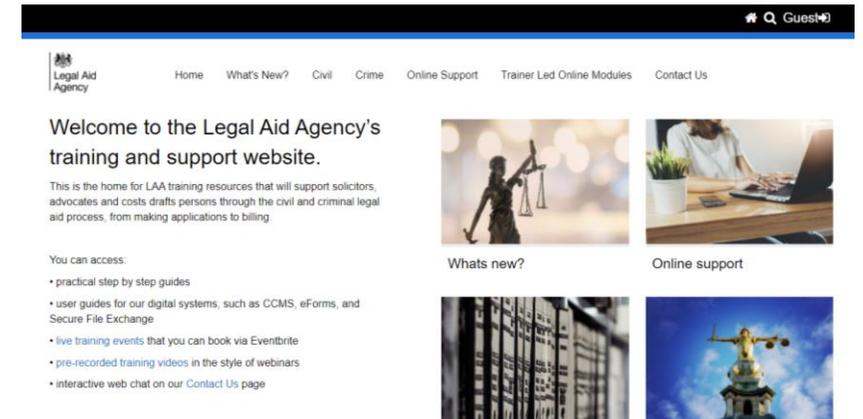
Our training website

CCMS Quick Guides

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

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

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