



SERVICE STANDARD ON THE TIMELY CLAIM AND PAYMENT OF ADVOCATE FEES

1. PRINCIPLES

1.1 The following principles apply:

- Payment to advocates for work actually and reasonably done should be made as soon as practicable and without undue delay once liability to pay is incurred
- All payments made under the Graduated Fee Scheme and Very High Cost Case scheme will be calculated in accordance with published fee schemes
- Fee payment transactions, where possible, will be made using Procure to Pay (P2P) digital payment processes or other methods of secure digital exchange of information, such as secure email and BACS transfer
- CPS will comply with the requirements of the prevailing data protection law when handling personal data

1.2 This Service Standard sets expectations in relation to payment processes for both CPS and advocates. All timescales quoted are maximum timescales.

2. GUIDANCE

2.1 CPS instructs barrister and solicitor advocates to prepare and present cases for hearing in the criminal courts. Unless alternative arrangements apply, prosecution work funded by CPS will fall into three categories:

- Sessional work and special fee trials in magistrates' courts, for which prescribed fees are payable
- Crown Court cases for which fees are payable under the CPS Graduated Fee Scheme (GFS)
- Cases for which fees are paid under the terms of the CPS Very High Cost Case (VHCC) scheme

2.2 Further details of the CPS fee schemes can be found at the following link:
<https://www.cps.gov.uk/cps-operational-information>

2.3 There is an expectation that chambers will alert the CPS within 3 months of the conclusion of the case should a purchase order not have been raised by the CPS. Where a fee note is submitted after the 3 month period, payment will be at the discretion of the ABM

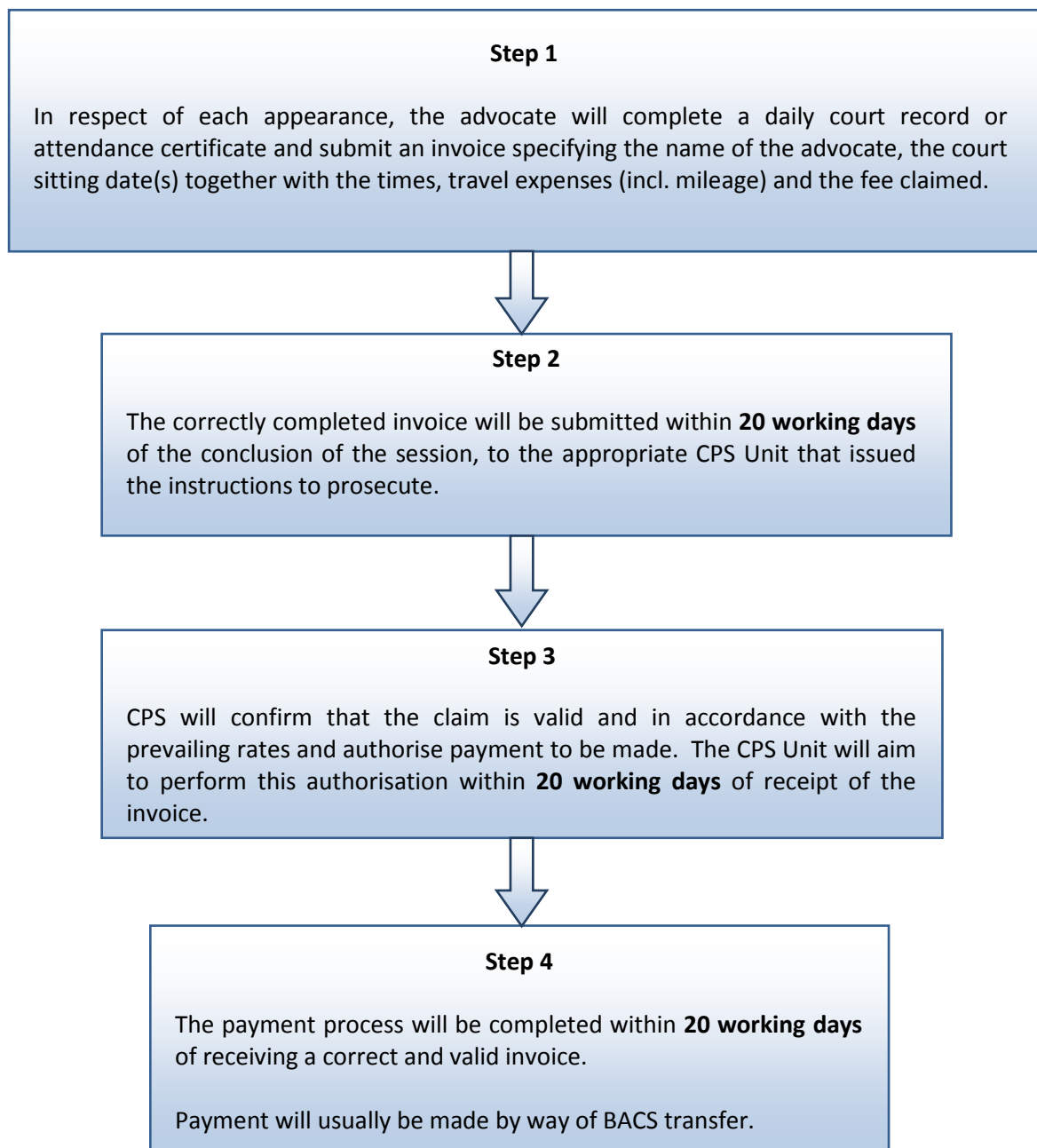
2.4 Failure of advocates to comply with timescales could result in fee claims being disallowed. Only in exceptional circumstances will payment be made where there

has been a failure to submit an invoice, or accept / dispute a purchase order within 20 working days of receipt. The final decision to disallow payment will be a matter for the Area Business Manager.

2.5 An overview of the key payment responsibilities and timescales is shown in the following flow-charts.

3. RESPONSIBILITIES AND TIMESCALES

Sessional work and special fee trials in magistrates' courts



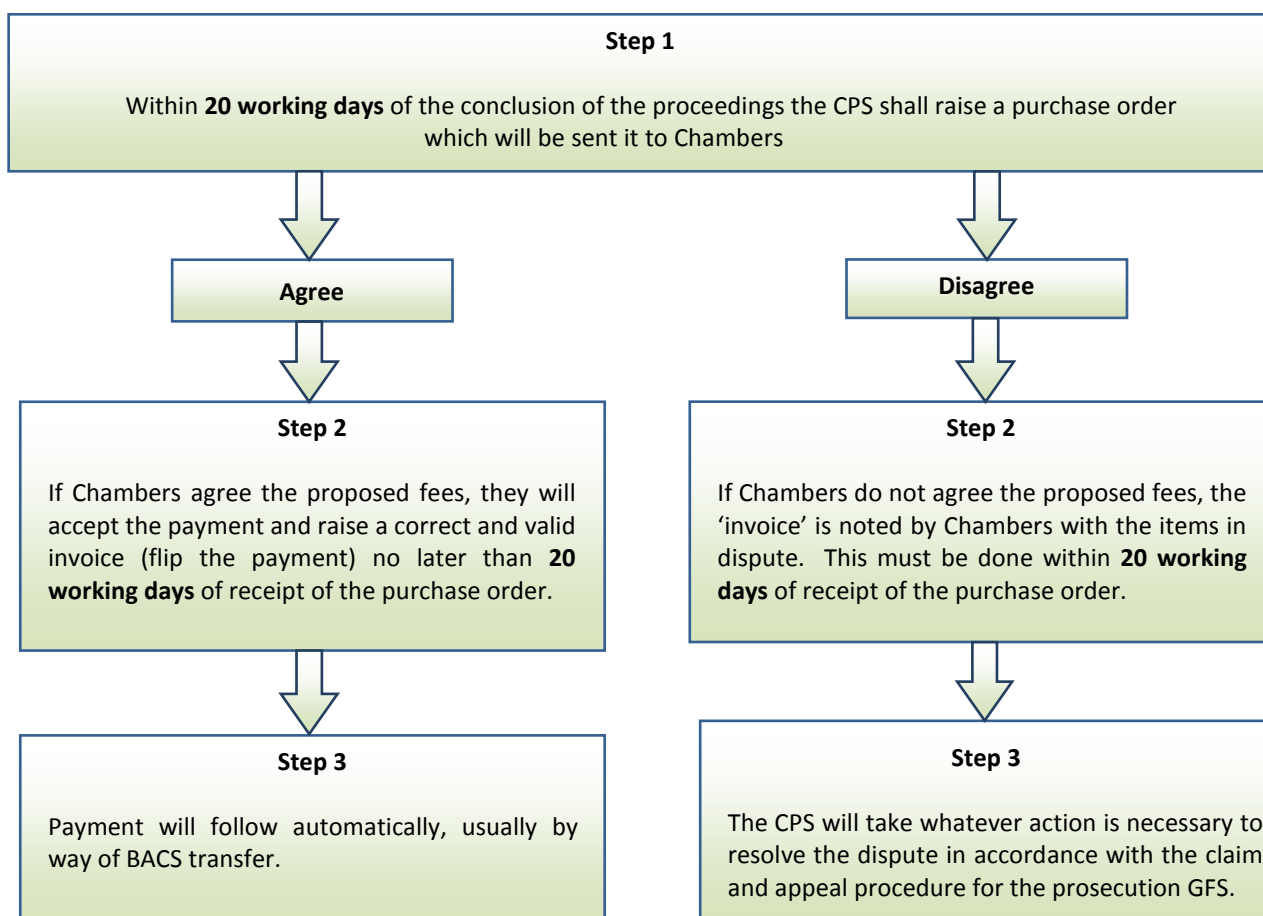
Graduated Fee Scheme Payments

3.1 For the purposes of fee payment under the Graduated Fee Scheme (GFS), conclusion of the proceedings means:

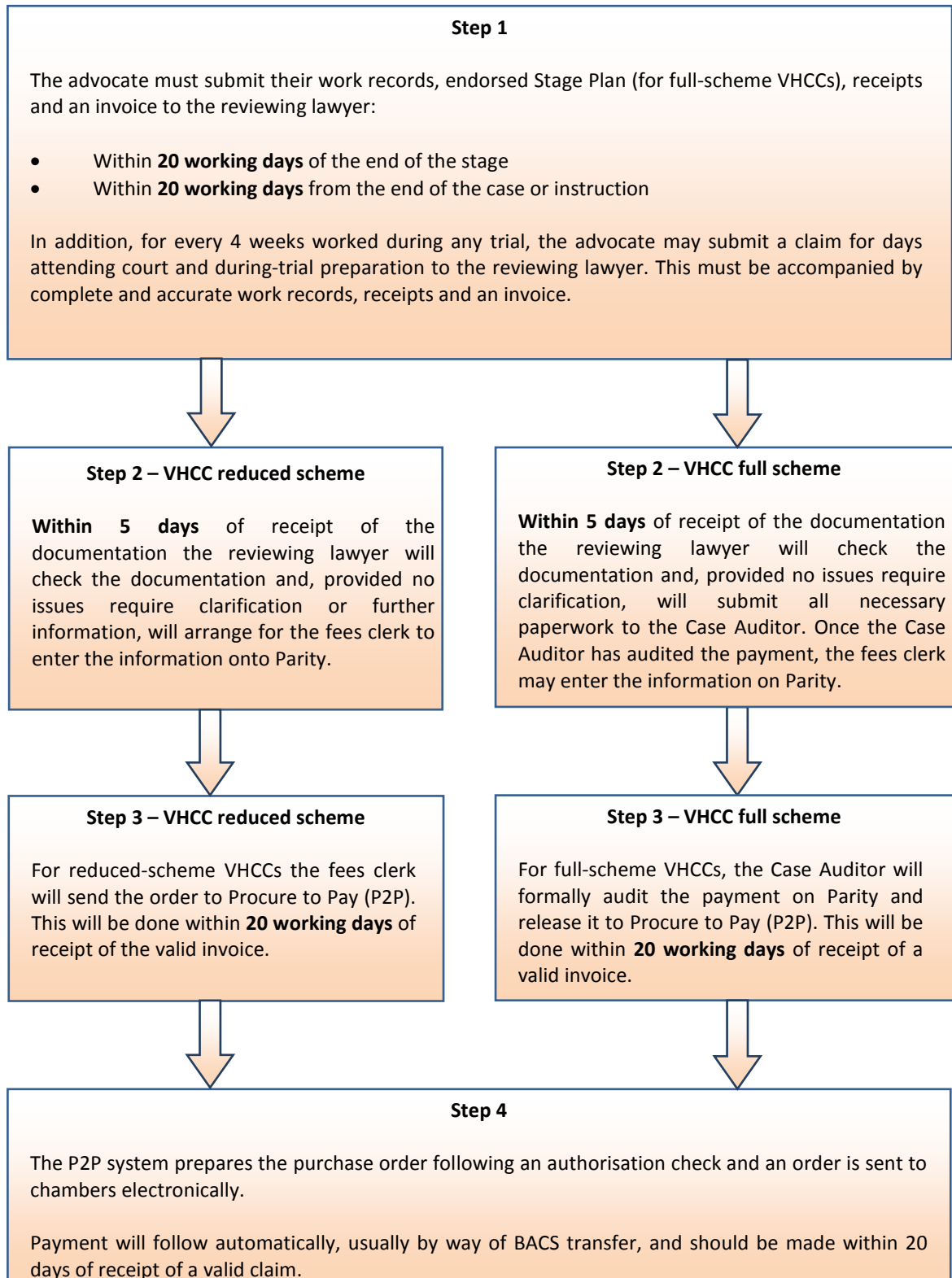
- in a case on indictment
 - when no evidence is offered in relation to the final defendant in the case
 - when there is a not guilty verdict in relation to the final defendant in the case
 - when the indictment is stayed in relation to the final defendant in the case, or
 - at sentence in relation to the final defendant in the case.
- when an appeal against conviction and/or sentence is dealt with, or
- when sentence is passed in a committal for sentence.

3.2 In addition, to avoid unreasonable delay, payment should also be made:

- where sentence is deferred for a period of 3 or 6 months, or final orders such as confiscation are to be delayed for a period of more than 28 days after verdict or plea
- in cases where a bench warrant is issued and three months have elapsed since the issue of the warrant, or
- in cases where a retrial is ordered and the case is not re-listed within 28 days. This excludes any main hearing fee in respect of a cracked trial main hearing.



Very High Cost Case Payments



4. INVOICE

- 4.1 All invoices will have a unique identifying number called an invoice number, which allows both the supplier and customer to accurately track progress of payment. This is a mandatory requirement.
- 4.2 Invoices will also contain the full contact details of the supplier. This is to ensure correct identification of the supplier for payment. The supplier details will include the full name, address, and phone number. It would also be useful to include an e-mail address if the supplier has one.
- 4.3 If the supplier is VAT registered, the invoice must contain their VAT registration number and if the company is registered on the Duns and Bradstreet system it should also include the company registration number.
- 4.4 The invoice will contain details of what the invoice is for with a separate entry for each separately billable item e.g. court hearing, conference etc. The details will include the date the activity was undertaken and any other relevant information such as the duration and location.
- 4.5 The invoice should also have a sub total (excluding vat) and a full total to be paid (including VAT, if VAT registered).
- 4.6 Full guidance on the invoicing of payments can be found on the Gov.uk website using the following link: <https://www.gov.uk/invoicing-and-taking-payment-from-customers/invoices-what-they-must-include>

5. DATA PROTECTION BILL 2017

- 5.1 The Data Protection Bill confers a number of rights which can be exercised by individuals. This includes, but is not limited to, the right to be told if their personal data is being processed, a description of that data, why it is being processed and to whom it may be disclosed. CPS is an organisation registered as a Data Controller with the Information Commissioner's Office to hold personal data for specified purposes and must therefore respond to any requests within the time period specified by data protection law.
- 5.2 The CPS will operate advocate fee payment processes in accordance with the requirements of the prevailing data protection law. If an individual exercises their rights in accordance with data protection law, the CPS will be responsible for handling the request in respect of the data in its possession.
- 5.3 Personal data might be held at CPS Headquarters, by Chairs of Circuit Advocate Liaison Committees (CALCs) and/or by Chief Crown Prosecutors (CCPs). Fee payment data will be treated as personal and sensitive and will be kept securely. Data will be kept in accordance with the principles listed data protection law.