

Civil Contracts Consultative Group (CCCG) Minutes

23 November 2017

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| Date: | Wednesday, 22 November 2017 | |
| Where | The Law Society, Chancery Lane, London | |
| Chair | Richard Miller – Head of Justice, The Law Society | |
| Minutes | Grazia Trivedi - [LAA] | |
| Present | Carita Thomas – ILPA Carol Storer - LAPG Eleanor Druker - Service Development [LAA] Emily Timcke – Bar Council Hannah Payne Service Development/Commissioning [LAA] Helen Keith – Exceptional and Complex Cases [LAA] Kevonte Mitchell – Behavioural Insights Team [External] Linda Atkinson – Business Improvement [LAA] Luke Crosby – Digital [LAA] Nicola Jones-King ALC | Nimrod Ben-Cnaan Law Centres Network Paul Seddon ACL Richard Field – Legal Aid Statistics [LAA] Robert Barker – ACL Sally Cheshire - HLP Steve Starkey – Civil Operations [LAA] Stuart Hearne – Shelter Tim Collieu – Commissioning [LAA] Vicky Ling – Resolution Zara Topping - Digital [LAA] |
| Apologies | John Sirodcar – Contract management – LAA Avrom Sherr – IALS | Lindsey Pool – ASA Clare Blades - CAB |

1. **Minutes** of the September meeting were approved with the addition of *electronic* before the word *handbook*, in bullet 3.

1.1 Actions from the previous meeting

AP1: to be carried forward as the MoJ policy officials had not yet responded to the consultation on Universal Credit. **Action 1[May]**

AP2: to be carried forward as work was not yet completed on the Cost Assessment Guidance amendments. **Action 2 [Sep]**

AP3 [July] there was no plan to mandate the electronic EC Claim1 in the current format. When the team were satisfied that the electronic form was fully functional and compliant with design standards, they would seek feedback from the profession and look for voluntary take up from users before considering mandating it.

AP4 [Sep] Efforts continued to be made to flag up to providers the importance of maintaining their passwords and therefore security on all LAA applications. Individuals that were identified as having serious issues would receive extra support and would be contacted directly.

AP5 [Sep] initial review of the CCMS training website was complete; a more detailed phase of work was ongoing to set clear requirements for future iterations of the website and to fully understand user needs.

AP6: The updated Exceptional Cases Funding [ECF] provider information pack [inquests] was almost ready. LAA were waiting for feedback from INQUEST/ Lawyers Group. To be circulated when completed. **Action 3 [Sep]**

2. [Data Visualisation Tool](#).

R Field, MoJ's Head of legal aid statistics, explained that his team's objective was to support and improve the evidence base on legal aid in England & Wales by providing trusted, high-quality statistics and supporting their use. Users could find the legal aid statistics on Gov.uk or could Google [legal aid statistics](#). The Bulletins were published quarterly with a bumper pack at the end of Q4, published in June. He then talked the group through a presentation¹ about the new Bulletin and the Visualisation Tool.

Rep bodies asked for referral figures from phone service to face to face services to be included in the quarterly publication. There were also questions about:

- Whether the section on provider statistics included a split between Not for Profit providers and other providers; RF confirmed that it did.
- Whether there were still plans to include figures on the LAA's internal referral process for high-profile civil cases in the quarterly published statistics. RF confirmed he had been working with LAA case management colleagues on this issue but that more work was needed on the recording of this data before it could be included in published statistics.

In response to a question about editorial policy for the legal aid statistical bulletins, R Field explained that he reported to MoJ's Chief Statistician, that the choice of what statistics should be published



was made independently of the LAA and the MoJ, and that it was based on what the statistics team believed to be relevant and of interest to the users.

The team had been feeding data to the LASPO review and all the stats relating to this would be published within that forum. Data relating to detailed types of civil claims and bills (i.e. matter types and proceeding codes) was collated and the team planned to include more detailed breakdowns in the published stats once they had worked out the best way to do so. P Seddon to send R Field a breakdown of the types of bills/claims he'd be interested to see published. **Action 4 [Nov]**

3. Behavioural Insights [BI]

K Mitchell and his team, the Behavioural Insights Team, had been engaged by the LAA to initially look at the customer service team's work, the calls they received, the type of query they got and then to help to understand how the LAA could improve the way they engaged and communicated with clients and how they could provide information up-front to spare clients having to ask for it.

K Mitchell talked the group through a presentation². Rep bodies were asked to find volunteers willing to sit in an interview with K Mitchell and his team to discuss their experiences of the training website and telephone customer service. The interviews would commence in January, last about an hour and could be done in person or over the phone. Z Topping to circulate a standard message to invite providers with a deadline for responses. **Action 5 [Nov]** C Storer suggested that the LAA invite a selected group of suppliers that were known to be actively seeking to improve the system and had engaged with the LAA before on this issue rather than sending an email to every single firm. L Atkinson agreed to write a report for CCG on the outcome of the interviews which would also be shared with the Agency Transformation Programme. **Action 6 [Nov]**. Rep bodies were keen to have the report published so that the profession could see that their efforts were being recognised and put to good use.

4. LAA Updates

4.1. Commissioning.

The tender for face to face and Community Legal Advice [CLA] contracts closed on 10th November and the bids were being prepared for assessment. Extension letters would be going out for the remaining civil contracts with 31 August 2018 as the end date. Holders of the 2010 and 2013 Standard Civil Contracts would be required to accept the offer to vary the terms of their contract. If acceptance of the extension was not received by 6th December it would be assumed that the provider wanted the contract to end on 31 March 2018. Contract managers would contact providers to ensure they had received the letter and were aware of the deadline. Notice of termination of the 2015 standard civil contract would also be issued with 31 August 2018 as the new end date.

In order to support the Housing Possession Court Duty Solicitors [HPCDS] tender all providers that bid for a housing, debt and welfare benefits contract would be notified of the outcome of their bid in January, while the others would receive theirs in March.

LAA would be able to share stats on the tender after the round of first decisions was completed, sometime in the new year.



Microsoft PowerPoint
97-2003 Presentation

HM Courts and Tribunal Service [HMCTS] had announced that Lambeth County Court [in Southwark] would be closing on 22nd December 2017 and that from 8th January work would be heard at Clerkenwell and Shoreditch courts in Islington. Rep bodies were concerned that individuals attending court would have to travel further and providers in Southwark might lose clients. They were also unhappy about the way in which HMCTS had handled the matter. Furthermore, they reported that there had been some confusion as some clients had received hearing dates for Lambeth which would now fall after the closure date. **Post meeting note** on 23rd November a second letter was sent to clients that fall into this position informing them where they will now have to go for their hearing.

There was an ongoing EOI for housing and debt in Buckinghamshire; two EOIs for HPCDS in Milton Keynes and Blackpool Preston. These all closed on 30th Nov.

There had been rumours that HMCTS may be piloting extended court hours in Manchester and Brentford and, if they were to do this, providers would need additional payments. E Druker said that HMCTS had not made any decisions and that they, together with the LAA, were in the process of identifying all of the legal aid impacts which would help inform their decision. If any of the CCCG members had concerns they wanted E Druker to feed into the paper, they should send them to her by Friday, 1 Dec. **Action 7 [Nov]**

4.2. Client and Cost Management System [CCMS]

- The merits section of the amendments interview had been released to be followed by another in relation to the means side and the calendar function had been improved
- The navigation tool had been improved
- Questioning had been revised to alter the number of questions appearing per page
- Calendar functionality had been added to assist with correct entry of dates.
- Feedback was being collated on the billing side to capture user stories
- A catch up with rep bodies on technology and applications was planned for 24th January to coincide with the next CCCG meeting.
- An internal meeting was to take place in December to look at all feedback from users, including that from LAPG, and plan for the next steps.
- Z Topping to share the notes on the meeting held on 3rd October with LAPG and the Bar Council to discuss feedback on applications **Action 8 [Nov]**.
- A meeting was planned to discuss billing

Workarounds. A paper had been submitted by rep bodies on workarounds³ for the purpose of asking the LAA to confirm whether they were acceptable to them. The LAA needed to publish some readily available guidance on the workarounds they agreed on. Rep bodies to send any further feedback on workarounds within a week **Action 9 [Nov]** and Z Topping to collate all the information, check workarounds with governance and case management and provide a response. **Action 10 [Nov]**



4.3. Operations update. The operations report showed a very strong performance in both applications and claims processing.

4.4. Exceptional and Complex Cases [ECC]

In Exceptional Case Funding [ECF] the volume of cases had increased, especially in immigration, and the upward trend seen in the latest quarterly statistics was continuing. Across ECC, case planning was the area with the oldest cases; the Provider Efficiency Team [PET] had been focusing on the end-to-end process for family cases and completing a review in this area; C Storer said that there were some outstanding issues in family, such as 2 counsel advocates events and cases that sat outside the events model. H Keith to confirm the remit of the current PET activity. **Action11 [Nov]**

Post meeting note. The current PET activity is looking not only at single counsel cases but also detailed non-events model family case planning. Lessons learned from this will be relevant to two counsel events model cases and non-events model family case plans handled both by ECC and the Very High Cost Cases team in South Tyneside.

ECC is proposing to look next at immigration case planning (with possibly Mental Health [Court of Protection cases] thereafter) and PET is likely to be the governance structure. Following discussion on this, it was considered that the membership of the group or a mechanism for involvement of relevant providers as appropriate, should be reviewed **Action 12 [Nov]**

The two main issues with High Court Cases were risk, meaning that the provider carried out a lot of work without authority and delay.

Delay in the Exceptional Case Funding [ECF] process and lack of an effective urgency procedure C Thomas had raised the issue in an email to the LAA for discussion at CCCG. H Keith said that cases were screened at the outset and a process followed to identify urgent cases. Due to the higher volume of intake it took longer to get through them and cases that weren't urgent when received could subsequently become urgent and may not be picked up. It was difficult to pick up urgent cases from CCMS and even with applications not submitted on CCMS it was difficult to pick up elements of urgency. In some instances, reference was made to documents attached to the application and case workers had to read them to find out what the urgency was and the date of the hearing. There was a need to clarify what urgent meant in the providers' pack. It was suggested that the LAA collaborate with ILPA members to work on the issue of urgent cases and to update the providers pack. H Keith to update the group at the January meeting on what the LAA proposed to do **Action 13 [Nov]**

C Thomas asked the LAA to clarify the position about non-fundable trafficking cases. El Druker to look into available options to communicate this to providers **Action 14 [Nov]**.

5. AOB

- Rep bodies requested that MoJ's lead for LASPO PIR, Rob Linham, come to the next CCCG **Action 15 [Nov]**
- C Storer asked the LAA for clarification on the recoupment of money from providers. A complaint had been made by a provider that had been given 7 days to pay back an overpayment which didn't seem reasonable. H Payne to update the group at the next meeting or by email before that on the issue of recoupment of money from providers and the position on notifying providers that they were getting into a debt position. **Action 16 [Nov]**

| Actions from this meeting | | Owner | deadline |
|---------------------------|---|--------------------|----------|
| AP1 [May] | Update on Universal Credit. | Wensley-Payne | 24 Jan |
| AP2 [Sep] | Update on Cost Assessment Guidance amendments. | S Starkey/P Seddon | 24 Jan |
| AP3 [Sep] | Circulate the amended Provider Information Pack [Inquests] when complete. | H Keith/M Bryant | 15 Dec |
| AP4 [Nov] | Send R Field a breakdown of claims/bills types that would be useful to see published. | P Seddon | 15 Jan |
| AP5 [Nov] | Send a standard message to providers that they could use to seek volunteers for the behavioural insight interviews. | Z Topping | Closed |
| AP6 [Nov] | Share a report on the outcome of the Behavioural Insight interviews. | L Atkinson | 21 March |
| AP7 [Nov] | Send any concerns about extended court hours to E Druker. | Rep bodies | Closed |
| AP8 [Nov] | share the notes from the meeting held on 3 rd October to discuss feedback on applications. | Z Topping | 15 Dec |
| AP9 [Nov] | Send any additional feedback on workarounds to Z Topping. | Rep bodies | 15 Jan |
| AP10 [Nov] | Consider each workaround proposed by rep bodies and provide a response. | Z Topping | 24 Jan |
| AP11 [Nov] | Confirm the remit of the current PET activity. | H Keith | Closed |
| AP12 [Nov] | Review membership of PET now that it was considering non-family cases. | H Keith | 30 Dec |
| AP13 [Nov] | Update the group on how the LAA proposed to resolve the issue of delays in the ECF process. | H Keith | 24 Jan |
| AP14 [Nov] | Look into options to communicate the position on non-fundable trafficking cases to immigration providers. | E Druker | 24 Jan |
| AP 15 [Nov] | Ask Rob Linham to attend the next CCCG. | El Druker | Closed |
| AP 16 [Nov] | Update CCCG on the recoupment for money from providers and the position on notifying providers that they were getting into a debt position. | H Payne | 24 Jan |