

Email Bulletin (Contracting No.7): Claiming for incoming and outgoing correspondence

1 Introduction

- 1.1 The Legal Services Commission (LSC) has checked this information summary for accuracy. It should be read in conjunction with the relevant sections of the forthcoming CLS Support Contracting Briefing: '*Controlled Work and Contract Compliance*'.
- 1.2 Please note: if you attended the CLS Support '*Making Every Minute Count: 2003*' training course, this information summary is intended to supplement materials on letter writing that were distributed at that event. Although those training materials were also checked by the LSC for accuracy at the time, in respect of the question '*whether you can make a time claim for writing an appointment letter to a client*' this information summary supersedes those materials.

2 How much time can I claim for a 'standard' or 'routine' letter?

- 2.1 1 unit or 6 minutes.

3 So what is a standard or routine letter?

- 3.1 A standard letter is a letter that you have prepared which is not substantial in length or complex in nature, or which involves adding some client details into a mainly standard template. Examples of standard/routine letters or other letters that should be claimed at the standard/routine rate are:
 - An initial client care letter that contained basic information on the organisation, who to complain to etc., where this was personalised to the client by inserting their name.
 - A short cover letter asking that a client take note of some enclosed written response from a third party
 - A pro-forma letter sent to a client's creditors asking them to provide relevant account information
 - Any letter that takes 6 minutes (1 unit) or less to prepare

4 What does substantial mean?

- 4.1 As a guide, more pages than 1 page of A4. A common example of a letter that would be substantial in length might be your initial letter to the client at the outset of their case confirming your advice, what actions were outstanding and the proposed next stages in a case.

5 What does complex mean?

- 5.1 This is really a subjective test. Evidence to support complexity might perhaps rely not on the letter alone, but also on the content of the case record that might specify the particular aim of the letter and how it reflects the tactical approach the caseworker is taking to the case. As such it should be apparent either from the letter itself or from the file that writing the letter required a degree of thought and analysis/ reflection as part of the letter writing process. Letters that are clearly complex, in that they contain detailed information or perhaps, calculations that were undertaken whilst writing the letter, would be good examples of what might be classed as 'complex' letters.

6 Does a complex letter have to be long?

- 6.1 Not necessarily. Bear in mind that a complex letter could also be short in length. It could be that a short letter takes a considerable time to write if it is particularly well written and concise such as where you have summarised complex issues clearly and concisely. It is possible that a short letter, which takes more time to prepare, might have a greater effect than a longer and less precise letter.

7 Does a long letter have to be complex?

- 7.1 No. The letter could have taken a substantial time to prepare simply because you need to provide a large amount of relevant information.

8 Can I claim more than 1 unit if the letter took longer than that to write?

- 8.1 Yes, but only if the letter was substantial in length or complex in nature. This does not mean that you can claim additional time because you can't type well.

9 So what would I claim if it did take longer to write?

- 9.1 Depending on whether you record time in units or in 'real' time, if you believe that your letter is substantial in length or complex in nature then you could claim the time it actually took to write or prepare rounded to the nearest unit or 6 minute block, for example 18 minutes or 3 units or, the actual time in minutes (e.g. 17 minutes). **If you are claiming this as preparation time (where the time you are claiming is more than the standard rate) then you should not claim the standard letter rate as well, it is either one or the other.** Additionally, you should only claim once for each item; for example, this means that in the case of claiming for writing an email to a client you would not then claim again if you subsequently put a hard copy in the post to them.

10 How do I record the time for writing a letter if I prepare it during an interview with the client where the client is present?

10.1 You have a choice. As you are attending upon the client and presumably discussing aspects of the letter whilst preparing it, you may choose to claim the time taken for the preparation of the letter as part of your total interview or attendance time. Alternatively, when recording the time claims on the client's file you may choose to separate them out into attendance time and time taken to prepare the letter. The important thing is that an auditor has evidence of all the time that is claimed, whether it is a single time claim for a number of activities that occurred during the interview/attendance or, individual time claims for each individual activity.

11 Can I claim time for reading a reply to a letter I sent?

11.1 You should not claim time for reading standard/routine letters received. The standard or routine letter rate of 1 unit for writing a letter is intended to cover reading a routine or short reply. You can however claim the time it took to read a more complex letter received, such as an expert's report in the form of a letter. In these situations, you should claim the time it took you to read and consider the letter. It should also be apparent from the file why it was necessary for you to consider the letter and importantly, what conclusions or actions you now plan as a consequence of reading the letter. Letters which merely give you information you requested in a routine letter out, such as account balances etc., in a debt matter, would not be claimable unless the information required a level of consideration as described above and this leads to some other claimable activity on the file. In these instances it is reasonable for you to claim the time as part of the time taken on whatever activity you undertake as a consequence of that letter.

12 What if the letter was unsolicited & came to me from a third party?

12.1 It is possible that occasionally the client will write to you giving further instructions and information that you had not directly requested. Equally, there may be instances where a third party contacts you in relation to a client's case where you had not initiated this contact. In these instances it is reasonable for you to claim the time as part of the time taken on whatever activity you undertake as a consequence of that letter, for instance writing back to the client in response to their letter or performing some other activity on the file – the time claim would be under the relevant activity header (preparation, attendance, letters out, advocacy etc.), not as time spent 'reading the letter in'.

13 What about letters on opening the file?

- 13.1 It is an SQM requirement that caseworkers confirm instructions with a client in writing when opening a case. This is, of course, claimable. It is also possible that in addition to this letter confirming instructions, you would issue the client with a client care letter which sets out general facts and information about the service which the client is to receive such as who to complain to, the fact that the service is free, confidentiality policy and so on. Provided this letter has been personalised to the client then this too would be claimable in addition to the claim for the instructions letter. As you would probably only be inserting personalised information, such as the client's name and address, onto a pre-prepared pro-forma it would be very unlikely that you would claim more than the standard letter rate for this additional letter.

14 Can I claim for writing an appointment letter to a client?

- 14.1 Not if the letter was simply concerned with making an appointment, for example: "I have made you an appointment for Tuesday 15th June at 10.45, please let me know if you can make it." However, if the letter also included a casework element, such as a request to bring in a particular document with an indication of why it was necessary, then this would be claimable as the letter would not simply be administrative. The same would be true if the letter contained some information on the case, such as an update on progress.