

Step 1: APPLICANT – ‘on notice’ or ‘without notice’ application (Undefended)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Protection order	up to 6 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing application for legal aid • Preparing ‘without notice’ or ‘on notice’ application for order(s), including: <ul style="list-style-type: none"> ○ Affidavit(s) in support ○ Information sheets for the Court • Serving of ‘on notice’ documents • Receiving minute/orders (either following in chambers or 1st Registrar’s/Judge’s List call) • Reporting to client • Reporting to and invoicing LSA
Occupation/tenancy, ancillary furniture order(s)	up to 2 hours	For preparing one or more orders in addition to the protection order
Special condition(s)	up to 1 hour	For preparing any protection order related conditions, e.g. contact with children who are also protected persons
Representative action	up to 2 hours	For preparing a protection order involving a representative for the applicant, e.g. adult representing child
Associated respondent(s)	up to 2 hours	For preparing a protection order involving associated respondents
Formal Proof hearing	up to 2 hours Actual hours	For preparing for hearing For attending hearing to resolve undefended application(s)

Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings.

Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on pages 4-5 for:

- Additional factors
- Interpreter

Step 2: APPLICANT – ‘On notice’ or ‘without notice’ application (Defended)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Protection order Where: <ul style="list-style-type: none"> • Temporary order(s) obtained without notice are now being opposed/defended; or • Application for protection order initiated on notice and is defended. 	up to 6 hours (in addition to work completed in Step 1)	For <ul style="list-style-type: none"> • Receiving/perusing notice of defence and associated documents from respondent, • Taking instructions, attending client • Preparing, filing and serving applicant’s reply • Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step) • Undertaking discovery • Liaising with court appointed counsel, and third parties (Police, Doctor, hospital, witnesses, experts) • Preparing and attending, as required, Registrars List(s) • Reporting to client • Reporting to and invoicing LSA
Occupation/tenancy, ancillary furniture order(s)	up to 2 hours	For preparing one or more orders in addition to the protection order
Special condition(s)	up to 1 hour	For preparing any protection order related conditions e.g. contact with children who are also protected persons
Pre- hearing	up to 4 hours	For preparing interlocutory application(s), pre-trial conference memorandum
Preparation for hearing	up to 1.5 times anticipated hearing time (hrs)	For <ul style="list-style-type: none"> • Reviewing file • Preparing for hearing – cross examination, briefing witnesses, submissions • Undertaking research, if necessary • Reporting to client
Hearing	Actual hours	For attending hearing

Documentation Requirements

- Family Legal Aid Amendment to Grant (*LSA Form 9*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated.
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings.

Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on pages 4-5 for:

- Additional factors
- Interpreter

Step 2: RESPONDENT – ‘On notice’ or ‘without notice’ application (Defended)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Notice of defence (if ‘on notice’), or Notice of intention to appear (if preceded by temporary orders)	up to 7 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing application for legal aid • Preparing notice of defence/notice of intention to appear, including affidavit(s) in support • Serving of documents • Undertaking discovery • Liaising with third parties – Police, Doctor, hospital, witnesses, experts, programme issues • Preparing and attending, as required, Registrars List(s) • Reporting to client • Reporting to and invoicing LSA
Objection to Programme	up to 1 hour	For preparing objection to programme in addition to preparing defence of order(s)
Objection to Programme (only)	up to 4 hours	For preparing objection to programme only, ie not defending the protection order(s)
Occupation/tenancy, ancillary furniture order(s)	up to 2 hours	For defending one or more orders in addition to the protection order
Special condition(s)	up to 1 hour	For defending any protection order related conditions
Pre-hearing	up to 4 hours	For preparing interlocutory application(s), pre-trial conference memorandum
Preparation for hearing	up to 1.5 times anticipated hearing time (hrs)	For <ul style="list-style-type: none"> • Reviewing file • Preparing for hearing – cross examination, briefing witnesses, submissions • Undertaking research, if necessary • Reporting to client
Hearing	Actual hours	For attending hearing

Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings.

Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on pages 4-5 for:

- Additional factors
- Interpreter

Granting Notes

Consideration of Additional Factors - Proceedings Steps 1, 2

Guideline hours have been allocated to each activity within the steps for a proceedings on the basis that they are a reasonable estimate of the time required to perform that activity, in at least 80% of matters.

However, the circumstances surrounding a matter may make it necessary to consider guideline hours for 'additional factors'. The 'additional factors' may arise from a variety of circumstances, for example:

- The other party may be self-represented, causing additional delays to the progression of the proceedings.
- A party who suffers from an intellectual disability or mental illness, language or reading difficulties – but not necessitating a separate interpreter - requiring more time in taking instructions or prolonging proceedings. An additional allowance for the use of interpreters is available if required.
- Overseas registration of a protection order.

There is no complete 'checklist' of circumstances - each matter should be considered on a case by case basis.

The guideline hours for 'additional factors' in the proceedings step(s) are:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Additional factors	up to 2 hours	For additional factors which are likely to impact the preparation and filing of the orders

The guideline hours for 'additional factors' may be applied to the grant, providing:

- the guideline hours for the activity(s) forming part of the maximum grant in this step have been exceeded; and
- the 'additional factors' can be clearly identified and justified.

Use of Interpreters - Proceedings Steps 1, 2

It may be necessary for a provider to engage an interpreter to assist in communicating with the legally aided person.

Guideline hours are available, through a 'loading on hours granted', to recognise the time incurred in informing, briefing and seeking instructions from the legally aided person through an interpreter.

Granting Notes**Use of Interpreters - Proceedings Steps 1, 2 continued**

The guideline hours for the 'use of interpreters' in the proceedings step(s) are:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Interpreter	30% loading on hours granted	For the additional time necessary to inform, brief and seek instructions from the client when an interpreter is engaged.

The 'loading on hours granted' may be applied to the grant at the proceedings step(s), providing:

- the 'loading on hours granted' has been applied to the activity(s) relating to the 'preparation' of a matter – as opposed to hearings;
- the guideline hours for the activity(s) relating to the 'preparation' of a matter, have been exceeded; and
- the fees for the interpreter will be claimed as a special disbursement.

