



## COVID-19 – WITHDRAWAL OF TEMPORARY CHANGES TO CPS FEE SCHEMES

1. This fees bulletin confirms that, with effective from Monday 4 October 2021, the [temporary changes to CPS fee schemes](#) announced in March 2020 will end, and the CPS will revert to pre-pandemic fee arrangements for the CPS Graduated Fee Scheme (GFS).

### Background

2. In recognition of the essential role that prosecution advocates perform in the CJS, and the financial impact of Covid-19, the CPS made the following temporary changes to its fee schemes:

No.	Temporary Change
1	Settlement of outstanding GFS fees based on existing trigger points
2	Reduction in new VHCC stage lengths
3	Payment of concluded main hearings and related fees in on-going cases
4	Revised framework for GFS hardship payments
5	Payment of a new £500 Upfront COVID-19 Fixed Fee

### GFS Reversion

3. With effect from Monday 4 October 2021, the temporary changes will be formally withdrawn, and the following will apply:

Timely Payment	GFS fees will be paid at the conclusion of the case, except in the following circumstances: <ul style="list-style-type: none"><li>▪ Following a trial where sentence is adjourned for more than 4 weeks, upon application from counsel to the CPS, subject to the Deferred Sentence provisions</li><li>▪ Where a case is adjourned for a retrial</li><li>▪ After the conclusion of each effective trial in cases involving multiple trials, upon application from counsel to the CPS</li><li>▪ Where a warrant has been issued but has not been executed within 3 months of the last hearing</li></ul>
Upfront Covid Fee (UCF)	The Upfront COVID-19 Fixed Fee (UCF) will be withdrawn
Hardship payments	GFS hardship payments may only be claimed in accordance with paragraph 298 of the GFS Manual of Guidance

### Reasons for reverting

4. The reasons for reverting are full set out in [CPS CEO, Rebecca Lawrence's letter to the Bar](#) dated 23 September 2021. In summary, the temporary measures introduced to mitigate the impact of Covid and were intended to:

- Provide payment for work done prior to the conclusion of a case where delays to proceedings were encountered
  - Maintain timely payments for any work done throughout the period affected by Covid restrictions
  - Take account of operational challenges for CPS and the Bar/chambers caused by remote working and possible reductions in workforce
  - Be phased to provide a steady cash-flow while avoiding an immediate spike in invoices/payments which could delay processing.
5. When announcing these changes, the CPS gave a commitment to keep them in place for as long as necessary. With Covid restrictions lifted and trial work having resumed, the value and volume of CPS fee payments now exceeds pre-pandemic levels. That being the position, the CPS is satisfied that the circumstances which necessitated these temporary changes have been reversed, and that to maintain the accurate and timely payment of fees, the time is now right to revert to the pre-pandemic position.

#### **CPS VHCC fee scheme**

6. The reversion of the temporary GFS changes follows a similar adjustment made to the VHCC fee scheme in January 2021, returning us to stages run over 2-3 months to strike a better balance, for all parties, between the value and volume of payments.

#### **Cracked Trials under GFS**

7. In addition to the temporary GFS changes, the CPS also issued guidance in June 2020 regarding Cases Resolved after the PTPH ([Fees Bulletin 5 of 2020](#)).
8. This guidance was issued to assist colleagues where one or more of the key elements that determine the payment of a cracked trial fee were absent due to the impact of Covid restrictions on the court process. In circumstances where those elements remain absent, the CPS will continue to consider cases in accordance with that guidance.

#### **Further enquiries**

9. Should you have any queries regarding this bulletin or any other fee related matter, please contact your Case Auditor or the [CBU@cps.gov.uk](mailto:CBU@cps.gov.uk)

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