

Family Help (Higher) In Family Proceedings

This scheme is designed to enable us to provide legal assistance in appropriate cases. At the initial meeting we will assess if you are financially eligible for public funding. We are required to obtain evidence of your means and you will be asked to provide this before we can proceed.

Family Help (Higher)

This scheme will allow us to negotiate on your behalf and if necessary and appropriate represent you at Court

You may be called upon to pay us for part of the work we carry out for you under Family Help (Higher) if, by virtue of it, you recover or preserve money or property or have liabilities repaid against which you have made a claim (please see below).

Under this scheme we are currently paid by the Legal Services Commission (LSC) at Prescribed rates which are as follows:-

- Family Proceedings and County Court work Family Help (Higher) £61 per hour for work other than travel and waiting, which are paid at £31 per hour and Advocacy, which is paid at £63 per hour (except when behind Counsel when it is paid at £36). Routine letters and telephone calls are paid at the rate of £6 per item and routine letters in are paid at £3.
- High Court work Family Help (Higher) £73.05 per hour for work other than travel and waiting, which are paid at £35.75 per hour and attending behind Counsel, which is paid at £41.25 per hour. Routine letters and telephone calls are paid at the rate of £7.05 per item and routine letters in are paid at £3.50.

If you are represented by a member of the Law Society's Children Act Panel in any Children Act Proceedings then an additional 15% can be claimed.

Emergency Grant of Certificate

We have the ability to grant an Emergency Public Funding Certificate if you are eligible for Public Funding and if all the necessary requirements are met instead of waiting for the LSC to process your application – this is generally necessary if a Court hearing is imminent or an emergency

application to the Court is required.

However, your application must still be sent to the LSC for approval. You must therefore return to us all the necessary documents, including completed L17 by your employer within five working days.

Although the LSC usually grant an Emergency Certificate straightaway this can be revoked if they do not assess you to be eligible for Public Funding. The LSC will contact you to let you know what steps need to be taken next to allow them to continue your Certificate, i.e. a Substantive (Full) Certificate will be issued, a contribution may be necessary before a Full Certificate can be granted or they may require further documents. These requests need to be dealt with immediately.

As work will have commenced on your case immediately (possibility including Court Fees and other disbursements) you will be liable for this if your certificate is revoked or if you fail to return signed forms to the LSC or if you fail to make a contribution payment.

Contribution Payments

If when the LSC calculate your net disposable income this comes to more than £272 per month or if you have capital of more than £3,000 you may be required to pay a contribution towards your Public Funding Certificate in one of the following ways:-

- A Capital contribution is a one-off payment before the Certificate is issued.
- An Income contribution requires you to send an initial payment to the LSC. Once received the LSC will then issue your Public Funding Certificate. You then continue to pay the LSC the stated amount on a monthly basis (using a paying-in book they provide) until your Certificate is discharged.

If, however, your income or capital position change during the life of your Certificate you should inform us at once, as the LSC must be notified so that they can carry out a reassessment of your eligibility.

You must also inform the LSC of any changes in your address or family circumstances.

Statutory Charge

You may be called upon to pay us for part of the work we carry out for you under the Legal Help/Family Help (Lower) or Family Help (Higher) if, by virtue of it, you recover or preserve property or if you receive a lump sum payment over £3,000. Pension sharing arrangements are exempt and any maintenance payments you may receive.

If there are connected Children Act proceedings then you may still be liable for costs if the above statement applies in relation to financial proceedings.

There are various ways to pay the Statutory Charge.

1. By deducting the costs from any lump sum you receive. If you require a sum to re-house yourself then this is not taken, but the Charge as in 2 below may apply.
2. A Charging Order can be placed against your property or any property you have an interest in (similar to a mortgage). This means that when you sell the house the LSC will receive their costs unless you require the money to purchase another property in which case the LSC will take a Charge over that property – this however, is not automatic.

If the LSC retain a Charge over your property then there will be interest at the rate of 4% above the Bank of England's official interest rate. If you do not agree to pay this interest and to enter into a Legal Charge with the LSC then the LSC may require you to repay the Charge immediately. You can pay off the interest in regular instalments or it can roll up to be paid as and when the property is sold.

3. By charging the costs against any property or capital you may recover. However, the LSC may insist that the property or capital be sold immediately to cover your costs.

It is possible that an Order for Costs be made against the other side. If that Order is made and it is paid by the other side then costs will be reduced accordingly. However, you remain liable to the LSC if the other side do not pay.

Should you preserve or recover property or receive a lump sum payment we will discuss this with you further.

Certificate Amount

The Full Certificate is generally granted in the sum of £1,500. This includes our costs, any disbursements and instruction of Counsel. It does not cover any VAT on these items which will be charged at the standard rate.

As the case progresses it may become necessary to increase the Certificate Limit. If this should become necessary you will be informed of the new amount.

You will also be kept up to date with the current amount incurred on your file, including our costs, any disbursements and Counsel. These will be sent to you twice annually but you can request these details at any time during the life of your Certificate.

Please note that we are required by the LSC to close your file if we do not hear from you for a period of time. Our policy is to take that step if we have been without instructions from you for 1 month. However, this time does not start to run if we have agreed with you that we will place your matter on hold for a specified period until the end of that period. In addition, in the event of you requiring assistance again at some later stage, you are of course free to contact us and, providing you are still eligible, we will be able to ask you to sign a further Legal Help / Family Help (Lower) form and re-open the matter.