

**EXPECTATIONS IN RELATION TO THE REVISED SCHEME FOR LEGAL COSTS FOR SPECIAL GUARDIANSHIP ORDERS AND CHILD ARRANGEMENTS ORDERS (regulating the residence of the child)**

* 1. “Birmingham Children’s Trust” is acting in its statutory capacity relating to the welfare of the children.
  2. “A Solicitor/The Solicitor” is the Solicitor’s firm or sole practitioner undertaking work on behalf of the Applicants.
  3. “The Applicants” are the persons who are being provided with advice or making the application for a Special Guardianship Order or Child Arrangements Order to secure the residence of a child or the prospective SGO

2. **GENERAL**

2.1 The expectation is that the Solicitor will act for the Applicant and not The Children’s Trust.

2.2 The Solicitor should write to the Applicants as soon as possible after receiving instructions to act, setting out details of the Solicitor’s fees and disbursements including the hourly rate and any item charges, so the Applicants are aware of this at the outset.

2.3 Birmingham Children’s Trust will pay up to £500.00 for advice only, £750 for advice **and** assistance in making and drafting the application or up to £1500.00 where it is agreed that representation will be required. All fees are exclusive of VAT.

2.4 Where the application is for a private law order and the Child(ren) is subject to a Care Order the Trust will make a lead application to discharge the Care Order on the Family Public Law Portal and will upload and pay for the SGO/CAO application.

2.5 The sum of £750 or £1500 does not include court fees where a child is subject of a care order as the Trust will upload the application provided by the Applicant along with supporting documents as an application in the lead application to discharge the care order.

2.6 This is not a fixed fee and the work conducted should be based on the charge out rate of the Solicitor.

2.7 The Fees are to cover reading of documents and advice and assistance in drafting the application only where the child is subject of a care order.

2.8 In applications made outside proceedings where the child is not subject to a care order the fees are to cover advice, drafting and representation where agreed. Court fees will be in addition to the contribution fee.

2.9 Birmingham Children’s Trust is not permitted to pay any additional sums beyond the bands of £500, £750 or £1500.00 plus vat other than in exceptional circumstances following agreement by the Head of Service.

2.10 In applications concerning children subject to Care Orders, once drafted the application should be forwarded to the Trust Legal Team on [bct.legal@birmnghamchildrenstrust.co.uk](mailto:bct.legal@birmnghamchildrenstrust.co.uk). The Legal Team will make a lead application to discharge the care order on the FPL Portal and upload and pay the fee for the SGO application through the “other applications” function in the lead application.

2.11 In applications in proceedings or where the child is subject to a Care Order. Given the Trust will be represented on the main application it is not expected that there will be a need for the SGO applicants to be represented separately in most applications.

2.12 At the conclusion of the case a proper itemised bill should be provided. This should be sent to [BCTLegalBusinessSupport@birminghamchildrenstrust.co.uk](mailto:BCTLegalBusinessSupport@birminghamchildrenstrust.co.uk). This is the legal team business support team who will process the invoice for payment by the appropriate social work area budget.

2.13 Birmingham Children’s Trust will on receipt of the bill referred to in 2.12, pay the solicitor direct, provided that such bill does not exceed £500,£750 or £1500.00 plus VAT where the necessity for representation has been agreed.

3. **TAKING INSTRUCTIONS**

3.1 The Applicants will give instructions to the Solicitor.

3.2 The Solicitor instructed will not give legal advice to Birmingham Children’s Trust.

3.3 The Solicitor should not attend Birmingham Children’s Trust to take statements or call staff of the Trust to their offices to make statements.

4. **LIST OF SOLICITORS**

4.1 Birmingham Children’s Trust will use the list provided by Local Private Practitioners of Firms with Children Panel Solicitors.