

## LSA Circular 03/2020

19 March 2020

Dear Practitioner,

### LSA Service Delivery – COVID-19

The Legal Services Agency remains open for business and continues to process applications for civil legal services and payment requests submitted by practitioners. The Agency will issue regular communications on business processing including any additional measures which it proposes to take in the current operational environment.

2. Practitioners do not routinely have to attend the LSA, but any who do, should first contact the LSA via the address [enquiries@lsani.gov.uk](mailto:enquiries@lsani.gov.uk) to see if alternative arrangements can be put in place. If you have to attend the LSA, please ensure you follow the Public Health Authority guidance. You should not attend the LSA if you have a confirmed or a possible COVID-19 infection or you have been in close contact with anyone who has been diagnosed with COVID-19. Practitioners will wish to note the following arrangements, which are in place to seek to ensure continuity of service during the pandemic.

### Clients' Signatures

#### Applicant Declarations

3. The LSA acknowledges that in the prevailing circumstances practitioners may not be conducting face to face meetings with clients and as a result may not be in a position to secure clients' signatures on declaration forms. Practitioners will be aware of the requirements of *Regulation 6 of the Civil Legal Services (General) Regulations (Northern Ireland) 2015*. This means that a solicitor cannot sign the form on behalf of the applicant. There are significant issues for the applicant if the correct information is not provided as it could expose them to the total cost of the case in certain circumstances, see *Regulations 21(1) (c) and 31(5) to (7)*.

4. Until further notice, the LSA will not require the signed declaration to be uploaded at the point of application. However, a form of confirmation which is expressly from the client is required at the point of application to indicate that the applicant agrees to the terms of the declaration. This can take the form of a screen shot of a text message, email or other means. Practitioners must upload this evidence from the applicant as a supporting document to the Application and entitle same "Applicants Interim Declaration" from within the drop down list. Where the Agency is satisfied with the upload, it will be accepted as an interim declaration and the application shall be processed in the usual way. If a client is in prison and is unable to provide an interim declaration, this should be made clear on the

application. Please note that emails cannot be uploaded to LAMS. For further information on supporting documentation, refer to page 40 of the [Supplier Manual](#).

5. Notwithstanding paragraph 4 above, the declaration must be signed and uploaded before a payment request can be submitted. In these circumstances, the date of the declaration must be backdated to the date the applicant would have signed it.

### **Acceptance of Offer**

6. Applicants must sign the Acceptance of Offer and this must be provided to the LSA before a certificate can issue. LSA understands that the Acceptance of Offer may not be signed in the presence of the practitioner, but the applicant must provide confirmation to the practitioner by email/text that they agree with the terms of the offer. The practitioner should upload the confirmation onto LAMS. The signed copy should be obtained by the solicitor via post or electronic means and once received, uploaded onto LAMS.

### **Change of Circumstances**

#### Contributions

7. There is a duty on assisted persons to notify the LSA of a change in their financial circumstances. This takes on a particular significance within the current circumstances. If an assisted person is paying contributions and their circumstances change, they should immediately seek a redetermination of their contributions. A Change of Circumstances request should be submitted on LAMS along with all relevant supporting documentation which evidences the change. Failure to pay contributions will lead to the suspension of a certificate and prompt request for a redetermination could avoid this situation.

#### Debt

8. Some individuals may have entered into debt repayment arrangements with the LSA and their circumstances may also have changed. If this is the case, they should contact the LSA to have these arrangements varied.

### **Business Processing**

9. The LSA is currently processing business as usual in date order of receipt. Practitioners are encouraged to respond to outstanding queries to allow for more efficient processing and to use the query functionality on LAMS to raise issues.

#### Applications and Payments

10. Practitioners should continue to submit applications and bills via LAMS. In cases of emergency applications for Representation Higher Courts, which meet the criteria set out in [Circular 25/19](#), these can be submitted to [rephigheremergencies@lsani.gov.uk](mailto:rephigheremergencies@lsani.gov.uk). In respect of Representation Lower Courts, if a case is before the court within the next 2 working days, applications can be submitted to [replowermerit@lsani.gov.uk](mailto:replowermerit@lsani.gov.uk).

11. At this time, the LSA does not consider it necessary to make any change to the existing arrangements for booking interpreters and translations or for seeking other prior authorities.

#### Recoupments

12. An exercise is currently being conducted to recoup interim payments in a small number of old cases. LSA will suspend further “legacy” recoupment from practitioners under this exercise initially for three months with immediate effect.

#### Contingency Arrangements

13. The Agency has also developed contingency plans should its ability to process applications be compromised and these have been tested. In the first instance, it will seek to reallocate staff from other areas within the Agency to support key functions. The Agency is also collaborating with the NICTS and the judiciary to ensure our arrangements effectively support the plans they are introducing.

14. The LSA has also developed a capability to deliver limited services, including payments and if necessary special payments, outside the office environment. Should it become necessary, practitioners will be advised which types of applications will be prioritised and how they should be submitted to the LSA.

#### **Support Services**

15. At present, the LSA has been assured that the various services which support LAMS continue to operate as usual. These include the Contact Centre, NIDA, Allpay and the NI Direct pages.

#### **Time Limits**

16. At this time, the LSA sees no reason to suspend the application of the various time limits set out in legislation, including late claims. The Agency will keep this matter under review. If there are particular circumstances which engage time limits, this should be set out as part of the request on LAMS.

#### **Immigration and Asylum**

17. Some practitioners seek specific authority for telephone consultations. While it is necessary to seek authority for an interpreter, it is not necessary to seek authority for telephone consultations. While short consultations are remunerated at £3.35, practitioners can set out that a telephone consultation was arranged rather than a visit and as such, the hourly rate of £43.25 was claimed. As such, practitioners should only seek an authority if an extension to their overall prior authority of £300 is required.

#### **Communication with LSA**

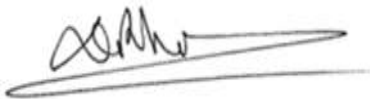
18. Practitioners should continue to communicate with the LSA on LAMS through messaging. Messaging at case level should only be for points of minor clarification. If the enquiry relates to a request, you should use the request level messaging. Details on how to use the messaging functionality can be found on page 197 of the [Supplier Manual](#), an [instructional video](#) is also available.

19. The Contact Centre should be used as the first point of contact for all enquiries that cannot be addressed via messaging in LAMS and can be reached on 028 9040 8888. In the event that staffing in the Contact Centre was to fall below acceptable levels, the Agency may accept alternate communication for urgent and emergency enquiries via designated LSA email addresses. Practitioners will be notified should such arrangements become necessary.

20. Practitioners are reminded that high level messaging on the availability of LAMS will be sent out globally via SMS messaging and LAMS users are encouraged to register if they have not done so already. Details on how to sign up to this service can be found in Circular [LSA 18/19](#) for Barristers and [LSA 19/19](#) for Solicitors.

21. The LSA will issue general communications via the email address [communications@lsani.gov.uk](mailto:communications@lsani.gov.uk). This is a 'do not reply' email and practitioners should not respond to communications from this address. Practitioners will receive emails to the email address they provided when they created their individual LAMS account. Information on how to modify your contact details can be found on Page 27 of the [Supplier Manual](#).

Yours faithfully,



**Paul Andrews**  
**Chief Executive**