



The Law Society



Legal Aid Agency

## Civil Contracts Consultative Group (CCCG) Minutes

v2  
18 July 2018

Date:	Wednesday, 18 July 2018	
Where	Chancery Lane	
Chair	Simon Cliff – The Law Society	
Minutes	Grazia Trivedi - [LAA]	
Present	Avrom Sherr – IALS Bob Baker-ACL Carita Thomas-ILPA Chris Minnoch - LAPG Eleanor Druker – Service Development [LAA] Emily Timcke – Bar Council Jane Robey – Family Mediation Council Jayne Nevitt-Civil Operations [LAA] Jon Cable – Assurance [LAA] Kerry Wood-Commissioning [LAA]	Lynn Evans- Commissioning and Ser. Dev. [LAA] Malcolm Bryant – Exceptional, Complex Cases [LAA] Nicola Jones-King ALC Nimrod Ben-Cnaan Law Centres Network Remmy Ahebwa – LASPO PIR [MoJ] Rob Ryan – LASPO PIR [MoJ] Sally Cheshire-HLPA Vicky Ling– Resolution Zara Topping - Digital [LAA]
Apologies	Richard Miller – Head of Justice, The Law Society	Rowena Foxwell – Contract Management [LAA]

1. **Minutes** of May's meeting were approved and would be [published](#).

**1.1 Actions from the previous meeting.**

Action 1 [May 17] – It was agreed that the action on the Universal Credit update would be removed; the LAA would give an update when a decision was taken by ministers.

Action 7 [May 18] R Ahebwa apologised for not sharing the list of 34 specific changes the review team had been focusing on ahead of the meeting. She'd do this by the end of the week. **Action 1 [May 18]**

2. **LASPO Post Implementation Review [PIR]** R Ahebwa explained that there were many teams involved in undertaking the review: the core PIR team was headed by Matt Shelley and supported by the Legal Aid Policy team headed by Fiona Rutherford. Two other teams worked alongside them looking at a) the future of legal aid support and b) legal aid strategy. The remit of the future of legal aid work was going to be determined by the minister at the end of the review. There were also analysts and lawyers supporting the PIR.

The first round of consultative group panels, looking at the impact of LASPO, had come to an end. The next phase of the consultancy group panels would focus on the users' journey through the justice system, the challenges they faced and what support could be made available to them in addition to legal aid. Engagement with stakeholders on the impact of LASPO and consideration of the future of legal support in the justice system would continue until the end of September and a report on the outcome of the review would be published by the end of the year.

The PIR team were keen to receive quantitative, statistical and anecdotal evidence, as well as research data and evidence highlighting issues around vulnerable individuals; specifically, they wished to get an understanding of providers' views. Rep bodies were invited to get in touch with the team with any queries about what evidence was relevant by writing to [laspreviewmoj@justice.gov.uk](mailto:laspreviewmoj@justice.gov.uk).

3. **Audits updates** A report had been circulated in advance of the meeting on the LAA audit regime including peer review. C Thomas asked what the common issues were in relations to immigration peer reviews. J Cable to provide details **Action 2 [July]**

**Post meeting note – Action 2 [closed]**

Below is a summary of the key issues/concern that have been arising from the Peer Reviews of Immigration and Asylum providers, plus the positive findings from those Immigration and Asylum providers who have been scoring well in their Peer Reviews.

- 1) The common key issues that have featured in Immigration & Asylum peer reviews *Below Competency* reports are providers':
  - inability to take adequate instructions and offer adequate clear written advice to clients;
  - inability to appropriately prepare cases;
  - apparent misunderstanding of Legal Aid contract rules;
  - failure to obtain missing papers and key witness statements to properly prepare files in line with Legal Aid protocol; and
  - inaccurate completion of legal aid application forms with key statements and information missing when submitted.

- 2) The common key points that feature in Immigration & Asylum peer review *Competency Plus* reports are providers:
- demonstrating expertise in record keeping of files, file preparation and case progression, highlighting throughout close attention to the handling of witness statements, client care and advice letters.
  - alleviating the barriers of communication, ensuring client care is the focal point of representation.
  - strategic approach in handling complex matters, playing close attention to fact finding and acting with a sense of urgency to instruct experts in situations where one would be required.

A Sherr said that some of the issues were the lack of accurate information, insufficient understanding of relevant country background, not having a full report of the meetings during the handling of cases so that the arising issues could be dealt with. N Ben Cnaan asked if it was possible to know how many audits a provider had had in a year to ascertain the impact in terms of pressure and time. J Cable didn't have this detail but said that audit schedules were well coordinated and did not put too much onus on individual firms.

#### 4. LAA Updates

- 4.1 **CCMS.** The functionality relating to the upload of documents had been improved again since May and new guidance would be published at the beginning of August.

Action 4 [Jan 18]. Rep bodies had asked for an updated version of the Workaround document. Z Topping said that the latest version had been published on 25 May; Z Topping to send the document to G Trivedi by the end of the week. **Action 3 [July]** together with the link to the revised quick guides **Action 4 [July]**.

Action 8 [May 18] Communication to providers clarifying the position on uploading documents when submitting applications had gone out; N Jones-King said that the issue relating to the upload of VHCC case plans had not been resolved yet. Z Topping would speak to A Leal to get the details and update CCCG at the next meeting. **Action 5 [Jul 18]**

The CCMS team planned to interact more with stakeholders via quarterly digital meetings to keep them informed about what work they were doing, sharing prototypes, insights and user research, getting feedback and views. Rep bodies were supportive of this.

B Baker asked what progress had been made with regards the Cost Assessment Guidance update. The survey of ACL members had concluded at the end of June and the LAA now had the information they needed to update the document. This would be included as an agenda item for September, with an update from S Starkey or J Nevitt. **Action 6 [Jul]**

- 4.2 **Operations** A new format of report had been used; J Nevitt talked the group through the main points.
- 4.3 **Commissioning.** K Wood gave the latest statistics on the civil tender, although the figures would be out of date within a very short time as verification activity continued. Of all the providers that had bid for a contract [1746] 83% had engaged with the validation process and 44% had passed verification. The largest increase of bids was in Public Law [146% increase]. There had been a 39% increase in bids for immigration and a substantial increase in providers bidding to undertake Immigration Removal Centres work [IRC]. The first rota would go out to providers that had passed verification as part of the general schedule and would only cover 3 months during which time the rest of providers would go through the verification process.

Overall there had been a 26% increase in bids:

- Claims Against Public Authorities +119%
- Clinical Negligence +14%
- Community Care +48%
- Family +17%
- Family Mediation +16%
- Housing +6%
- Immigration [including IRC] +39%
- Mental Health +35%
- Public Law +146%

Contingency measures. The LAA would deal with the eventuality that an insufficient number of providers passed verification in each area in the same way that it had done with the first tender when not enough providers had bid for a housing contract in 8 areas. K Wood also explained that the verification time of the first tender could not be extended because that would be unfair to the bidders that were within that tender; the tender had to be reopened. The third tender was opened because a) certain areas had a low level of coverage due to bidders making mistakes or forgetting to bid b) some firms had bid for Public Law contracts thinking that they were Public Law family contracts.

Supervisors. V Ling explained that Housing and Public Law used to be supervised by the same person but now a FTE was required for housing and a PTE for public law. Under the 2013 contract a FTE person was acceptable as both as soon as they met the supervisor's standard but following the current tender's FAQ this was no longer the case and an additional PTE was required. Anecdotal evidence suggested that although providers were advertising for supervisors' posts they were not getting any. K Wood said that as verification was ongoing, it was too early to say but that this would be kept under consideration.

- At the point of the main tender there was a significant increase in the number of bids by both category and organisation. The LAA gave the % increases by category to illustrate the point (150% in public law) and as this was not likely to be an expansionist market, it was always likely that some organisations would not be able to recruit a supervisor.
- There had been an increase of 280 organisations bidding to undertake work; over 80% of organisations had engaged with the verification process and many had left it late in the process (20% of these in the last week). At the present time 45% of all bids had passed all verification stages.
- The LAA were halfway through the verification process; the view was that, so far, the trend looked broadly similar (at this point in time) to previous tenders.
- The LAA were aware of concerns about a lack of supervisors but without firm evidence on this no action could be taken at this stage, because it could be that it was the usual trend of people losing supervisors as the market reshaped itself or that the problem was in one of the categories that saw a significant expansion (i.e. public law) and wouldn't cause any issues in access to services.

**4.4 Exceptional and Complex Cases [ECC]** M Bryant said that two clauses had been amended in the Lord Chancellor's guidance on inquests: 1) to require the LAA to only assess the main applicant means and 2) to state the assumption that legal aid would be granted for violent deaths in custody inquests. The LAA would now update the provider pack in relation to inquests and non-inquests. The team continued to focus on improving performance. M Bryant was in discussion with R Miller about the high-profile cases stats he was interested to see.

**4.5 LAA Statistics** the number of refusals to those applying for representation via the ‘DV gateway’ had increased proportionally with the increased volume of applications.

**4.6 Experts invoices** V Ling said that members were getting bills rejected because of missing information on experts. They asked that a list of all the required information be made available to them so that they could get it from the expert upfront. This would reduce the number of rejects. E Druker to discuss any change of approach with case management, **Action 7 [July]**

**5. AOB**

- C Minnoch asked for an update on bringing all civil taxed bills in house **Action 8 [July]**
- The Bar Council was going to launch a twitter campaign on LASPO - #LaspoStories, and everyone was invited to get involved.
- E Druker said that she had taken forward all the feedback from rep bodies on interpreters’ invoices and an approach had been agreed with MoJ. She would share the outcome shortly. **Action 9 [July]**

		Owner	deadline
AP1 [May 18]	Circulate the list of 34 specific changes made in LASPO that the review team had been focusing on	R Ahebwa	Closed
AP2 [July 18]	Provide details of the common issues found in immigration peer reviews	J Cable	Closed
AP3 [July 18]	Circulate the updated version of the Workaround document	Z Topping	Closed
AP4 [July 18]	Circulate the link to the revised quick guides	Z Topping	Closed
AP5 [July 18]	Update the group at the Sep meeting on the issue relating to the upload of VHCC case plans	Z Topping	19 Sept
AP6 [July 18]	Ask S Starkey to update CCCG on the Cost Assessment Guidance [CAG] update.  <b>Post meeting update.</b> The results of the ACL survey are still being analysed and it’s hoped that a number of changes can be made to CAG in time for the next release. Contact has already been made with ACL to discuss their findings but further work is likely to be necessary in areas where the difference in times provided is significantly different to the values we observed	S Starkey/ J Nevitt	Ongoing
AP7 [July 18]	E Druker to discuss any change of approach on experts billing with case management and update CCCG at the next meeting.	E Druker	19 Sep
AP8 [July 18]	Update on bringing all civil taxed bills in house  <b>Post meeting note:</b> The position remains the same as the last update we gave to CCCG. The LAA has an agreement in principle to transfer civil taxed bills work, but we are awaiting the next spending review to make a submission for the staff required to do this.	Wensley- Evans	Closed
AP9 [July 18]	Update on interpreters’ invoices	E Druker	30 Aug

