

# Immigration and Asylum Keycard 11

**Self-Grant Scheme**

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| Version | Issue date | Last review date | Owned by | Reviewed by |
| 1.0 | 01/10/2025 |  18/09/2025 | Contract management and assurance (CMA) | CMA and service development |

# Scope and purpose

This key card summarises important information from existing regulations, contract terms, and guidance. Its purpose is to clarify and highlight key points.

It does not replace the requirement for providers to understand and comply with the relevant regulations, contract terms, or guidance.

If providers have questions about using the self-grant scheme that are not addressed in this document, they should contact the Mental Health and Escape Cases Team by email using the contact details below:

Email: cw3@justice.gov.uk

# Background

The CW3 self-grant scheme has been developed to streamline the process for providers seeking extensions to claim profit costs and disbursements beyond the standard limits set out in the Immigration and asylum specification under the Standard Civil Contract.

It is available to providers who have shown a strong track record of successful applications to the LAA.

In many cases, the scheme allows the provider firm to make the decision to grant the extension themselves. This removes the need to complete and submit the CW3 form to the LAA for routine matters that are necessary to progress the client’s case.

The scheme applies to all in-scope matters carried out as controlled work within the category.

The CW3 form only needs to be completed and sent to the LAA for matters which fall outside the self-grant criteria, such as those that are less routine.

The rules of the scheme are explained in a desk aid included as an appendix to this document. The self-grant pro forma, which must be used as part of the scheme, is also provided in the appendix.

# Joining the scheme

The contractual rules for the scheme are set out in paragraphs 8.116 to 8.134 of the 2024 Standard Civil Contract (2024 SCC).

Paragraph 8.118 outlines the eligibility requirements for joining the scheme. Providers must continue to meet these criteria after joining, and compliance may be reviewed at any time.

To apply, providers should email the Mental Health and Escape Cases Team at cw3@justice.gov.uk explaining and providing evidence of how they meet the criteria.

Once accepted onto the scheme, providers can use the self-grant provisions for any existing or new matters, as long as they remain eligible under the scheme.

# The contractual authority to self-grant

**Profit costs:**

The £3,000 profit costs limit in the self-grant scheme applies only to profit costs and does not cover disbursements. Disbursements made under Legal Help and Controlled Legal Representation (CLR) are considered separately from the £3,000 profit costs limit.

For matters paid under the standard fee scheme, there is no profit costs or counsel fees limit, but there is a cost limit that applies to disbursements.

**Disbursements:**

The initial cost limits for disbursements are outlined in paragraphs 8.88 and 8.110 of the 2024 SCC. Paragraph 8.112 sets out the cost limits for CLR, which apply to the total combined amount of profit costs, disbursements, and counsel fees.

The self-grant scheme enables providers to incur additional disbursements beyond the standard limits in cases where a CW3 application would normally be required. Once the initial disbursement limit has been reached, and the proposed disbursement meets the relevant criteria, the provider may approve the extension under the self-grant provisions without submitting a CW3 application to the LAA.

This applies whether or not the initial disbursement limit has already been exceeded, as long as the self-grant criteria are satisfied.

Providers may use the scheme for disbursements as many times as required, as long as each disbursement is reasonable and meets the self-grant requirements. There is no limit on how many times the scheme can be used for a single matter start.

The self-grant scheme covers any disbursement that is both reasonable and necessary, unless specifically excluded by the 2024 SCC or the costs assessment guidance.

**Exclusions from the self-grant scheme**

Matters that require exceptional case funding (ECF) are not covered by the self-grant scheme. The standard contractual rules must be followed for these matters.

# Recording the exercising of self-grant powers

All self-granted extensions must be made reasonably and in line with the relevant contracts, regulations, and guidance. If, during an audit or review, any extensions are found to be unreasonable, they will be subject to the usual audit, assessment, and appeal processes.

The client’s file must clearly show when the self-grant provisions have been used, using the self-grant pro forma (see [Appendix 2](#_Appendix_2:_CW3)), which serves as the decision authority instead of the CW3 form.

The self-grant pro forma should confirm the total costs incurred so far and the new profit costs limit, but you do not need to provide a detailed breakdown of the costs to date. Actual costs incurred should be accurately recorded on the ledger or running record kept on the file and will be reviewed or audited as usual.

The completed scheme form must be kept on the client’s file, as required by paragraph 8.122 of the 2024 SCC.

**Prior authority numbers**

When granting a disbursement for a case, providers should assign a sequential number specific to that case each time the scheme is used for that matter start. The numbering format should be:

ANNNNNN

It is recommended to use “S” (for self-grant) as the letter at the beginning of the number. For example, the first disbursement under the scheme for a case should be recorded as S000001. If the scheme is used again for the same case, the next number would be S000002, then S000003, and so on.

When submitting your case report, ensure you enter the most recent prior authority number in the ‘Prior Authority Number’ field in your submission.

# Historic matters opened prior to 1 April 2023

The rules of the self-grant scheme for profit costs depend on when the case was opened and apply to **both** ‘Legal Help’ and CLR. This is because, from 1 April 2023, Legal Help and CLR became separate matters due to a change in operational procedures for CLR decisions.

If a case was opened before 1 April 2023 and included both ‘Legal Help’ and CLR, the higher profit costs limit of £3,000 applied to the combined total for both. For example, if you incurred £2,000 under Legal Help and then CLR was granted before 1 April 2023, you could only incur another £1,000 on profit costs without needing to apply to the LAA. If more than £1,000 was required, you would need to submit a CW3 application for the extra costs.

# Matters opened on / after 1 April 2023

If the CLR matter is started separately from a previous Legal Help matter, you can apply the self-grant scheme to each one individually. This means you can claim up to £3,000 in profit costs for each matter, rather than a combined total of £3,000.

For instance, you could use the scheme to raise the Legal Help cost limit from £800 to £3,000. Then, after opening a new CLR matter on or after 1 April 2023, you could increase the CLR cost limit from the initial £1,600 up to £3,000 if needed.

**CLR cost limits**

Under para 8.112 of the SCC, the initial cost limit for CLR includes profit costs, disbursements, and counsel fees as a combined total.

For the self-grant scheme, if you meet the required criteria, you may incur profit costs up to £3,000, and you can also claim for disbursements (excluding counsel’s fees) separately, provided each disbursement meets the necessary conditions. Counsel fees count towards the overall profit costs but are recorded in a different field in CWA.

This means you might reach the £3,000 profit costs limit for CLR but can still claim further disbursements if each one qualifies under the scheme. However, if you need to exceed the £3,000 profit costs limit, you must submit a CW3 application for a cost extension.

# Disbursements: Exercising the self-grant provisions

Paras 8.125 to 8.129 of the 2024 SCC detail the provisions relating to disbursements.

Para 8.125 confirms that:

If you have joined the Self-Grant Scheme and determine that it is reasonable to instruct an expert in order to provide Controlled Work to the Client, pursuant to Paragraph 4.24, you may incur the disbursement without the requirement to submit a Contract Report Form to us if the following criteria are met:

(a) the total time quoted by the expert to provide the service is 12 hours or less (this includes all travel, interview, preparation, and report writing time combined); and

(b) the hourly rate quoted by the expert does not exceed that specified in the codified rates for the expert type required, as outlined in the Remuneration Regulations 2013.

The 12-hour limit for disbursements relates to the **total** time the expert quotes to complete the necessary service. This includes all time spent travelling, interviewing, preparing, and writing reports. If an expert estimates that more than 12 hours are needed for the service, this would be unusual based on the LAA’s typical experience. In such cases, you must submit a CW3 application for approval.

If the disbursement can be completed within the 12-hour limit, but the expert's hourly rate is higher than the self-grant scheme allows, the self-grant provisions cannot be used. Both the time and the hourly rate requirements must be met. If either of these criteria is not satisfied, a CW3 application should be submitted for approval.

For instance, if an expert says a country report will take 10 hours but charges £130 per hour, a CW3 form must be submitted. However, if the report takes 10 hours and the expert charges £100 per hour, the provider can proceed under the self-grant scheme and does not need to submit a CW3.

If you have obtained a quote that satisfies the self-grant requirements, you do not need to seek two additional quotes before incurring the disbursement, provided it is reasonable to do so. All disbursements must be reasonable according to the 2024 SCC, and justification for each should be clearly recorded on file using the self-grant pro forma.

If the same type of expert is needed more than once during a matter, you may use the self-grant scheme for each separate occasion. The 12-hour limit applies to each individual time the service is required, not the total time across the entire case. For example, if you need an interpreter five times and each session is 5 hours long, you can use the self-grant scheme for each session without submitting a CW3 form, even if the total time spent by the interpreter on the case goes over 12 hours.

Providers should also note that there are usually several suppliers able to offer the required service. It is important to choose the most cost-effective option available, and to record the reasons for your choice in the file for audit purposes.

**Bail matters**

If it is suitable to carry out bail work as part of the client's existing asylum application or appeal matter start, providers can incur an additional £500 in profit costs on top of the £3,000 self-grant limit, without needing to submit a CW3 form (see paragraph 8.133 of the 2024 SCC).

**Remittals from the Upper Tier Tribunal to the First Tier Tribunal**

How profit costs are handled in remitted cases depends on whether a new matter start is needed, or if the advice can continue under the original First-Tier Tribunal matter. Since appeals to the Upper Tribunal are funded as Licensed Work and the previous First-Tier Tribunal matter is usually closed, most remitted appeals will require a new matter start.

If a new matter start is needed to advise on the remitted appeal, the provider may incur up to £3,000 in profit costs before needing to submit a CW3 form for a further increase in the costs limit.

If the 2018 transitional provisions apply and funding for the Upper Tribunal was provided under the same CLR matter start as the earlier First-Tier Tribunal (FTT) appeal, then any remitted appeal will also be covered by that same matter start.

If the previous FTT appeal was paid under the Standard Fee Scheme, the initial cost limit of £1,600 applies to the remitted appeal. However, the provider may use the self-grant scheme to increase this limit up to £3,000.

If the earlier FTT appeal was payable under hourly rates, the remaining balance of the cost limit from the previous FTT appeal continues to apply. The provider can use the self-grant scheme to extend this to £3,000, provided that the total costs incurred so far have not yet reached this amount.

# Submitting CW3s for cost limits extensions

If a provider needs to increase the costs limit further, beyond what the self-grant scheme allows, they must complete and submit the appropriate CW3 IMM form. This form should clearly set out the extra costs requested and explain why they are necessary for the case to proceed (see paragraph 8.131 of the 2024 SCC).

**CW3 A, B or C IMM forms:**

[CW3: extension of upper cost limit in controlled work cases - GOV.UK](https://www.gov.uk/government/publications/cw3-extension-of-upper-cost-limit-in-controlled-work-cases)

# Relevant guidance and legislation

2024 Standard Civil Contract: [8\_2024\_Immigration\_and\_Asylum\_Category\_Specific\_Rules\_Clean.pdf](https://assets.publishing.service.gov.uk/media/682c7be838753e5f0ce8ecfa/8_2024_Immigration_and_Asylum_Category_Specific_Rules_Clean.pdf)

Civil Legal Aid (Remuneration) Regulations 2013: [The Civil Legal Aid (Remuneration) Regulations 2013](https://www.legislation.gov.uk/uksi/2013/422/contents)

# Appendix 1: CW3 Desk aid: Authorisation figures

If the provider believes it is reasonable (as set out in section 4.24 of the 2024 SCC) to instruct an expert to support the client’s case, they may incur the disbursement without submitting a CW3 application to the LAA, provided both of the following conditions are met:

1. The expert’s total quoted time for all work, including travel, interviews, preparation, and report writing, does not exceed 12 hours in total.
2. The hourly rate quoted by the expert does not exceed the specified codified rates set out in the Remuneration Regulations 2013 for that type of expert.

If the expert needed is not listed in the codified rates, the quoted hourly rate must not be higher than the rate specified in the table below:

|  |  |
| --- | --- |
| Non-codified rate experts: Expert type  | Maximum allowable hourly rate |
| Independent social worker  | £40.00  |
| Medical legal report  | £108.00  |
| Country expert report  | £120.00  |
| Scarring report  | £100.00  |
| Torture report  | £100.00  |
| Trafficking report  | £100.00  |
| Translation (in person)  | £100.00 per 1,000 words translated  |

If a provider needs to instruct an expert who is not listed in the codified rates or the table above, and the cost will exceed the allowed disbursement limit, they must complete and submit a CW3 form to the LAA for approval before incurring the expense.

**Codified rate experts**

When instructing experts who are subject to codified rates, providers must apply the appropriate hourly rate. Providers should also confirm whether the expert is eligible for London or non-London rates. Details of the [codified rates](http://www.legislation.gov.uk/uksi/2013/422/schedule/5/made) can be found in Appendix 3 of the [Escape Cases Electronic Handbook](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/438774/escape-cases-guidance.pdf).

**Expert travel time**

Please be aware of the maximum rates for all expert travel time and mileage, as detailed below. To clarify, the maximum hourly rates for non-codified experts mentioned above do not cover travel time. These rates apply solely to the expert’s professional services.

|  |  |
| --- | --- |
| Disbursement  | Maximum allowable hourly rate |
| Expert travel time  | £40.00  |
| Expert vehicle mileage  | £0.45 per mile  |

**Profit cost increase**

If a provider needs to increase profit costs to continue with an hourly rates case, as set out in paragraphs 8.130-134 of the 2024 SCC, they can use the self-grant scheme to approve an increase of up to £3,000 per matter start without having to send a CW3 application to the LAA for approval.

If further profit cost increases are needed after this, the provider must submit a CW3 application to the LAA explaining the extra costs requested and the reasons they are necessary for the matter to progress.

|  |  |
| --- | --- |
| CW3: Not necessary | CW3: Required |
| Up to £3,000 | Over £3,000 |

This relates to both Legal Help and CLR hourly rates matters.

# Appendix 2: CW3: Delegated function to self-grant

Please complete this form if you are self-granting a CW3 application under the terms of the Appendix 1: ‘CW3 Desk Aid Authorisation Figures’ table and information.

|  |  |
| --- | --- |
| **Criteria to self-grant** A fully completed, signed and dated copy of this form must be kept on file for LAA audit and assessment purposes.  | **Please tick to confirm**  |
| **Codified experts:** Does the hourly rate meet the codified amount and the number of hours requested total twelve or less?  |  |
| **Non-codified experts:** Does the hourly rate meet those in the ‘CW3 Authorisation Figures’ information and guidance document, and the number of hours requested total twelve or less?  |  |
| **Travel:** Please confirm requested travel does not exceed £40.00 per hour/£0.45 per mile.  |  |
| **Profit costs:** Please ensure that total profit costs (incurred to date + future costs required) does not exceed £3,000. Current profits costs to date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Future costs to be incurred: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Total profit costs: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
| **Reasonableness:** Please confirm the disbursement is to be incurred in line with para 4.24 of the 2024 Standard Civil Contract General Specification in terms of reasonableness.  |  |
| **Provider name:** **Fee earner:** **Signature:** **Date:****Prior authority number allocated for this use of the ‘Self-Grant Scheme’: S \_\_\_\_\_\_\_\_\_\_** |