

Lucy Reed

By email only:
[Request-101249-0dd07728@whatdotheyknow.com](#)

Our ref: FOI-12/5757

Our E-mail:
foi.staff.cf@legalservices.gsi.gov.uk

Date: 17 February 2012

Dear Ms Reed,

RE: YOUR FREEDOM OF INFORMATION ACT (FOI) REQUEST

Thank you for your email of 21 January 2012 in which you requested information relating to the backlog for processing and paying legal aid bills in family cases.

I can confirm that we hold all of the information requested, however following consideration of your request for information I am writing to advise you that it has been refused under section 12(1) of the FOI Act.

Section 12(1) of the FOI Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for a non-departmental public body is set at £450. This represents the estimated cost of one person spending 2.5 working days in determining whether the Legal Services Commission (LSC) holds the information, locating, retrieving and extracting the information.

In applying this exemption I would like to explain that your individual questions have been aggregated as they form part of the same request. According to the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 public authorities may aggregate questions within one request. I have considered each part of your request to confirm what information we would be able to provide and which elements are currently considered to be disproportionate below.

- 1. Please provide a copy of all written policies, written instructions and operational procedures (including those sent by email) circulated to LSC staff or in operation between 1 January 2011 to date concerning the circumstances in which counsel's claims for payment of fees for legal services pursuant to the Family Graduated Fee Scheme may or should be rejected by staff at the LSC processing such claims. In particular please provide any policies, written instructions or operational procedures concerning the rejection of claims for payment based upon apparent deficiencies in the Special Issue Payment form, for example relating to court seals or judicial initials / signatures.**
- 2. Please provide a copy of all written policies and all written instructions or operational procedures (including email instructions) circulated to LSC staff or in operation between 1 January 2011 to date concerning the circumstances in which counsel's claims for payment of fees for legal**

services pursuant to the Family Advocacy Scheme may or should be rejected by staff at the LSC processing such claims. In the event that it is not possible under this scheme to distinguish between different categories of advocate please provide the policies in respect of all claims for advocacy. In particular please provide any policies, written instructions or operational procedures concerning the rejection of claims for payment based upon apparent deficiencies in the FAS Advocates Attendance form, for example relating to court seals or judicial initials / signatures.

3. Please state the number of claims for payment made by counsel under a) the Family Graduated Fee Scheme b) the Family Advocacy Scheme which were received and rejected between 1 January 2011 and 31 December 2012.
4. In respect of each group of claims identified at 3 a) and b) above, please state the number of such claims that were rejected because of apparent deficiencies relating to the Special Issue Payment Form or Advocates Attendance Form. In the event that the LSC does not record the numbers rejected for this reason, please provide a breakdown by reason for rejection using such categories as the LSC does maintains records for.

We hold information in relation to question numbers 1, 2, 3(a) and 4(a) and would be able to provide you with this within the appropriate limit, however. We would be unable to provide the information you have requested in question numbers 3(b) and 4(b) within the appropriate time limit.

It is estimated that the LSC have processed over 100,000 Family Advocacy Scheme (FAS) claims since January 2011. Due to the complexity of our management information we would be unable to run a report on the number of claims which were rejected and the reasons why such claims were rejected.

To provide the information you have requested in relation to FAS claims we would need to consider the outcome of each of the FAS claims we have received since January 2011 in order to determine the number that were rejected and the reasons why they were rejected. Given the large number of claims we have received it is estimated that it would take in excess of 24 hours to provide this information. We will therefore not be able to take this part of your request further and have been unable to identify a manner in which you may narrow this element of your request down.

We have provided you with such clarification in order to issue as much advice and assistance as possible so that you may narrow down the scope of your request or make a new request in the future.

Right to review

As part of our obligations under the FOI Act, the Commission has an independent review process. If you are dissatisfied with the handling of your request, you have the right to ask for internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Legal Director via the email address above.

If you are not content with the outcome of the internal review, you have a further right of external appeal which can be made to the Information Commissioner who can be

contacted at the following address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you have any queries about this letter, please contact us at the above address. Please remember to quote the reference number above in any future correspondence.

Yours sincerely,

Governance Team
Chief Executive's Office
Legal Services Commission