

LSANI – Practitioner File Review: Guidance on Evidence for Claims

Purpose

1. This Guidance provides advice on how evidence can be submitted in respect of the Legal Services Agency (LSA) Practitioner File Reviews. This Guidance should be read in conjunction with [LSA 02-23](#) which continues to apply.

Paragraph 11 of this Guidance should be adhered to for all work undertaken from 1 January 2024 onwards.

Reducing Error Rates

2. The Agency has been sampling files as part of the Practitioner File Review scheme since January 2023. To date, there has been high levels of compliance with the file review process and low levels of error or fraud identified, 3% practitioner error (1.6% relating to outstanding files). *These figures are subject to validation and are preliminary results based on 69% of file reviews completed.*
3. This Guidance seeks to further reduce the levels of practitioner error reported to date by outlining how the most common errors reported can be addressed. Compliance with the Guidance will assist in addressing the fraud and error audit qualification on the Agency's statutory Annual Report and Accounts and ensure better accuracy and regularity in the payments we make.

Requirement for Supporting Evidence

4. A recurring trigger for an error being raised is that the documentation provided by practitioners does not provide sufficient evidence to support the payment claimed on the Legal Aid Management System (LAMS). Inadequate evidence to support a payment line is treated as a practitioner error and may result in the relevant amounts being recovered by the Agency.

5. LSA 02-23 has previously described the documentation that should accompany any claim. Documents only directly related to support payment of a claim need to be provided to the Agency. In cases where files are voluminous, please include a Disclosure Schedule to confirm the volume and type of material to substantiate the payment.

6. Our sampling to date has shown that the main types of work being billed which are not supported by adequate evidence in the supporting papers include the following:
 - a. Consultations
 - b. Telephone Calls
 - c. Reading Time
 - d. Court Preparation
 - e. Preparation
 - f. Advocacy
 - g. Waiting Time

Pro Forma Work Log

7. In the absence of details on the file to support claims submitted on LAMS, it is not clear how the LAMS claim was completed. In other instances, errors have been identified for work which is evident in the supporting papers but has not been claimed on LAMS i.e., practitioner underpayments.

8. The Agency suggests that practitioners maintain a proforma and keep a record of billable actions, outlining dates, times and a brief description of activities along with supporting documentation where possible, including notes of consultations and telephone calls. This will improve the accuracy of the bills submitted on LAMS and reduce practitioner error levels and under or over payments.

9. A template of a proforma work log is set out at **Annex A**. It is not mandatory to complete this, however, it is recommended practice. As noted above, the absence of supporting evidence for work claimed on LAMS will result in practitioner error and potential recoupment of fees.

Travel Claims

10. A significant cause of the errors raised is in respect of travel and mileage claimed. A specific proforma has been developed for travel and mileage which is set out in **Annex B**.
11. ***From 1 January 2024 this proforma MUST be completed and provided in the practitioner file to support payment of travel and mileage from that date. The date of travel, journey times and mileage travelled must be recorded.***
12. For the avoidance of doubt there has been no change in policy in relation to Travel and Mileage. The Agency is adopting this template to ensure that all travel and mileage claims are properly evidenced.

Retention of Files

13. A small number of files have not been submitted when requested as practitioners reported the files were not available or had been destroyed. If a file is not provided, the total sum claimed is deemed to be practitioner error and the Agency will decline to release payment for the fee claimed by the practitioner.
14. Therefore, practitioners are reminded that files which have not been paid should not be destroyed.

ICOS Records

15. The Agency acknowledges that queries can arise when attendance is not recorded on ICOS. It also acknowledges that the responsibility for maintaining

ICOS records does not rest with the practitioner. The LSA will not immediately deem any such inconsistencies to be an error. Evidence will however have to be supplied. This may result in the ICOS record being amended by the court clerk. Practitioners should be able to support their attendance from their own records and this should be recorded in their attendance log.

Commencement

16. It is proposed that all payment claims relating to work undertaken from 1 January 2024 should be set out in a proforma template such as Annex A and all travel and mileage claims for travel from 1 January 2024 **must be recorded on a table as highlighted in Annex B.**

LSANI

18 December 2023

Practitioner File Review - Working Log					
Date	Description	Time Start	Time End	Duration	Comments
02/11/2023	Waiting Time	8:45am	9:00am	15 minutes	Waiting time for court
05/11/2023	Preparation of COO	1:30pm	2:00pm	30 minutes	Prep COO - document included in file
24/11/2023	Reading Time	4:00pm	4:10pm	10 minutes	5-page medical report reading time - document included in file

Practitioner File Review - Travel & Mileage Log						
Date	Description	Location from	Location to	Total Journey Time	Total Mileage	Comments
02/11/2023	Court Appearance	Belfast Court Chichester Street BT1 3JY	Craigavon Courthouse BT64 1AP	39 minutes	35 miles	<i>To be used to explain where a journey perhaps takes longer than expected e.g., diversion due to roadworks</i>