

## **Annexe D REMUNERATION RATES**

### **Key to table**

\* Hourly paid advice subject to 5% premium for work carried out personally by accredited Advanced Case Worker Fixed fees are not paid at a premium but the hourly rates used to calculate an exceptional case that breaks the 3 x basic fee threshold is at the +5% rate.

\*\* Additional payment at hourly rates is made for travel and waiting occasioned by the client being in detention.

\*\*\* Representative rate for each scheme is for preparation without any unusual enhancements for asylum case in London.

\*\*\*\* the nominal hourly rate for GFS schemes was increased for cases commencing after 1 July 2008. Older cases are at the same nominal hourly rate as hourly paid legal help.

\*\*\*\*\* Routine telephone calls/letters and travel and waiting are generally paid at a much lower rate

SCHEME	Comments	Additional information	Representative London Preparation Hourly Rate***
<b>Hourly paid advice (legal help)</b> (older cases (pre Oct 2007) and certain specified types of case excluded from fixed fees including unaccompanied asylum seeking children)*	Preparation & attendance =£57.35		£57.35
<b>Hourly paid appeals (Controlled Legal Representation or CLR) for same group of cases*</b>	Preparation & attendance = £61.20 Advocacy = £69.60		£61.20
<b>Graduated Fee Scheme (fixed fees for stages passed in a case)</b> Subject to various exclusions for cases likely to be particularly short. Legal Help for all advice to decision: Asylum = £459 Non Asylum = £260	Paid at hourly rate if the value calculated at hourly rates would exceed 3 x the basic fee (an “Exceptional case”) + any additional fees.	Additional fixed fees paid for: Attendance at UKBA interview = £296  Nominal hourly rate preparation/attendance = £58.50	Nominally and for exceptional cases £58.50 But could be equivalent to £459 for a case lasting 1 hour (many potential short cases are excluded from GFS scheme) to £19.50 for a case just below the exceptional threshold.
Graduated Fee Scheme CLR appeals Finishing before substantive hearing (stage 2a) Asylum= £252 Non asylum=£252  CLR Appeals including a substantive hearing (stage 2B): Asylum = £630 Non- asylum = £504	Paid at hourly rate if the total case value calculated at hourly rates would exceed 3 x the total basic fees (an “Exceptional case”) + any additional fees.	Additional fixed fees paid for: Eg Case Management review hearing = £184  Substantive Appeal hearing = £336 (asylum) =£263 (immigration)  Adjourned hearing = £179  Nominal hourly rate preparation/attendance = £64.25 Advocacy = £71.30 Enhancement may rarely be available in	Nominally and for “exceptional cases” paid at hourly rate £64.25 But could be equivalent to £252 for a case lasting 1 hour (many potential short cases are excluded from GFS scheme) to potentially £25.70 for a case just below the threshold for returning to hourly payments.

		exceptionally complex cases for Counsel's fees only.	
CLR Appeals to Upper Tribunal "At Risk" No fee if permission to appeal is refused. Hourly rates if permission granted (35% above standard hourly rate)	Preparation attendance = £82.62 Advocacy = £93.96		£82.62 Or £0
Legal Representation (Public Funding certificate) Higher Courts (High Ct, Ct of Appeal and Supreme Ct)	Preparation/attendance = £79.50 Advocacy = Counsel's own reasonable rate	Enhancements can be sought for cases of complexity or carried out with exceptional dispatch etc. An enhancement of say 20-30% might be expected in many judicial review or Court of Appeal cases.	£79.50
Guideline market rates Agreed by the Supreme Court	Dependent on the location of the supplier and the experience of the lawyer.	Central London (outer London in brackets): Grade A (over 8 years post qualification experience) = 317 (£229 to £267) Grade B (over 4 years)= £242 (£172 to £229) Grade C(other solicitors)= £192 (£165)	eg. £242 grade B Central London (£200 median Grade B outer London).

#### Notes to table

1. The table is a simplified presentation; the effect of the many complexities omitted on the fees they are minimal.
2. Legal Help (advice and assistance but not appeals) is the largest volume of work.
3. Appeals to the First Tier and Upper Tier Tribunal are carried out under Controlled Legal Representation ("CLR"). This mirrors the Legal Help scheme but with very slightly higher hourly rates for the main work.
4. Legal Help and CLR are collectively called "Controlled Work"; the number of cases being controlled by the Legal Services Commission.
5. Most Controlled Work cases are funded under fixed fees in the Graduated Fee Scheme.
6. If the value of the work (calculated at nominal rates for different work) exceeds three times the fixed fee payable then the case will be paid at an hourly rate (this is in essence the criterion but the exact calculation is more complex).
7. Claims can only be submitted once that part of the case is concluded (after UK Border Agency initial decision then after substantive appeal or earlier conclusion) and for the fixed fees initially.
8. The additional fees payable because the claim has become exceptional are only paid after a claim has been submitted to the Legal Services Commission and the file assessed and accepted by it.

9. The fixed fees and the nominal rates were increased by 2% for Legal Help and 5% for CLR appeals in 2007 for cases started on or after 1 July 2007 as a result of the litigation between the Law Society and the Commission. The rate for new cases only is quoted in the table for simplicity.
10. A smaller proportion of cases are still funded at hourly rates. These are generally older cases (commenced pre- 1 October 2007) and certain other categories of cases such as those for unaccompanied asylum seeking children or for suppliers holding a separate contract for Detained Fast Track asylum cases. The rates have been unchanged since 2 April 2001.
11. Appeals to the Upper Tribunal are funded within CLR . They are “at risk”. No fees are payable if permission is refused. If permission is granted funding is at approximately 35% above the standard CLR rates for hourly paid cases.
12. There are different national fixed fees for asylum and immigration. For hourly paid work there is a London rate which is slightly higher than for outside London.
13. Work in the higher courts is funded at hourly rates under funding certificates. Very High Cost Cases are subject to individual contracts at generally lower hourly rates but constitute only a very small proportion of work so are not dealt with here.