Redress New Zealand

Operational Guidance: Applying the Legal Fees Framework

This guidance assists redress agency staff to administer and approve legal fees under the Legal Fees Framework for abuse in care claims.

Date: 4 November 2026

About

This guidance is to assist redress agencies when using the Legal Fees Framework (the Framework). It aims to promote consistency across redress agencies so survivors are treated fairly no matter what redress agency they are working with. It should be read in conjunction with the Framework

Approving invoices

When a redress agency receives an invoice, the following steps should be taken.

Step 1: Check to make sure the invoice is subject to the Framework and contains sufficient information

Before approving an invoice for payment, staff should confirm:

- the work falls within the Framework activities (i.e. is work relating to the progression of an abuse in care claim that is going through an agency's claims process);
- contains sufficient information to enable approval decisions to be made including:
    - the survivor's name;
    - the activity or Framework step claimed;
    - hours spent on each Framework step;
    - the hourly rate invoiced for; and

- disbursements claimed (if applicable).

Staff may request further information from the lawyer where an invoice is missing particular information.

Step 2: Compare hours against Framework limits

Staff should compare the claimed time against the relevant Framework activity.

Where claimed time falls within the prescribed range and appears reasonable, payment should be approved.

Where claimed hours exceed the prescribed maximum, staff must determine whether:

- prior approval for additional hours was granted and the claimed hours fall within the prior approval; or
- exceptional circumstances justify retrospective consideration. (Note – if the lawyer has invoiced for more than the maximum number of hours and has not provided a reason for not seeking pre-approval, staff should make enquiries with the lawyer).

Considering requests for additional hours

Evidence requirements

In support of requests for additional hours, lawyers should explain:

- why additional time is required;
- which activity is affected; and
- the additional hours sought.

Staff may request further information where required.

Assessment approach

When considering a request for additional funding, agencies should consider whether the request is reasonable in light of the information provided and the work reasonably required to progress the claim.

Agencies may:

- approve the full number of additional hours requested;

- approve a lesser number of hours where some, but not all, of the requested work is considered reasonable and necessary;
- seek further information before making a decision; or
- decline the request.

In determining the appropriate number of additional hours, factors such as the below may be relevant to consider:

- the nature and complexity of the claim;
- whether the circumstances put forward are exceptional when compared with similar claims;
- the extent of the survivor's communication, disability or health needs;
- the volume and relevance of information requiring review;
- the nature of the agency's assessment process and whether the proposed work aligns with what is needed under that process;[1]
- whether the proposed work is proportionate to the issues in dispute;
- whether the proposed number of hours is proportionate to the hours already approved under the framework[2];
- whether there is any duplication of work already undertaken or funded; and
- whether the requested work is likely to materially assist progression of the claim.

Consistency, transparency, and fairness should guide decision-making.

[1] For example, it may not be reasonable to approve further hours for a lawyer preparing a long detailed summary of the survivor's care experience and the information from the records that supports that when most allegations in the claim are able to be accepted at face value for the purposes of making a settlement offer.

[2] For example, if a lawyer requests an additional 20 hours for Step 2A preparation of claim, this is unlikely to be proportionate to the hours already approved under the framework given that the maximum hours for a standard claim under the framework is 10 hours. The circumstances would need to be extraordinary before a redress agency would likely approve this many additional hours.

Examples of circumstances supporting additional hours

The following examples may justify additional hours being approved. The additional hours noted in the examples are just possible estimations and can vary depending on the survivor and claim circumstances.

A. Survivor communication, disability or health needs

Example: A lawyer requires multiple shorter meetings to obtain instructions because the survivor experiences significant trauma-related distress and fatigue. A further two hours at Step 1 where the survivor is sharing their care experience is approved.

B. Cross-agency claims

Example: A claim concerns education and youth justice settings administered by different agencies. A further three hours at step 2A is approved to allow for additional time in reading different agency care files, considering the different assessment approaches and what is needed for each agency and preparing the claim to take into account these different processes.

C. Significant records

Example: A survivor was in care for 15 years from 1990 – 2005 and has significant care records and abuse allegations that relate to a number of different residential and foster placements. There are multiple abuse allegations that would be classified as significantly severe under the Common Payment Framework and which require information to be considered before these allegations can be taken into account for the purpose of making a settlement offer. An additional three hours is approved for step 2A for the lawyer to review the extra records.

D. Discretionary payment requests

Example: A survivor suffered significantly severe abuse for more than 10 years and there is supporting information in the care records. The lawyer requests additional time to put forward a case for a high discretionary payment under the Common Payment Framework. A further one hour at step 2A is approved to allow for the additional submissions needed.

E. Non-standard circumstances

Example: A survivor dies part-way through the claims process after they have provided information about their claim. The lawyer requests additional time to engage with the survivor’s estate around settlement, including briefing them on the claim outcome and

working through logistics of settlement. An additional one hour is approved for step 3 to enable this communication.

Circumstances That Will Not Normally Justify Additional Hours

The following are not ordinarily sufficient reasons for the granting of additional hours:

- the lawyer is a newly qualified lawyer meaning tasks take longer to complete;
- duplication of work is needed e.g. a junior lawyer preparing the claim documentation and the senior lawyer reviewing and revising the work;
- time spent on matters outside claims processes such as providing advice to a survivor about an unrelated matter or preparing court proceedings.

Documenting decisions

When approving or declining additional funding, staff should record at minimum[3]:

- the request received;
- the reasons provided;
- any supporting information considered;
- the number of hours approved;
- reasons for the decision.

Decision records should be retained on the claim file.

Once a decision has been made, the decision should be articulated to the lawyer in writing. Where their proposed additional hours have not been approved (or not granted at the level requested), reasons should be provided.

Sharing relevant information with agencies

Agencies may wish to share trends or anonymised examples of decisions made (or are being considered) with other redress agencies to assist with cross-agency consistency of the Framework and this guidance.

[3] This is also subject to what is required by agencies, and how information is managed/stored.

Considering requests for travel expenses

When a lawyer is seeking travel costs beyond the pre-approved costs outlined in the Framework, these can generally be approved by the agency as long as the request appears reasonable.

For example, it may be reasonable to approve travel costs (such as flights and taxis) between two main cities as a day trip if a lawyer wishes to meet in-person with their client for their first meeting. Though an agency may not consider it reasonable to pay for overnight expenses if there are later flights that would return the lawyer home that same day.