

LSANI Guidance on Entering Profit Cost Expenses which Includes Hourly Rates

Introduction

1. This Guidance Note sets out how practitioners should claim for any work which attracts an hourly rate. **With effect from 4 July 2023 any such claim will require the inclusion of start and finish times for the work undertaken. Solicitors who are claiming profit costs will also be required to select the solicitor in the business who carried out the work.** These will be mandatory fields.

Background

2. The Agency is introducing this change as part of a suite of initiatives to address potential fraud and error within the legal aid system. The Northern Ireland Audit Office (NIAO) continues to qualify the Agency's accounts on the basis of fraud and error and the Public Accounts Committee (PAC) has recommended that the Agency establishes a method of measuring the level of fraud within the legal aid system and develops proactive risk-based counter fraud measures. This change will considerably enhance the Agency's ability to proactively detect fraud and error and will directly support the program developed by the Agency to address issues raised by both the PAC and NIAO.
3. The NIAO recognise the improvements being made to estimate and reduce error and fraud through the Agency's Official Error, Practitioner Error and Applicant Error initiatives. This change reinforces these initiatives and should increase confidence in how legal aid monies are spent.
4. Details of the change was outlined to the LAMS Change Forum which discussed planned and proposed changes to LAMS.

Existing Experience

5. Currently the start and finish times and the name of the solicitor for travel claims are required. Practitioners include these in a notes box. [LSANI Policy - Requirements for Making Travel Related Expense Claims](#).
6. As a result of the change, rather than including this detail in the notes box the information must be included as part of the claim, and LAMS will automatically calculate the time claimed from the start and finish times provided. The new screen is set out below:

Add expense claim

Date

Day	Month	Year
<input type="text" value="15"/>	<input type="text" value="06"/>	<input type="text" value="2023"/>

Level of representation

Expense type

Solicitor

Description

Location from

Location to

Journey type

Time from

Time to

Quantity/Number of hours

New Requirements

7. The change means that every time a practitioner selects a fee type which attracts an hourly rate, they will be prompted to provide the start and finish time of the activity as per the screen shot included after paragraph 6 above.
8. The start and finish time will not be sought for any fee type which does not attract an hourly rate.
9. When claiming a profit cost expense solicitors will also be prompted to select, from a dropdown list, the practitioner in the business who carried out the work.

Engagement with the Agency on Claims

10. Practitioners will not be able to submit claims in respect of profit costs unless the information required in the mandatory fields has been provided. If the Agency has any issues with the information provided a query will be raised with the practitioner in the normal way.
11. **Work done after 4 July 2023** – practitioners **must** maintain their records and the Agency will only accept claims for payment via individual fee lines with start and finish times, for all events within that case.

Exceptional Funding Claim dated before 4 July 2023

12. Practitioners may submit their claim under a variable expense line on LAMS. The variable expense line will allow practitioners to calculate and submit their claim. The Agency will continue to verify assessment against the uploaded work records.

Civil Claims

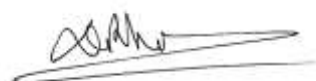
13. If a practitioner has not maintained a record of the actual start and finish time for work undertaken done before 4 July 2023, they should indicate this in the notes box and indicate that the start and finish time provided is in lieu of the actual start and finish time.

Midnight Minute

14. For practitioners who work before and after midnight, LAMS only allows a fee line to be submitted up to 23:59pm and a new fee line should be entered from 00:00am. This can result in a 1 minute loss for a practitioner. In circumstances where practitioners work through midnight, 1 minute of additional time should be added to the post-midnight fee line and a note made stating 'Midnight Minute'.

Future Use of Information

11. The Agency has in the past detected instances where practitioners claimed on individual days more hours than it was possible to work. The information now required will be used, in due course, to run reports to ensure that the total hours claimed by practitioners is not excessive.
12. As such practitioners should ensure that their records support the claims being submitted and that there is no duplication of claimed hours across different cases.



Paul Andrews

Legal Services Agency

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