



The Law Society



Legal Aid  
Agency

## Crime Contract Consultative Group (CCCG) meeting

### Minutes

8 January 2019

V1.0

|                                |   |   |  |
|--------------------------------|---|---|--|
| <b>When:</b>                   | Tuesday 8 January 2019 15:00 – 17:00  |   |  |
| <b>Where:</b>                  | 102 Petty France  |   |  |
| <b>Chair</b><br><b>Minutes</b> | John Sirodcar - LAA<br>Gillian Hothersall - LAA   |   |  |
| <b>Attendees</b>               | Alice Mutasa – TLS<br>Andrew Cosma – MMS<br>Avrom Sherr – IALS<br>Daniel Bonich – CLSA  | Elliot Miller – LAA<br>Ian Kelcey - CLC<br>John Foster – MoJ<br>Matt Doddridge – LAA                            | Nick Ford – LAA<br>Rakesh Bhasin-LCCSA<br>Richard Atkinson – TLS<br>Roger Ralph – CILEx                    |
| <b>Apologies</b>               | Adrian Vincent – BC<br>Caroline Goodwin – CBA<br>Chris Henley – CBA<br>David Thomas – LAA<br>Elaine Annable – LAA<br>Fiona Rutherford – MoJ | Greg Powell – LCCSA<br>Glyn Hardy – LAA<br>Helen Johnson – LAPG<br>Henry Hills – SAHCA<br>James MacMillan – MoJ | Melissa Thompson – LAA<br>Neil Lewis - LAA<br>Nick Poulter – LAA<br>Rowena Foxwell - LAA<br>Tom Payne – BC |

Actions from the last meeting

|           |   |   |       |
|-----------|---|---|-------|
| AP1 [Nov] | A Cosma and R Ralph to continue to send specifics of any further issues to N Poulter and M Thompson who will respond.   | A Cosma<br>R Ralph<br>N Poulter<br>M Thompson | 8 Jan |
| AP2 [Nov] | N Lewis to investigate whether numbers who refuse because of contribution could be obtained, and to pick up the issue of unrepresented defendants with the Better Case Management group | N Lewis                                       | 8 Jan |
| AP3 [Nov] | N Poulter and M Thompson to drill down further into appeals data and bring the results to the next meeting.   | N Poulter<br>M Thompson                       | 8 Jan |
| AP4 [Nov] | R Bhasin to send details of station displaying out of date poster to N Lewis who will discuss with the stations concerned   | R Bhasin<br>N Lewis                           | 8 Jan |
| AP5 [Nov] | N Lewis to prepare communications on what fee should be claimed when custody suites relocate.   | N Lewis                                       | 8 Jan |
| AP6 [Nov] | R Ralph to send examples of peer review feedback on the 14 page and 2 page forms to N Lewis who will investigate.   | R Ralph<br>N Lewis                            | 8 Jan |

Welcome and introductions. Unfortunately technical problems prevented some members from dialling in to the meeting.

## 1. Thanks

J Sirodcar thanked CCG members for their good wishes during his illness, and also wished to thank Rowena Foxwell for her chairing of CCG in his absence. He also wished to record his thanks to Rodney Warren for his hard work in co-chairing the CCG over the years. CCG supported these comments and agreed that J Sirodcar would send Rodney a note.

## 2. Minutes from September were approved. Actions were discussed as follows:

- AP1 [Nov] R Ralph had discussed with M Doddridge queries regarding the list of criminal justice system areas and the reduction in operational justice custody suites around the country. M Doddridge to investigate issues regarding calling in extra people to court duty schemes. This covers AP5 also. **#AP1 [Jan]**
- AP2 [Nov] To investigate whether numbers who refuse because of contribution could be obtained, and to pick up the issue of unrepresented defendants with the Better Case Management group. N Lewis to update. **#AP2 [Jan]**
- AP3 [Nov] N Poulter / M Thompson to update. It was clarified that the data requested was how many redeterminations result in a full payment. **#AP3 [Jan]**

- AP4 [Nov] N Lewis to confirm whether anyone has approached him regarding out of date posters in police stations. **#AP4 [Jan]**
- AP5 [Nov] Covered by AP1 [Jan] – action can be closed.
- AP6 [Nov] R Ralph liaising with A Sherr re whether a peer reviewer had suggested using a 14 page police station attendance form – keep action open. **#AP5 [Jan]**

### 3. Legal aid statistics release

J Sirodcar invited any comments and queries on the recent statistics release.

A Cosma asked about information published on another website not related to gov.uk, by a police station agency regarding fund take by providers, and where this data had come from. J Sirodcar to raise with Mark Edwardes and respond.

**Post-meeting note: a response was circulated as follows.**

You asked me to follow up the data published at

<https://www.policestationreps.com/firmdata2.php>

They have used MOJ/LAA released data in an attempt to gain new customers but the information they have provided is in the public domain and provided via the www.gov.uk portal.

Each year MOJ release information covering every legal aid scheme and the amount of work the firm/provider has claimed for and its cost, although it should be noted that this is not the same as each provider's payments within this period. Within the same dataset we supply the providers geographic location so that users can apply this proxy to find where work has been undertaken and by whom and also one level of detail about the work completed too. So for crime lower this would be the claim type (police station attendance, magistrates' representation, prison advocacy assistance) and in the Crown Court it is trials, GP's etc.

This was in response to prior statistical releases covering barristers fee payments and feedback from the UK Statistics Authority and the representative bodies themselves suggesting that we should cover all payments across legal aid. The first year this was released it was anonymised with each provider name not shown; in subsequent years we have added the breakdown of the payments (to show VAT, disbursements etc) and the name of the provider, but before this was released each time a consultation exercise was held.

A Cosma also mentioned that the CRMG does not pick up designated areas when fees are being claimed. Could the system pick this up automatically from the court code. M Doddridge to follow up this suggestion. **#AP6 [Jan]**

A Sherr noted that the statistics include percentages of staff working in the Crime area of law, broken down by gender and ethnicity. He queried whether the raw data had been provided by firms, and if so, whether it was possible to publish actual numbers alongside the percentages. J Sirodcar to raise with Mark Edwardes and respond.

**Post meeting note: a response (with a summary attached) was circulated as follows.**

The summary version can be shared and includes the survey result volumes and charts. We are unable to supply the raw data externally due to the sensitive nature of the questions even at office level (sexuality for example) and the risk of personal identification.

#### 4. Operational update

##### 4.1 Applications

N Poulter to update outside the meeting regarding the LF1 disk target, which is currently red. **#AP7 [Jan]**

There was a query regarding written reasons and the estimated time to respond. N Poulter to confirm what the estimated time is, and what firms should do if this is exceeded. **#AP8 [Jan]**

On a related issue, it was noted that an appeal which had been sent on Christmas Eve received a response on 27 December, and this speed of response was much appreciated.

A Cosma mentioned the guidance for advocate and litigator fees, and requested that the internal guidance should ensure consistency between teams. If this is still an issue he will contact J Sirodcar to follow up. **#AP9 [Jan]**

##### 4.2 Billing

No queries.

#### 5. Issued raised by the representative bodies

**Peer reviews – access to digital file:** there have been reports of contract managers saying they cannot accept access to just the index of the legal aid report, but now need full access to the file to ascertain the number of pages. However, this may be contrary to good practice and is not always easy to arrange. It was suggested that HMCTS should give the LAA access to CCDS so they could look at individual cases. E Miller to investigate. **#AP10[Jan]**

**Section 10.8 on Duty Solicitor specification:** D Bonich raised an issue regarding consistency between Sections 10.1 and 10.8 on the specification. This refers to whether a solicitor can represent someone as own client, if they are on the rota as duty solicitor at the time. D Bonich to send details to M Doddridge and J Sirodcar to investigate. **#AP11 [Jan]**

**Expansion into new geographical areas:** in response to a query from R Ralph, it was confirmed that the contract does not allow expansion into new geographical areas for duty work. This allows firms a degree of certainty and stability as to their volume of work.

**Guidance on contract notices:** R Bhasin queried what the final guidance had been regarding contract notices. J Sirodcar to circulate. It was confirmed that the number of contract notices has decreased since this guidance was issued; however, J Sirodcar reiterated that if any firm feels they have received a contract notice which feel is inappropriate, they are welcome to contact him to discuss, either individually or with their representative body.

**Post-meeting note: this internal guidance has been circulated to CCG who are welcome to share it with members.**

## 8. AOB

There were no further items.

| Actions from this meeting |  |                                       |       |
|---------------------------|--|---------------------------------------|-------|
| AP1 [Jan]                 | M Doddridge to investigate issues regarding calling in extra people to court duty schemes.   | M Doddridge                           | 5 Mar |
| AP2 [Jan]                 | N Lewis to investigate whether numbers who refuse because of contribution could be obtained, and to pick up the issue of unrepresented defendants with the Better Case Management group. | N Lewis                               | 5 Mar |
| AP3 [Jan]                 | N Poulter and M Thompson to drill down further into appeals data on how many redeterminations result in a full payment, and bring the results to the next meeting.                       | N Poulter<br>M Thompson               | 5 Mar |
| AP4 [Jan]                 | N Lewis to confirm whether anyone has approached him regarding out of date posters in police stations.   | N Lewis                               | 5 Mar |
| AP5 [Jan]                 | R Ralph to liaise with A Sherr re whether a peer reviewer had suggested using a 14 page police station attendance form   | R Ralph                               | 5 Mar |
| AP6 [Jan]                 | M Doddridge to follow up the suggestion that the CRMG could pick up designated areas automatically from the court code   | M Doddridge                           | 5 Mar |
| AP7 [Jan]                 | N Poulter to update outside the meeting regarding the LF1 disk target.   | N Poulter                             | 5 Mar |
| AP8 [Jan]                 | N Poulter to confirm what the estimated time is to respond to written reasons, and what firms should do if this is exceeded.   | N Poulter                             | 5 Mar |
| AP9 [Jan]                 | A Cosma to liaise with J Sirodcar if there are any further issues of consistency regarding internal guidance for advocate and litigator fees.  | A Cosma                               | 5 Mar |
| AP10 [Jan]                | E Miller to investigate whether LAA could be given access to CCDS for peer reviews.  | E Miller                              | 5 Mar |
| AP11 [Jan]                | D Bonich to send details of issue re own client representation to M Doddridge and J Sirodcar to investigate  | D Bonich<br>M Doddridge<br>J Sirodcar | 5 Mar |

The next meeting is on Tuesday 5 March 2019 at TLS