

Civil Contracts Consultative Group (CCCG) Minutes

18 May 2022

Date:	Wednesday, 18 May 2022, 3pm
Where	Microsoft Teams
Chair	David Phillips - Service Dev and Commissioning [LAA]
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Anastasi Kostaki – BC Aneela Malik – Customer Services [LAA] Anthony Evans – Case Management [LAA] Avrom Sherr – Peer Review Bob Baker - ACL Chris Minnoch - LAPG Chilli Reid – Advice UK - until 4pm Chris Walton – Shelter David McLaughlin – MHLA Deborah McLaughlin - Civil Legal Means [LAA] Eleanor Druker – Service Development [LAA] Ellie Cronin – The Law Society Helen Keith – Exceptional Complex Cases [LAA] Jenna Steens - Exceptional Complex Cases [LAA] Jill Waring – Contract Mgmt./Assurance [LAA] Joshua Moore - Civil Applications [LAA] Karl Ford - Contract Mgmt./Assurance - CMA [LAA] Karen Firth – Area Contract Manager [LAA] Kathryn Grainger – Cust Serv/Case Mgmt. [LAA] Louise Cowell - High Cost Family Operations [LAA] Nimrod Ben-Cnaan Law Centres Network Richard Miller – Head of Justice [TLS] - until 4:15 Sally Cheshire - Housing Law Practitioner Assoc. [HLPAA] Simon Cliff - The Law Society Tim Collieu – Commissioning [LAA] Tom Fitzgerald – Operations Lead [LAA] Vicky Ling – Resolution Zoe Bantleman – Immigration Law Practitioners Association [ILPA]</p>
Apologies	<p>Paul Tyrer – civil operations [LAA] Ian Bickley – External Comms [LAA] Sarah Telford - CAB</p>

Chair welcomed everyone.

1. [Minutes](#) of the March meeting were approved and would be published.

Actions. AP3 [Mar] *Representative Bodies [RB] to send views on areas that should be covered in the review of the Exceptional Case Funding Guides.* H Keith had received one comment from The Law Society.

Actions 4-5-6 [Mar] *Form a Working Group to develop a training session for providers on audit activities.* Two CCCG members had so far volunteered to join the LAA's Working Group. J Waring hoped that more RBs would come forward to join the group. **Action 1 [May]** Arrange the meeting to discuss and agree next steps.

2. **Contract Management and Assurance [CMA] six-monthly report.**

K Ford outlined the main points in the CMA report that had been shared in advance and asked for feedback. V Ling asked:

1) for the number of CM visits to be split between face-to-face and remote/digital and J Waring agreed that this was a good idea. She pointed out that providers may feel differently about on-site v digital meetings with CMs than they did a few months/a year ago and that they should express their preference.

2) why some providers had been asked to produce their staff employment contracts. J Waring explained that there had not been a change of approach but there may be situations where CMs needed to ask for certain information; if providers were unsure, they could ask their CM for an explanation and could push back as well where it felt like it wasn't appropriate.

3) for the LAA to revert back to Resolution's suggestion of the 2-meetings definition of the Level 2 Fee. E Druker said that the definition had changed away from 2 meetings due to feedback from RBs and they had different views on the best definition. She would include this question in future review of contracts.

3. **Civil Operations Update**

T. Fitzgerald talked about the main points in the Civil Applications slides. A link to a survey had been added to slide 3, asking for comments from RBs and their members about the Civil Operations slides pack **Action 2 [May]**.

L Cowell talked about the Complaints and High-Cost Family and A Evans talked about billing. The number of billing appeal rejects had been high and the main reason for this was that the appeal value was claimed incorrectly; additional information had been added to the assessment letters to make it very clear how the appeal process worked; also, on slide 47 a link to a video had been included which showed what to do. A Evans asked RBs to flag this to their members. **Action 3 [May]**

4. LAA Commissioning update.

T Collieu talked about the latest data in the commissioning report on office numbers which had been stable. At the January meeting he had been asked to provide a comparison of data on inactive/low-volume offices for the period prior to lockdown in March 2020 against the current figures. He presented the data to the group [this was based on legal help and certificated applications only]. The report included offices that had been active pre lockdown and were still active now. Any provider that was no longer active was not included within the data. The figures showed that performance had been consistent over the three financial years with the exception of Housing/Debt and Immigration which appeared to be slow to bounce back. T Collieu agreed to share the report with RBs but asked for it not to be shared more widely. **Action 4 [May]**

The LAA were aware that the reduced workload of the past months would have had an impact on the current workforce delivering legal aid and that some supervisors could potentially fail to qualify as supervisors in the next tender because of insufficient volume or variety of new cases in the period. T Collieu said that with the current crime contract an alternative supervision route with reduced requirements to qualify was available. Full compliance was required later in the process. N Ben Cnaan was concerned about this issue in the Discrimination and Welfare Benefits [WB] categories where individuals qualified to be supervisors may become very few. E Druker said that WB was a more challenging problem because it had been out of scope for a long time but hoped that the Early Legal Advice Pilot (ELAP) would look at this. The report was based on a firm being active when it opened between 1 and 10 cases a year however C Minnoch felt that 1 to 30 was a more realistic measure of what an active provider was and asked how the LAA planned to use this information. T Collieu agreed to increase the minimum number of cases that qualified a firm as active and add some value in term of the intelligence and how it could be put to good use. **Action 5 [May]**

5. LAA Exceptional and Complex Cases Team [ECCT] Update

H Keith spoke about the ECCT data in the Operations slide pack; KPIs and shadow measures remained the same for this financial year. The team had worked on a timeframe for emergency applications but were unable to set a measure at this time until it carried out some further work on requests for information. 25% of emergency applications had more than one request for information so the team planned to write guidance to address the issue and speed up processing times. A comprehensive review of all ECCT processes was underway to improve the overall performance.

6. Public Law Project [PLP] Research on Trapped Capital

E Cronin talked about the Public Law Project research in the Judicial review of the 'GR case and trapped capital' and how the means test in relation to trapped capital was working now. The High Court ruled that the LAA could use discretion in determining whether funding could be granted to cases where the capital was trapped and inaccessible. The research found issues in relation to how discretion was used and said that practitioners could be discouraged from taking on such cases particularly at the legal help level because they didn't know how the LAA would exercise discretion in deciding whether the capital was trapped or not. The research offered recommendations such as training for LAA caseworkers, guidance for practitioners and communications to the public.

D McLaughlin said that when the capital changes had been introduced in January 2021 these cases had been referred to very senior caseworkers and only one case to date had been refused. The PLP report had prompted the LAA to review the current approach and think about ways for improvement, such as telling practitioners how they should highlight trapped capital cases, collating more data, regular reminders to caseworkers. The legal aid minister had been asked to comment on the research and the LAA were writing a formal response; following this D McLaughlin would update CCCG **Action 6 [May]**

7. Technical Problems Submitting Bills

A Evans said that most issues had been resolved but not all; RBs should ask their members to email the online support team online-support@justice.gov.uk when issues were identified with the reference number to get a prompt intervention from LAA staff and access to billing contingency where appropriate. RBs could escalate to A Evans directly to look into an issue with a bill submission. He and Charlotte Flanders from ACL had had a very productive meeting after the March CCCG and had agreed to meet regularly.

8. Family Advocacy Scheme [FAS] form

E Druker explained that the LAA planned to move away from FAS forms and she was in discussions with HMCTS about it. As long as providers could give the LAA a final order which provided all the necessary details to authorise payment they would be accepted. It was the advocate's responsibility to ensure the court order contained all the necessary information. Formal advice/comms would follow as soon as possible.

9. Update on the Housing Loss Prevention Advice Scheme [HLPAS] consultation

E Druker said that the government response to the consultation would be published soon; contract extension notices would be going out shortly. **Post meeting note** – the contract extension notices have been sent and the contracts are extended until 29th April 2023.

10. Provision of Immigration Services in the South West.

E Druker said that provision of Immigration services in the South West had been challenging for a long time and the LAA had worked hard to increase capacity however the situation had become more critical so all providers had been invited to express an interest in providing a remote service. A number of providers had come forward and the LAA were considering next steps.

- A survey of immigration providers had highlighted reasons why there were some capacity issues.
- MoJ would shortly be consulting on immigration fees as a result of the Nationality and Borders Act.
- There were issues around delays by the Home Office dealing with cases.
- Proposals to allow quicker billing were progressing.
- There was now more flexibility in the way that services were delivered, with greater remote working.

- During the pandemic all services had been delivered remotely from detention centres and valuable intelligence had been obtained on the effectiveness of digital services v face to face.

E Druker and Z Bantleman agreed to have a detailed discussion out of committee. **Action 7 [May]**

11. Strategic Risks

At the previous meeting D Phillips had outlined his proposal to steer CCCG towards a more strategic purpose, looking into future opportunities and challenges and how CCCG might better deal with them. No suggestion for topics had been put forward. He suggested that a review of the CCCG took place at the start of the next meeting to check it met the needs of attendees and to test the fit with other groups such as PET. CCCG Terms of reference and those of PET to be circulated ahead of the next meeting to inform the discussion. **Action 8 [May]**

12. AOB none

Actions from this meeting		Owner	Deadline
AP1 [May]	Arrange a meeting to develop a training session for providers on audit activities	J Waring	Closed
AP2 [May]	Complete the survey on Operational Pack	RBs	Closed
AP 3 [May]	Flag the training video to providers on the billing appeal process	RBs	Closed
AP4 [May]	Share the report on performance pre and post pandemic with RBs	T Collieu	20 July
AP 5 [May]	Produce a report on active providers pre and post pandemic with adjusted criteria for active providers and explain how the data will inform decisions.	T Collieu	20 July
AP 6 [May]	Update CCCG on the response to the PLP research on trapped capital	D McLaughlin	20 July
AP 7 [May]	Arrange a meeting with Zoe Bantleman to discuss Immigration matters	E Druker	Closed
AP 8 [May]	Review of CCCG Terms of Reference to take place at the next meeting.	D. Phillips	20 July