

The Statutory Independent Inquiry into Grooming Gangs

Protocol on Legal Costs

1. This Protocol explains how the Independent Inquiry into Grooming Gangs ('the Inquiry') will consider applications for funding under section 40 of the Inquiries Act 2005. It also describes how any approved legal costs will be managed, assessed and paid.
2. Matters relating to Core Participant status and the designation of Recognised Legal Representatives (RLRs) are addressed separately in the Inquiry's Core Participant Protocol which can be found on the Inquiry's website.

Legal Framework

3. The Chair's power to make awards in respect of legal representation and witness attendance arises under section 40 of the Inquiries Act 2005.
4. In exercising that power, the Chair will act in accordance with:
 - a. section 17 of the Inquiries Act 2005, including the requirement to act fairly and to avoid unnecessary cost;
 - b. the Ministerial Determination made under section 40(4) of the Inquiries Act 2005, as published on the Inquiry's website; and
 - c. the relevant provisions of the Inquiry Rules 2006 relating to costs.

Who may be considered for an award

5. A person may be considered for an award under section 40 only if they are:
 - a. attending the Inquiry to give evidence or to produce documents or other material; or

- b. in the opinion of the Chair, a person who has such particular interest in the proceedings or outcome of the Inquiry as to justify an award.
- 6. In deciding whether to make an award for legal representation at public expense, the Chair may take into account a range of factors, including:
 - a. whether the applicant is likely to provide evidence relevant to the Inquiry's Terms of Reference;
 - b. whether the applicant has a substantial interest in matters under investigation;
 - c. whether the applicant may be subject to criticism during the Inquiry's proceedings or in any report; and
 - d. whether it is fair, reasonable and proportionate to make an award in the public interest.
- 7. Awards will not ordinarily be made in respect of the legal expenses of substantial organisations, or where the Chair considers that legal costs could reasonably be met by an employer, parent body or other institution.
- 8. In accordance with Rule 21 of the Inquiry Rules 2006, the Chair must also take into account an applicant's financial resources and whether the making of an award is in the public interest. For the avoidance of doubt, the Chair is proceeding on the basis that individual victims and survivors are not required to provide a detailed breakdown of means in order to satisfy these criteria, other than in exceptional cases.

Scope of funded Legal Representation

9. Where the Chair decides to make an award for legal representation, funding will ordinarily be limited to work carried out by a legal representative formally designated by the Chair as an RLR.
10. Subject to the terms of any award, funded work may include:
 - a. considering and relaying initial instructions from a client they have been instructed to represent during the course of the Inquiry;
 - b. advising a client in relation to making a witness statement;
 - c. providing evidence to the Inquiry, in response to a request made by the Inquiry;
 - d. considering material provided by the Inquiry so far as is necessary to represent the client's interests;
 - e. advising a client in relation to any warning letter issued by the Chair;
 - f. making an opening statement, where permitted;
 - g. representing a client during their oral evidence (and the evidence of others, should that be necessary);
 - h. making an application for permission to submit questions to witnesses during oral evidence, as directed by the Chair; and making final submissions on behalf of a client, where necessary.
10. The Inquiry is inquisitorial in nature and investigative work, or the obtaining of expert evidence, and any other additional work outside of the scope of work specified will not be funded unless the Chair has given prior written approval.

Joint Legal Representation

11. In accordance with the Protocol on Core Participants and Rule 7 of the Inquiry Rules, the Chair may direct that two or more Core Participants shall be represented by a single RLR or share counsel where she considers that:

- a. their interests in the outcome of the Inquiry are similar;
- b. the facts that they are likely to rely on during the Inquiry are similar; and
- c. it is fair and proper for them to be jointly represented.

11. Where joint representation is directed, the affected Core Participants will be given an opportunity to agree a suitable RLR. If agreement is not reached, the Chair will make an appointment.

Making an Application for an Award of Legal Expenses

12. Applications for an award of legal costs should be submitted using the application form published on the Inquiry's website.

13. All applications should set out:

- a. the reasons why legal representation is considered necessary, fair, reasonable and proportionate;
- b. if the applicant is someone to whom paragraph 7 (above) might ordinarily apply, information as to why legal expenses cannot be met by the relevant substantial body, or some other organisation;
- c. subject to paragraph 8 above, the extent of the applicant's financial resources and confirmation that there are no other means by which such representation can be funded;
- d. how any award made will be in the public interest;

- e. the nature and scope of the work to be funded and the extent of the legal representation for which the award is sought;
- f. the size and composition of the team that the applicant's RLR wishes to engage. This includes the seniority and proposed hourly rate for all legal team members. For the avoidance of doubt, costs associated with work carried out by legal representatives who are not approved in advance of the work being carried out shall not be met from public funds.
- g. where an applicant wishes to instruct Counsel, they should include the reasons for so doing, the date of call of that Counsel, seniority and proposed hourly rate. Counsel will be funded only based on payment for time spent. Claims for 'brief fee', 'refresher' or 'preparation' are not permitted;
- h. how long Recognised Legal Representation is expected to last;
- i. the number of hours each week for which it is anticipated that the RLR's team will be engaged on Inquiry work;
- j. the number of hours each week for which it is anticipated that Counsel will be engaged on Inquiry work; and
- k. details of any other foreseeable expenses relating to legal representation.

14. In accordance with the Ministerial Determination, the maximum hourly rates for team members of any RLR are set out below. All rates are exclusive of VAT. Rates must be agreed with the Solicitor to the Inquiry prior to any work being undertaken.

Role	Maximum Hourly Rate
Leading Counsel (either barrister or solicitor advocate)	£180 - £200
Junior Counsel (either barrister or solicitor advocate)	£100
Solicitors or Legal Executives with over 8 years post-qualification experience	£150
Solicitors or Legal Executives with over 4 years post-qualification experience	£125
Other Solicitors	£100
Trainee solicitors, paralegals and other fee earners	£75

15. Leading Counsel's rate within the above stated range will be determined on a case by case basis taking into account the following non-exhaustive factors: the nature and complexity of the issues arising in their instruction; their relevant experience and expertise, including prior inquiry work; the composition and size

of the RLR team; and the general requirement to ensure that any award represents a fair, reasonable and proportionate use of public funds.

16. The maximum number of hours that can be claimed by each member of a person's legal team in respect of an award made by the Chair shall be 40 hours per week save that exceptionally, the Solicitor to the Inquiry may authorise an increase in the cap to a maximum of 60 hours per week in relation to specified members of the legal team for any specific week during the oral hearings or within a period of up to 6 weeks prior to the oral hearings, where they are satisfied that such an increase is justified in all the circumstances.
17. A week shall be taken to commence on a Monday and end on a Sunday and no unused hours in any week may be offset against any other week.
18. Expenditure incurred by an applicant in respect of legal representation before an award is made by the Chair shall not be recoverable except where (and to the extent that) it has been incurred with the prior agreement of the Solicitor to the Inquiry.

Disbursements and Expenses

19. The hourly rate for travel or waiting time will be no more than half of the agreed hourly rate for legal work. Any travel or waiting time must be included within the cap on the maximum number of hours that can be charged by an RLR.
20. The Chair shall only make an award to a person relating to compensation for loss of time (subject to paragraph 21) where it is considered it is necessary, fair, reasonable and proportionate to make such an award, and that such an award is an appropriate use of public funds.
21. The Chair shall only make an award relating to compensation for loss of time where the person to be compensated would otherwise face actual financial loss,

for example (but not limited to) receipt of monies related to that person's employment.

Determination of Applications for Legal Expenses / Award Letters

19. The Chair will seek to determine applications for awards within a reasonable period and Applicants will be notified in writing of the outcome. Where an award is made, an Award Letter will be issued setting out:

- a. the approved scope of work;
- b. the composition of the funded legal team;
- c. agreed hourly rates and any caps on time or costs;
- d. that payment will only be made for work that is properly evidenced and can be identified as having been done in an efficient and effective manner, avoiding unnecessary duplication and making the best use of public funds;
- e. that work is to be undertaken by an individual at an appropriate grade and that where work is undertaken by an individual at a higher grade, the hourly rate at the appropriate lower grade will be paid;
- f. that disbursements in excess of £100 (exclusive of VAT) will not be paid unless authorised in advance by the Solicitor to the Inquiry;
- g. disbursements under £100 (excluding refreshments which are not recoverable) will only be paid where the expenditure is considered to have been reasonable and necessary and where supported by evidence of payment;
- h. billing and reporting requirements

21. Costs incurred before an award is made will not normally be recoverable unless expressly approved in advance by the Solicitor to the Inquiry who in giving such approval shall have regard, to the extent applicable, to the conditions and qualifications set out within this protocol that would apply if the award had already been made and subject to the maximum hourly rates set out above;
22. It will be open to the Chair any time after making an award to impose further conditions on the award. In particular, she may determine that a lower cap should be imposed in relation to legal expenses that may be claimed. This could amount to an overall financial limit and/or a limit on the number of hours to be spent on Inquiry work. The Solicitor to the Inquiry will review all awards with the Chair on a 12-month basis and may do more regularly if required.

Billing Procedures

23. An Applicant who has been granted an award by the Chair should submit bills relating to their legal expenses at monthly intervals to the Solicitor to the Inquiry at the email address or postal address stated below. Bills must be received no later than 14 days following the end of the month to which they relate. Should additional time be needed, an application for an extension must be sought in advance of this two-week grace period expiring. Where bills are submitted late, without prior approval, the Inquiry reserves the right to impose an appropriate percentage reduction on any amount paid, or decline payment in accordance with paragraph 35 below.
24. Bills must be submitted on the template supplied by the Inquiry with the Award Letter, and should contain the following information:
- a. a breakdown of the number of hours worked by each person on each day, specifying details of the work undertaken and the time spent on it;

- b. the hourly rates charged for each person;
 - c. a list of all disbursements claimed; and
 - d. where work has been undertaken by Counsel, details of Counsel's fees (supported by detailed fee notes).
25. The relevant part of the United Kingdom for the purposes of the assessment of an award shall be England and Wales.
26. The Solicitor to the Inquiry (or such member of the legal team as they may delegate this task to) will assess the amount of the award. In assessing the amount that is to be awarded in respect of each bill submitted, the Solicitor to the Inquiry will have regard to all the circumstances, including in particular whether the expenses:
- a. were proportionately and reasonably incurred;
 - b. are proportionate and of a reasonable amount; and
 - c. claimed in accordance with the procedures set out in this Protocol.
27. Any work undertaken by an Applicant's RLR which relates to matters outside the Inquiry's Terms of Reference and/or the issues which the Inquiry identifies for investigation, or which otherwise does not comply with the terms of the award, will be disallowed.
28. Where the Solicitor to the Inquiry determines that the full amount of an Applicant's legal expenses should be paid, that assessment is also the final assessment.
29. If an Applicant or their RLR disagrees with the Solicitor to the Inquiry's initial assessment of a bill relating to their legal expenses, they must notify the Solicitor to the Inquiry of this as soon as reasonably practicable and, in any

event, within 21 days of the initial assessment being sent. The procedure set out in Rule 29 of the Inquiry Rules will then be followed.

30. Where there remains a disagreement following completion of the procedure set out in the Inquiry Rules the Chair must either:

- a. engage the assistance of a Costs Judge of the Senior Courts of England and Wales by referring the assessment together with all relevant evidence and documentation to that Costs Judge; or
- b. require the Solicitor to the Inquiry to issue a final assessment of the disputed Bill of Costs.

31. Where:

- a. the Chair decides that an award is not to be reviewed; or
- b. the Solicitor to the Inquiry and the Applicant agree on the amount of the assessment at any time after the Chair's referral of the application to the Costs Judge and before the date of the review hearing, the Chair will make an award and arrange for payment of the final assessment.

32. Where the Costs Judge has reviewed the amount of the award, the Chair will make an award and arrange for payment of the Costs Judge's assessment.

33. All payments will be made either by Bankers' Automated Clearing System (BACS) or payable order at the Inquiry's discretion. To enable payment to be made, bank account details must be provided.

34. All applications, correspondence or queries about awards should be sent to the Inquiry by email at solicitor@grooming-gangs.independent-inquiry.uk

35. Failure to adhere to, and comply with, any of the matters or procedures set out in this Protocol could result in payment being delayed, appropriately reduced or refused.
36. The Chair and Solicitor to the Inquiry have discretion to vary the application of the terms of this Protocol on a case-by-case basis where it is considered necessary for the proper conduct of the Inquiry, subject to the requirements of the Minister's Section 40 Determination.

Review

37. This Protocol takes effect on the date set out below and applies unless and until updated or replaced. This Protocol may be revised during the course of the Inquiry. Any amended version will be published on the Inquiry's website following approval by the Chair.

24 June 2026