

## Crown Prosecution Service

### Claim and appeal procedure for the Prosecution Graduated Fee Scheme

1. This document provides a step-by-step guide to the processing of graduated fees and the appeal procedure.
2. The case concludes at court.
3. The Fees Clerk issues a Purchase Order which is sent to Chambers.
4. If Chambers agree that the payment is correct, the order is accepted (flipped) and a payment to the advocate is generated.
5. If Chambers do not agree that the payment is correct, the 'invoice' is noted by Chambers with the items in dispute. This must be done within 20 working days from receipt of the order. The Fees Clerk is notified and takes whatever action is necessary to establish what the correct fee should be. That may involve contacting the PO or PA, examining the file etc.
6. If, after taking the action at 5 above, the Fees Clerk agrees that Chambers are correct, the Fees Clerk will 'accept the variance' and the amended fee will be paid.
7. If, after taking the action at 5 above, Chambers accept that the original Purchase Order generated by CPS is correct, chambers will amend their invoice to match the original Purchase Order and the original fee will be paid.
8. If, after taking the action at 5 above, the Fees Clerk confirms that the original Purchase Order generated is correct but Chambers wish to pursue a claim for a higher fee, chambers will amend their invoice to match the original Purchase Order generated by CPS and the original fee will be paid. This must be done **within 20 working days** of the communication from the fees clerk<sup>1</sup>. The advocate should also submit a detailed taxation note to support a higher claim within the same timeframe.
9. The Fees Clerk will refer the taxation note to the line manager or someone with the necessary Financial Delegation (FINDEL).
10. If the line manager supports the advocate's claim in whole or in part, the Fees Clerk will raise an additional purchase order for the additional amount. The order is accepted (flipped) and the additional fee will be paid.
11. If the line manager does not support the advocate's claim, Chambers will be informed in writing.
12. If the advocate remains dissatisfied he/she will apply to the CPS for redetermination of the fees proposed by the CPS. The application for redetermination must be made within 21 days of receipt of the letter from CPS stating that the line manager does not

support the advocate's claim and set out in writing the matters in respect of which an application is to be made to the GFS Appeals Committee.

13. Upon receipt of an application for redetermination, the application must be referred to the Court Business Unit. Upon taking advice from a Case Auditor the Area Business Manager (ABM), shall notify chambers of the fees the CPS finally proposes to pay and shall set out the basis that decision in writing.
14. Upon receipt of the decision from the ABM, the advocate may apply to have the fees determined by the GFS Appeals Committee. The application should be made to the Area Business Manager copied to the Court Business Unit **within 21 days** of receipt of the ABMs decision.
15. The line manager in consultation with the Court Business Unit will prepare the necessary joint agreed submission of the application to the Appeals Committee.
16. The Appeals Committee may seek further information and, where necessary, may set a date for a hearing. Both the advocate and CPS have the right to make representations to the Appeals Committee in writing, but unless the Appeals Committee otherwise directs no further evidence will be received before the hearing of the application and no ground of objection shall be valid which was not raised in the advocate's written application for reassessment and the ABM's reasons for his/her decision.
17. The decision of the Appeals Committee as to the fees to be paid will be sent to both parties in writing and shall be final.
18. No application for expenses or costs incurred by the advocate will be considered by the Appeals Committee.
19. If the decision of the Appeals Committee is that an additional fee should be paid to the advocate, the Fees Clerk Fees Clerk will raise an additional purchase order for that amount. The order is accepted (flipped) and the additional fee will be paid.