

Rebecca Lawrence
Chief Executive



Amanda Pinto QC
Chair of the Bar Council

By email

30 March 2020

Dear Amanda

COVID-19: Changes to Advocate Fee Payments

I am pleased to let you know that our fee schemes will be temporarily adjusted to ensure payment for work performed, even where a normal invoice trigger point has not been reached. Prosecuting advocates play an essential role in our criminal justice system, and I hope that these measures will help to support you during the COVID-19 outbreak.

These interim measures will:

- Provide payment for work done prior to the conclusion of a case where delays to proceedings are encountered;
- Maintain timely payments for any work done throughout the affected period;
- Take account of ongoing operational challenges for CPS and the Bar/chambers caused by remote working and possible reductions in workforce; and
- Be phased to provide a steady cash-flow while avoiding an immediate spike in invoices/payments which could delay processing.

The detailed measures are set out in the annex to this letter. As you will see, the first of the new arrangements come into effect immediately and our fees teams are already working on this. We will continue to work with the Bar on the detail required to implement these changes.

Thank you for your continued contribution in these difficult times, and to everyone who has assisted us with this work.

Yours sincerely,

REBECCA LAWRENCE
CHIEF EXECUTIVE OFFICER



Annex

Week Commencing 30 March

Settlement of outstanding GFS fees

Chambers are encouraged to continue invoicing as much of their work that has reached a normal trigger point as possible. The CPS will endeavour to expedite processing of these invoices to help cash-flow and clear payment of as much work as possible that can be invoiced. The CPS will issue instruction that all outstanding counsel fee payments are prioritised and processed immediately.

Week Commencing 6 April

VHCC Stage Lengths

CPS will reduce VHCC stage lengths to increase payment frequency. Work undertaken in VHCCs is typically managed in stages of 2-3 months. Stage lengths will be reduced to 1 month to increase the frequency of payments to counsel instructed. This measure will apply to the 298 live full scheme VHCCs.

Week Commencing 13 April

Concluded main hearings

Working together with chambers, the CPS will seek to pay all outstanding main hearing fees, and all other related fees up to that point, in on-going cases, where possible. Payment under GFS is usually made at the conclusion of the case, however this would be relaxed to allow payment of main hearing fees, without delay and prior to the conclusion of the case, where those main hearings have already occurred, where their outcome doesn't impinge on future main hearings.

Week Commencing 20 April

Hardship payments under GFS

The CPS will revise the hardship provisions under GFS. Hardship payments under GFS are currently not made for sums of less than £5K per case and are based on work done to date. The threshold will be revised to introduce a sliding scale commensurate to the four advocate levels as follows:-

- Level 4 = £4,000
- Level 3 = £3,000
- Level 2 = £1,500
- Level 1 = £500

From May

Payment of upfront £500 Covid-19 Fixed Fee

In view of the unprecedented circumstances caused by the Coronavirus outbreak, the CPS proposes introducing a new upfront fixed fee, deductible against the main hearing fee payable at the conclusion of the case.

The new fixed fee will be payable to the instructed advocate in any case affected by the on-going restrictions, which has been previously adjourned for trial and has yet to have a main hearing. The fixed fee will be deductible from the main hearing fee payable at the conclusion of the case. Both the fixed fee and the corresponding main hearing fee will be payable to the same advocate.

In circumstances where the instructed advocate in receipt of the new fixed fee returns the brief to another advocate, the advocate originally instructed will be paid the full main hearing fee and reconciliation with the advocate who prosecutes the corresponding main hearing will take place on a counsel-to-counsel basis.

CPS payment systems will be updated to facilitate the new payment, with implementation likely to occur in early May. Payments would be applied to cases chronologically based on the date of their existing original trial listing and are likely to be made over a period of 8 weeks.