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| Legal Aid Agency | EC CLAIM 1 Checklist for use with Immigration and Asylum Escaped Cases |

The purpose of this checklist is to reduce the likelihood of your EC CLAIM1 claim being rejected. Please complete the whole checklist, paying particular attention to requirements marked:

Please ensure you are using the correct version of the form. The current version of the EC Claim 1 IMM is Version 9 (April 2015). It is available at <https://www.gov.uk/government/publications/escape-fee-case-claim-forms>

**If LAA rejects your claim**:

* please ensure that you include this checklist when you resubmit your claim;
* the LAA will tick those requirements that have been met, and it is your responsibility to check the remaining requirements before you resubmit the claim;
* you can email LAA at [laacivilclaimfix@justice.gov.uk](mailto:laacivilclaimfix@justice.gov.uk) if you have any issues with the reject.

|  |  |  |  |
| --- | --- | --- | --- |
| Client’s name |  | NIAT Database ref |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Provider’s name |  | Provider’s Acct. No. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Fee earner’s name |  |  |  |

|  | **Requirement** | **Notes** | **Provider checked** | **LAA use:** |
| --- | --- | --- | --- | --- |
| **Pass?** |
| Stage One Checks | | | | |
| **1** | The case must be correctly uploaded to LAA Online | Ensure the case has been uploaded on LAA Online and the month in which it was claimed is clearly indicated on form EC CLAIM-1. All costs must be claimed under the appropriate fields on LAA Online. Ensure the case has flagged as escaped on LAA Online. Escaped cases are indicated by a red cross in the “Esc.” column on the monthly submissions screen. |  |  |
| **2** | Costs claimed must reconcile | The costs claimed on LAA Online, the EC CLAIM-1 and the running records of costs must reconcile. For stage claims, the costs claimed on the EC CLAIM-1 must be the sum of the costs claimed under the stage 1 and stage 2 LAA Online submissions/ records of costs. |  |  |
| **3** | Has claim form been signed and dated? | The certification must be signed and dated as indicated on the claim form. This must be an original signature and it must be clear who has signed the claim form. |  |  |
| **4** | Have you used the correct fee scheme and rates? | The correct rates must be claimed on all documentation submitted including the EC CLAIM-1, running record of costs, LAA Online submission(s) and counsel’s fee note(s). For stage claims, the date the legal help file was opened determines the applicable hourly rate for stage 2.  The applicable rates can be found in the Remuneration Regulations 2013 at <https://www.gov.uk/guidance/civil-legal-aid-civil-regulations-civil-contracts-and-guidance>or the Escape Cases Electronic Handbook at **https://www.gov.uk/government/publications/submit-an-escape-fee-case-claim**.  If the 5% hourly rate uplift has been claimed, ensure the relevant fee earner was an accredited level 3 caseworker during the period the work was completed. |  |  |
| **5** | Vouchers for disbursements of £20 or more (inc VAT) | You must provide a voucher for every disbursement of £20 (including VAT) or more. For mileage claims and court fees, LAA will accept a copy of your ledger or the letter you sent with a payment. All other vouchers must show:   * the service provider’s details (e.g. be on headed notepaper); * your client’s name (to link them to the case); * details of what the voucher is for; * where applicable, a detailed breakdown of work undertaken, time spent and the hourly rate.   Please provide all of the vouchers securely attached together in a separate bundle. |  |  |
| **6** | Counsel’s fee notes | Where counsel costs are claimed, a fee note must be provided which shows the date of work claimed, a description of the work completed, the time engaged, the value of each item claimed and the cumulative total. |  |  |
| Stage Two Checks | | | | |
| **7** | Expert invoice details | You must claim experts’ costs at the correct codified rate.  These are shown in the Remuneration Regulations 2013 at <https://www.gov.uk/guidance/civil-legal-aid-civil-regulations-civil-contracts-and-guidance>or the Escape Cases Electronic Handbook at **https://www.gov.uk/government/publications/submit-an-escape-fee-case-claim**. |  |  |
| **8** | IT based Running Record of costs must be provided | An IT based running record of costs must be provided which shows the date of work claimed, a description of the work completed, the time engaged, the hourly rate, the value of each item claimed and the cumulative total. The total costs claimed should be clear with the disbursement total shown separately. |  |  |
| **9** | VAT must be claimed correctly | If the client had leave to remain at the beginning of a stage, VAT can be charged in relation to work completed under that stage.  If the client did not have leave to remain at the beginning of a stage, VAT cannot be charged in relation to work completed under that stage, unless the client had leave to remain when the legal help file was opened and that leave subsequently expired or was revoked prior to CLR bring granted, in which case the CLR stage will still attract VAT. |  |  |
| **10** | A stage bill must be submitted where appropriate | If you provided advice and assistance to the client in relation to the initial application and subsequent appeal, ensure the matter is reported as a stage claim, if appropriate. |  |  |
| **11** | Is the case within scope of funding | For any files which were opened after 31/03/2013 and are not classified as “pre-commencement” cases with reference to [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/534/regulation/4/made) s5, work may only be claimed which is in scope with reference to Legal Aid, Sentencing and Punishment of Offenders Act 2012 |  |  |
| **12** | File of papers | Your file of papers is required for all escape fee cases. |  |  |
| **13** | Claim form fully completed | Before you submit the form you should check that all of the relevant pages of the claim form have been fully completed, with correct addition where applicable, and ensure that all necessary information required to process your claim is included. |  |  |
| **14** | Matter type and outcome codes | Ensure the correct matter type codes have been used on LAA Online. Ensure a stage 2b is only claimed if a substantive hearing took place or if a substantive hearing adjournment fee is claimable. When billing a stage claim, the outcome code for stage 1 must be “- -“ |  |  |
| **15** | Detention Travel and Waiting | Travel and waiting costs incurred travelling to a client at a place of detention must be claimed under the “detention travel and waiting” fields on LAA Online and page 2 of the EC CLAIM-1.They must not be included in the profit costs reported on the EC CLAIM-1 and LAA Online, or the “travel” and “waiting” costs fields on page 1 of the EC CLAIM-1  The costs should be included in the running record of costs but clearly identified as detention travel and waiting costs. |  |  |
| **16** | Additional payments on LAA Online | Ensure the correct additional payments have been claimed on the EC CLAIM-1, and that the additional payments claimed on the EC CLAIM-1 and LAA Online accord. |  |  |
| **17** | UFN, UCN and case start dates must match | Ensure the UFN and UCN reported on the EC CLAIM-1 match those reported on LAA Online. For stage claims, the UFN, UCN and case start date must be the same on both LAA Online submissions. |  |  |
| **18** | JR work must not be claimed as profit costs | Work which relates to Judicial Review must be claimed in the “JR/ Form Filling” fields on LAA Online and page 2 of the EC CLAIM-1. Judicial Review work must not be included in the profit costs reported on the EC CLAIM-1 and LAA Online.  The costs should be included in the running record of costs but clearly identified as Judicial Review work. |  |  |
| **19** | Form filling work must not be claimed as profit costs | For files opened prior to 31/03/2013, work which is classified as form filling with reference to 8.56-8.59 of the 2010 Immigration Specification must be claimed in the “JR/ Form Filling” fields on LAA Online and page 2 of the EC CLAIM-1. Form filling work must not be included in the profit costs reported on the EC CLAIM-1 and LAA Online. Please note that the completion of forms which form part of the client’s substantive matter, including forms for leave to remain and appeal forms, should not be treated as form filling for the purpose of reporting the claim.  The costs should be included in the running record of costs but clearly identified as form filling. |  |  |
| **20** | Work Payable at Hourly Rates | JR and form filling costs can be billed with an escaped case claim, as described above. However, all other work which is payable at hourly rates (please see 8.83 of the 2010 Immigration Specification, 8.77 of the 2013 Immigration Specification or 8.76 of the 2018 Immigration Specification) must be removed from the escaped case claim. |  |  |
| **21** | Means Assessment | Please ensure that evidence of means is retained on your file of papers and that this is submitted with your claim for exceptional case payment.  Evidence of means should be obtained in accordance with CLA 55. |  |  |
| **22** | Amending CWA Submissions | If a claim is returned on the basis that your CWA submission requires amendment, please do not resubmit your claim until you have received confirmation that the amendment has been completed.  To make your application for claim amendment please send your completed amendment form to [PA-claimamend@justice.gov.uk](mailto:PA-claimamend@justice.gov.uk)  For guidance on LAA Online submissions, please refer to Guidance for Reporting Controlled Work. |  |  |

**For LAA Use:**

**Caseworker Region:**