

Family advocacy scheme Advocates attendance form

<p>Court type</p> <p><input type="checkbox"/> High <input type="checkbox"/> Circuit/District <input type="checkbox"/> Lay Bench</p> <p>Case type</p> <p><input type="checkbox"/> DA <input type="checkbox"/> Care <input type="checkbox"/> PubOth <input type="checkbox"/> PrCh <input type="checkbox"/> AR</p> <p>Advocate</p> <p><input type="text"/></p> <p>LAA Certificate number</p> <p><input type="text"/> / <input type="text"/> / <input type="text"/></p> <p>Hearing date</p> <p><input type="text"/> / <input type="text"/> / <input type="text"/></p> <p>Attendance times (Interim hearing)</p> <p>Start time or time court required you to attend (if earlier): <input type="text"/> : <input type="text"/></p> <p>Time hearing completed: <input type="text"/> : <input type="text"/></p>	<p>Case no</p> <p><input type="text"/></p> <p>Type of hearing</p> <p><input type="checkbox"/> Int <input type="checkbox"/> FDR <input type="checkbox"/> Final <input type="checkbox"/> IRH <input type="checkbox"/> Finding of Fact</p> <p>Client</p> <p><input type="text"/></p> <p>Case settled</p> <p><input type="checkbox"/> at or before FDR <input type="checkbox"/> IRH</p> <p>Date hearing completed (if more than 1 day)</p> <p><input type="text"/> / <input type="text"/> / <input type="text"/></p> <p>Number of days attended</p> <p>No. days: <input type="text"/></p> <p>Length of lunch adjournment</p> <p>Length in minutes <input type="text"/></p>
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Judge's or Magistrate's Certification

This form should only be used to certify or approve the things on it.

(Please initial or seal all relevant boxes)

PART A – Bolt-on payments

I confirm that the proceedings before the court involved:

Public Law Children (family proceedings under Parts IV or V of the Children Act 1989, adoption proceedings (including applications for a placement order))

Representation of a client who is facing allegations that they have caused significant harm to a child which have been made or adopted by the Local Authority and are a live issue in proceedings

Representation of a person who has difficulty in giving instructions or understanding advice

The evidence of an independent expert witness being cross-examined and substantially challenged by a party at the hearing

Private Law Children (family proceedings between individuals concerning the welfare of children (other than those for ancillary relief or Public law Children))

Representation of a client who is facing allegations that they have caused significant harm to a child and these are a live issue in the proceedings

The evidence of an independent expert witness being cross-examined and substantially challenged by a party at the hearing

This certification must be completed by the Judge, Magistrate or Legal Advisor at the conclusion of the hearing. Authorisation of forms after this time may be refused.

PART B – Advocates Bundle Payment

I confirm that the advocates bundle is:

Between 350 and 700 pages (advocates bundle payment 1)

Over 700 pages (advocates bundle payment 2)

Over 1,400 pages (advocates bundle payment 3) (final hearings only or hearings paid as such)



I certify that the above times are correct and that the bolt-ons are claimable in accordance with the Civil Legal Aid (Remuneration) Regulations 2013 and section 7 of the 2013 Standard Civil Contract.

Signature

Dated

/ /

Name of Judge, Magistrate or Legal Adviser

Judicial title

Guidance for claiming bolt-ons

Certain hearings will attract a bolt-on to reflect the extra work undertaken by the advocate or to reflect the complexity of a case. Such additional payments are referred to as 'bolt-ons'. The criteria for claiming these bolt-ons is set out below. More detailed explanation of these criteria are set out in section 7 of the 2013 Standard Civil Contract and in accompanying guidance.

Representation of a client who is facing allegations that he or she has caused significant harm to a child (bolt-on 25% of hearing fee)

This bolt-on is only available to the advocate representing the client against whom such allegations are made and applies only so long as those allegations remain a live issue in the proceedings. The client may either be the parent of a child who is the subject of the proceedings or another person (including a child) against whom such allegations are made. However, it does not apply to advocates who may be representing other parties in the proceedings.

Although the bolt-on is available in private law children proceedings as well as public law children proceedings, in public law proceedings it only applies if a local authority is making or adopting the allegations against the client.

For the purposes of the bolt-on the following conditions constitute significant harm:

- a) death
- b) significant head and/or fracture injuries
- c) burns or scalds
- d) fabricated illness
- e) extensive bruising involving more than one part of the body
- f) multiple injuries of different kinds
- g) other significant ill-treatment (such as suffocation or starvation) likely to endanger life
- h) sexual abuse.

Representation of a person who has difficulty in giving instructions (bolt-on 25% of hearing fee)

This bolt-on is only available public law children cases. The bolt-on is available to the advocate where:

- a) their client has difficulty giving instructions or understanding advice
- b) this is attributable to a mental disorder (as defined in section 1(2) of the Mental Health Act 1983) or to a significant impairment of intelligence or social functioning; and
- c) the client's condition is verified by a medical report from either a psychologist or psychiatrist.

Where the evidence of an independent expert witness is to be cross-examined and substantially challenged by any party at a hearing (bolt-on 25% of fee in public law cases and 20% in private cases).

This bolt-on applies only for hearings where the evidence of an independent expert witness has been required to attend court for the purpose of giving evidence which is to be cross-examined and substantially challenged by any party at the hearing. Social workers, Cafcass or CAFCASS Cymru guardians or employees of any party to the proceedings do not count as independent expert witnesses for this purpose. The bolt-on only applies to the individual hearing at which the cross-examination is to take place and not to the proceedings in general. Usually it is expected that the expert will have been cross-examined at the hearing. However, in circumstances where the expert has been directed to attend but has either been stood down immediately prior to the hearing or has attended but his/her oral evidence is not required and the advocate has already prepared for the hearing the bolt-on may be claimed. This is provided that attendance of the expert at the hearing was properly cancelled less than 72 hours before the hearing. The bolt-on will be payable to each advocate at the hearing.

Advocates bundles

Additional payments can be made according to the size of the advocates bundle for certain hearings. Advocates bundle payments may not be claimed in domestic abuse proceedings e.g. non-molestation orders. In interim hearings if the bundle comprises 350 to 700 pages a ABP1 payment may be made and if over 700 a APB2 payment. For final hearings only a APB3 payment is available if the bundle is over 1,400 pages.

In Public Law proceedings advocates bundle payments may only be claimed for an interim hearing that is a Case Management Conference, an Issues Resolution Hearing or otherwise a hearing that is listed for the hearing of contested evidence.

A APB3 may be claimed for hearings that are designated final hearings ie finding of fact hearing in private law children cases and in public law proceedings the Issues Resolution Hearing if the case concludes at that stage.

Final hearing

A final hearing is any hearing which the court has listed for the purpose of making a final determination either of the whole case or all issues relating to an aspect of the case (children, finance or domestic abuse). A hearing listed with a view to the issues being dealt with under a consent order, or which is otherwise not expected to be effective or contested is not a final hearing. If the case is listed but is for some reason adjourned or postponed before the Court has considered the substantive issues, the hearing will not be considered a final hearing.