



The Law Society



Legal Aid Agency

## Civil Contracts Consultative Group (CCCG) Minutes

14 January 2019

V2

Date:	Monday, 14 <sup>th</sup> January 2019	
Where	MoJ, 102 Petty France	
Chair	Lynn Evans, Service Development and Commissioning [LAA]	
Minutes	Grazia Trivedi - [LAA]	
Present	<p>Aisling O’Connell – HMCTS [MoJ]          Avrom Sherr – Peer Review [IALS]          Bob Baker - ACL          Chantal Beedell – Commissioning [LAA]          Charlotte Hillyard – Peer review [LAA]          Chris Walton – Shelter          Chris Minnoch – LAPG          Cindy Barnes – Peer review [LAA]          Eleanor Druker – Service Development [LAA]          Helen Keith – Exceptional and Complex Cases [LAA]          James MacMillan – Legal Aid Policy [MoJ]          Jayne Nevitt – Civil Operations [LAA]</p>	<p>Kerry Wood – Commissioning [LAA]          Kat Granger – Process Efficiency Team [LAA]          Lindsey Ford – Business Improvement [LAA]          Maria Brown-External communications [LAA]          Nick Lewis – MHLA          Nicola Jones King - ALC          Nimrod Ben-Cnaan – LCN          Richard Miller – Head of Justice [TLS]          Rowena Foxwell – Contract Management [LAA]          Sally Cheshire-HLPA          Sue Antell - MHLA          Vicky Ling– Resolution          Zara Topping - Digital [LAA]</p>
Apologies	Carol Storer – A2J	Vishal Misra - ILPA

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

1.1 **Actions from the previous meeting.**

**Action 1[Nov]** *Interpreters' invoices guidance.* Separate guidance documents which dealt with payment to interpreters were being updated by the various teams responsible for the guidance. B Baker said that a very high cost case had recently been approved following the new way of dealing with payments, however N Jones-King said that providers continued to report uncertainty about the new protocols. E Druker asked for specific examples of this so that she could inform the teams working on the guidance. A working group had been set up to look at medical experts in family cases; shortages of certain types of experts, i.e. radiologists, or in certain geographical regions, were of particular interest. E Druker asked the CCG to pass on any knowledge or information that could be passed onto the working group.

**Action 3[Nov]** *Financial eligibility in the delegated functions table.* Financial eligibility conditions had been made clearer in the amended [Tables](#), published on 12<sup>th</sup> January. The tables affirmed a return to the previous position. N Ben Cnaan asked why Section 17 Children Act JR representation was missing. E Druker said that the original description only had Section 20 and that there were concerns about section 17; she planned to have a discussion about this with housing lawyers, Shelter and The Law Centres Network before a new description could be drafted. E Druker was asked to find out whether any certificates had been issued in section 17 **Action 1[Jan]**.

N Ben Cnaan asked about the enhancements given by the court on taxation that could be overridden and about the last 2 items [25 and 26] in the Tables Annex which impacted on a client's financial eligibility. He asked that the wording be made clearer. N Ben Cnaan to send an email to E Druker detailing his views on this. **Action 2 [Jan]**-Closed

The LAA were planning to make changes to delegated functions in family cases; ministers had agreed to these changes following the pilot on getting the delegated functions evidence for non-molestation orders hearings and having the hearing for children issues on the same day. All changes to delegated functions would ideally be made together rather than amending the tables separately.

**Action 4 [Nov]** *Set up a training session for using data.* This action would remain open until resource could be made available to conduct training. **Action 3 [Nov]**

2. **LAA Updates**

2.1 **Delegated functions and interpreters' fees guidance.** See Action 1[Nov] and Action 3 [Nov] above

2.2 **Operations** J Nevitt talked about the salient points in the report which showed good performance across civil applications and bills despite issues with CCMS.

2.3 **Commissioning** *Tender 2018 Lessons Learned.* The LAA had worked with the contract consultative rep bodies to produce a lessons-learned report and as discussed at previous meetings, CCG members had been asked to share comments with them ahead of a workshop that took place in October. A draft of the report was shared with the contract consultative rep bodies before Christmas and, once all comments on the draft had been received, a decision would be taken as to whether and how the final report would be shared more widely. N Lewis expressed his discontent at not being able to feed in to the draft report, and L Evans explained that the rep bodies had been invited to feed views in through the Law Society before the event. He was invited to send in any concerns he would like to see taken into account.

Following the conclusion of the tender it became apparent that in some areas not enough provision of services had been secured even though there had been a significant increase in the number of bids across categories. A full capacity review was underway and the outcome would be shared at the next meeting. **Action 4 [Jan]**

Tenders were ongoing in some areas where no compliant bids had been received for Housing and HPCDS services; these were due to close at 9am on 21<sup>st</sup> January with services starting on 31<sup>st</sup> March. Contingency measures had been put into place in some areas to provide services in the meantime. In Bodmin and Truro, where the volume of work was not economically justified on the current contract, it was proving particularly difficult to find providers. K Wood proposed that a sub-group of CCCG might work together to find ways to deal with this. Rep bodies willing to be involved were asked to email K Wood **Action 5 [Jan]** (Simon Cliff).

**2.4 Exceptional and Complex Cases [ECC]** The guidance for the events model in Family cases would be published at the end of January. Guidance for non-events model case planning in family and non-family cases was due to be published by 31 March.

The team continued to focus on emergency or urgent cases and 100% of them were dealt with within 48 hours. For exceptional case funding the target was a 10 days turnaround and this had been achieved in 25 out of 28 cases in December. 80% of non-emergency cases were on target. More resource had been put on Claims Against Public Authority. There had been a spike in exceptional case funding submissions before Christmas.

**2.5 Process Efficiency Team [PET]** K Grainger explained that the team had decided to refresh the scope of their work. PET members were going to receive a survey asking for their feedback on what had worked well, what should be the focus in 2019 and whether all the issues raised at CCCG meetings had been dealt with effectively. She asked CCCG members to email her on [Kathryn.grainger@justice.gov.uk](mailto:Kathryn.grainger@justice.gov.uk) to let her know how they would like to feed into PET; going forward the team planned to share bi-monthly regular written updates and to attend CCCG whenever it was requested.

**2.6 CCMS** Z Topping talked about the issues that had affected the service during the previous weeks, most of which had been caused by external factors, not the system itself. Providers had complained that the LAA had posted updates on Twitter rather than getting the firm's contract manager to email the firm's contract liaison person. Providers also asked to be informed about planned upgrades which often caused the system to crash. Z Topping said that messages informing users of such outages/upgrades were put on the portal but she would remind the team to make sure this was done promptly; most of the time the work was carried out at weekends. C Minnoch acknowledged that the LAA communications team had made efforts to send updates via email and on the portal in recent weeks. He asked what the LAA were doing to make providers aware of what the contingency process was and how well trained the customer services team were to be able to respond. Providers had been complaining about not being able to speak to someone that could help them with the contingency process. K Grainger to look into the customer service team training issue **Action 6 [Jan]**

M Brown explained that contingency was a decision that was made on an ad hoc basis depending on the nature of the IT incident; the contingency process wasn't published on Gov.Uk. Customer services advisers advised providers to use devolved powers if available, if that was not possible they talked providers through the contingency process. Contingency was only available when a hearing was scheduled within 48 hours, however C Minnoch pointed out that there were some very urgent cases that didn't have a hearing within 48 hours so asked for some flexibility to be applied; he asked for a) consistency of approach across all the teams b) clear communication to providers on how to deal with urgent cases. There was also a suggestion that the LAA had waited too long before announcing that there was an issue. M Brown said that an email was sent to all the membership of the LAA bulletin, sent to primary contacts within a firm, within an hour of the incident having come to light. C Minnoch asked that the LAA send emails to CCMS users rather than individuals on the LAA bulletin distribution list. Z Topping advised that this was something that had been discussed with users when CCMS was made mandatory and the feedback at the time had suggested that this wasn't

what users wanted because not everyone was going to be impacted by an incident. M Brown, K Grainger and Z Topping to explore this again **Action 7 [Jan]**

Maria Brown was the new external communications lead at the LAA [maria.brown@justice.gov.uk](mailto:maria.brown@justice.gov.uk)

- 3. Flexible Operating Hours Pilot.** A O'Connell said that the Flexible Operating Hours (FOH) project had been set up to test ways of maximising the use of courtrooms by extending their use beyond the traditional 10am to 4pm timeframe. In November the decision to proceed with two pilots in Brentford County Court and Manchester Civil Justice Centre was announced. Local Implementation Teams (LITs) in both sites were in place to set these up, with an expected start date of late spring. The pilots would run for 6 months. Participation in the pilots would be voluntary, however rep bodies pointed out that if a client decided to opt in, the legal representative would be forced to opt in too. It was agreed that the definition/details of the opt-in/opt-out option and how it was presented to providers was important. A O'Connell to look into this. **Action 8 [Jan]**.

HMCTS had also decided to make a pilot participation fee available to publicly funded legal professionals who participated in the pilot. Details relating to the case types for inclusion in the pilots were still to be finalised by the LITs. The fee paid to providers for participation in the pilot would be administered the LAA but funded by HMCTS. An independent evaluator had been appointed to evaluate the pilots and an Evaluation Advisory Group (EAG) comprising external stakeholders, the LAA and delivery partners had been set up to oversee the development of the evaluation framework. Pre-pilot evaluation work spanned 4-6 weeks, the evaluation itself would take place during the 6 months pilot, and a report would be expected around 3-4 months after that, in early 2020.

The pilot would stop completely after 6 months and no further decisions would be made until after the evaluation report had been made available. S Antell felt that if a solicitor didn't want to work out of hours and instructed someone else to step in, a penalty of some kind would be incurred. N Lewis suggested that private clients should not be penalised for not being legally aided and should be given the option to pay if they wished to attend court during out of hours; it was pointed out that this would give an indication of how many clients would be willing to pay an extra fee to attend court during out of hours as well as incurring higher fees from interpreters and experts. Rep bodies could contact A O'Connell via email ([foh.enquiries@justice.gov.uk](mailto:foh.enquiries@justice.gov.uk)) with any queries or to request updates.

- 4. Peer Reviews** A report had been circulated in advance of the meeting with details of civil peer review ratings from 1<sup>st</sup> April to 31<sup>st</sup> December 2018. It was expected that providers in Mental Health, Immigration & Asylum and Housing would all receive a peer review over the following 5 years, budget allocation permitting. Due to the large number of Family providers, work would be undertaken to identify high risk providers, although generally in this category peer review scores were high. Small providers could not be reviewed until they had sufficient numbers of files.

It was intended that providers who received a Competency rating after a Below Competency rating on a second review, would be reviewed again after a year to ensure that standards had been consistently maintained. Rep bodies were interested to know whether geographical trends could be identified and C Barnes said that the team would look and see if it was possible to produce and share findings with CCCG. Other trends were published in the [Improving Your Quality Guides](#).

C Barnes explained that the vast majority of reviews were picked at random; targeted reviews were undertaken upon request/referral from a contract manager who had concerns about a firm; data on the number of referrals would be shared with CCCG in the next report. Rep bodies also asked to see data in the previous report next to the current data so that trends could be identified. **Action 9 [Jan]**

## 5. AOB

**5.1 Mental Health matter starts.** S Antell asked for clarification on self-granting of matter starts for sole practitioners in mental health and would send an email with details of her concerns. **Action 10 [Jan]**

**5.2 Statistics** A Sherr said that the latest published statistics in the [Tableau](#) included suppliers' information on diversity but this was given as proportions rather than numbers; he asked for the information to be given in figures rather than percentages so that the whole number of lawyers within legal aid, the age range etc could be known. This would provide insight into the supply of legal aid lawyers, year on year. **Action 11 [Jan]**

**5.3 Quarterly meeting on digital development.** The next meeting would take place in February.

**5.4 Civil Taxed Bills** There had not been any developments with regards to bringing all the systems in-house. Fiddian-Evans to check if there was a further update on this. **Action 11 [Jan]**

Actions from this meeting		Owner	deadline
AP1 [Jan]	Find out whether any certificates had been issued in section 17.  <b>PMN.</b> Following a meeting with Nimrod Ben Cnaan and Eleanor Solomon on Monday 25 <sup>th</sup> Feb a way forward was agreed. The LAA will review the use of the new backdating powers that were introduced earlier this month to see whether they address the issue. In the interim are working together on possible amendments to the delegated functions in case they are required.	E Druker	Closed
AP2 [Jan]	Send an email to E Druker with views on financial eligibility changes	N Ben Cnaan	Closed
AP3 [Nov]	Set up a webinar training session or record a tutorial for using the data in pivot tables on the Tableau Interactive Data Visualisation Tool.	M Edwardes, C Lakhani	Awaiting resources
AP4 [Jan]	Share the outcome of the civil contract capacity review	K Wood	15 May
AP5 [Jan]	Email K Wood <a href="mailto:Kerry.wood@justice.gov.uk">Kerry.wood@justice.gov.uk</a> if willing to work on a solution to Bodmin and Truro's lack of services  <b>PMN</b> Simon Cliff came forward	Rep bodies	Closed
AP6 [Jan]	Look into the customer service team training on the contingency process.  <b>PMN:</b> this has been reviewed and it has been aligned with the IT Outage Communications plan.	K Grainger	Closed
AP7 [Jan]	Share with CCCG the communication strategy for IT incidents.	M Brown	Closed
AP8 [Jan]	Look into the issue of lawyers being forced to opt into the courts extended hours pilot, and ensure communications were not misleading on this point	A O'Connell	Closed
AP9 [Jan]	Peer review 6 monthly reports - include previous data next to current data, number of targeted intervention, geographical	C Barnes	July 19

	trends		
AP10 [Jan]	Send an email to G Trivedi explaining the concerns about self-granting of matter starts for sole practitioners in mental health.	S Antell	Closed
AP11 [Jan]	Enquire from the statistics team if the number of legal aid lawyers in legal aid could be published with the quarterly statistics  <b>PMN:</b> The LAA do not know how many people work in each firm of solicitors so they cannot provide data based on provider staffing levels.	G Trivedi	Closed
AP12 [Jan]	Update the group on Civil Taxed Bills  <b>PMN:</b> The transfer of civil taxed bills to the LAA is still under review. There are many considerations to explore, including financial implications, before this work could be actively pursued.	Fiddian-Evans	Closed