



The Law Society



Legal Aid  
Agency

## Crime Contract Consultative Group (CCCG) meeting

### Minutes

4 February 2020

V1.0

<b>When:</b>	Tuesday 4 February 2020 at 15:00 – 17:00		
<b>Where:</b>	Room 8 & 9 - Edwin & Coe, 2 Stone Buildings, Lincolns Inn		
<b>Chair Minutes</b>	Chair: Richard Atkinson Minutes: Lisa Obadan		
<b>Attendees</b>	David Thomas - LAA Adrian Vincent -BC Andrew Cosma – MMS Avrom Sherr – IALS Daniel Bonich – CLSA Elaine Annable – LAA Elliott Miller – LAA James MacMillan –MoJ	Ian Kelcey – CLC Neil Lewis – LAA Nick Poulter – LAA Alice Mutasa – TLS Nick Ford – LAA Roger Ralph – CILEx Gillian Brooks – HMCTS Glyn Hardy – LAA Liz Bryant - HMCTS	Melissa Thompson – LAA Navraj Singh Sihota -LAA Robert Hines – HGS Russell Barnes – LAA Rakesh Bhasin-LCCSA Will Hayden – LAA
<b>Apologies</b>	Fiona Rutherford – MoJ Hannah Payne – LAA Maria Brown – LAA Arron Dolan – CBA Carla Walley – LAA Caroline Goodwin – CBA Helen Johnson – LAPG	Henry Hills – SAHCA Jennifer Johnson - LAA Jonathan Black – LCCSA Matt Doddridge – LAA Olwen Kershaw - HMCTS Stuart McMillan – BC	Mumtaz Patel – MoJ Karl Ford – LAA Tom Payne - BC Chris Henley – CBA Paddy Enright – LAA Richard Miller – TLS Jelena Lentzos - MoJ

Welcome and introductions.

1. **Minutes.** Minutes and actions from September and November meetings were approved. Actions were discussed as follows

<b>Actions from the last meeting and decisions from this meeting</b>			
APSEP01	Representative bodies to log and send examples where LAA have cut down costs to LO for collation.	All	Complete
APSEP02	M Doddridge to resend the link for list of scheme codes	M Doddridge	Complete
APSEP03	V Burgin and E Annable to provide draft of guidance on forensic reporting to CCG for discussion	V Burgin and E Annable	Complete
APOSEP04	J MacMillan to send round the link for guidance rates	J Macmillan	Complete
APSEP05	M Thompson to get an update in the absence of N Poulter	M Thompson	Complete
APSEP06	HGS to undertake a review of the manual contingency process	HGS	Complete
APSEP07	H Payne to send link for new URL to the DSCC website	H Payne	Complete
APSEP08	Representative bodies to identify people keen to visit the call centres to view the site and share their knowledge	All	Complete
APOCT02	Answer following question in relation to the EAW: Are reciprocal arrangements going to be put in place for UK criminals overseas or are they beyond the reach of the law.	P Cassidy	Open
APOCT03	Bodies to encourage members to use the online toolkit and to encourage members to read advice on EU-exit	Rep Bodies	Open
APOCT06	To consider CCCG concerns in relation to being able to identify individual LAA case workers, and the internal processes and escalation routes in place.	N Poulter	Open
APOCT07	Members of CCCG to forward any specific instances of alleged unfairness or inconsistency to LAA for further investigation (via Nick Ford).	Group	Open
APOCT08	Work with Case Management to review previous correspondence (where possible) from LAA to providers where Countblank formula has been used to ensure necessary standards of communication have been met	N Poulter	Open
APOCT09	To provide examples, where possible, of approach of LAA contacting providers to make them aware of LAA underpayments identified through audit.	D Thomas	Open
APNOV01	To share CAPITA data.	W Hayden	Complete
APNOV02	To share the complaints data with the group.	W Hayden	In the presentation on DSCC update
APNOV03	To take away to speak to CW's on the trial dates and CCD	M Thompson/N Poulter	Complete
APNOV04	look over paper B and to feedback at the next meet.	Rep Bodies	Complete – Further

			queries from Chartered Institute on paper and Elaine asked for it to be sent to her to incorporate into document
APNOV05	To go back to the National crime team to see what more they could add.	E Annable	Complete
APNOV06	LAA and rep bodies to consider setting up a sub team of CCCG to discuss this issue in more detail and report back.	LAA	Complete

The Chair opened the meeting and welcomed everyone. Apologies were made as the meeting had to be moved to a new location after the fire incident at the Law Society. D Thomas thanked A Mutasa and team for making the alternative arrangements.

A Vincent updated everyone that T Payne who comes to this meeting when not at court and was the remuneration representative, is now finished on the remuneration committee and is replaced by D Sternberg. So, when D Sternberg is not at court, he will be the Bar Council rep but if he is, then A Vincent will come instead.

D Thomas asked to move the HMCTS items next to each other on the agenda and deal with DSCC item first. All agreed.

## 2. DSCC performance update

W Hayden handed over to R Irons to give an update. R Irons introduced himself as Head of Public Sector Services for HGS

Highlighted the terms of what he is delivering today. Firstly, R Irons apologised that things are not where they should be at this point in time, but things are turning around from where it used to be. Had a positive meeting with representative bodies on 21 January at the Law Society and went through detail that he will share today. Gave some update about the performance from the past month of January.

Challenges from them are threefold:

1) Getting the right number of people available at the right times to deal with the calls presented. This was quite a challenge to understand because there are strange cycles around when people are arrested and runs 24 hour a day, so mapped out when they see trends happening on a weekly, monthly and hourly basis and they have re-staffed accordingly.

R Atkinson felt that this should have been part of a brief that should have been given as a new operator and data should have been available and asked if Is this HGS's own data or will it belong to the LAA. If there is a new provider, will this be the same issue as they build their database of this information, or will this be provided to providers in the future to avoid this happening. D Thomas thought it is a sensible point and whilst historic data was shared with HGS ahead of them commencing service the LAA will consider if anything in addition is needed here.

R Irons mentioned all data at intervals, is available to the LAA and on the Online portal, they can also log on and view and download the information.

2) The number of complaints received has been too high and HGS have taken the following steps to address:

- a) Changed the way in which cases are logged. Operators now probe the information given by police and double-check it; this has helped reduce the significant amount of errors.
- b) Improved the deployment process to duty solicitors and have changed the text of the SMS message and addressed IT issues to ensure these are sent consistently

Changed operational process so that the individual who logs the case will usually also deploy that case. Has advantages of them already having knowledge of the case.

3) Last one is the accuracy of data in the system. The reality is the agents are only as good as what is in front of them; they can refer to and talk about. Ask all partners and colleagues to check their online profile and make sure it is accurate. Have noticed on the police station side, some information needs a refresh and part of their job is to identify where that is and get them updated. So, although we don't want complaints, however, they are actually a really good mechanism to work out what is wrong.

On the basis of those things we are doing, service levels in January were much better and we are sharing that information with the LAA to go through. Across the main metrics, we are green on where we should be but still red on speed of deployment and we are addressing that.

Have 2 metrics on speed deployment – 95% within 5 mins and 99% within 15 mins and that is the first call made to duty sols. On average, they are deploying cases within 10 mins.

D Thomas – From a performance perspective, whilst many of the SLAs look greener, but from an LAA perspective, performance is not good, and it is not the level of performance we were expecting, and

nobody should take away from this that this is a smoothly operating service. Key thing is the level of complaints – which were 5 a month under the previous operator and now looking at 5 or 10 times that much in a given month. Clearly not working as well as it was previously, and we are working closely with HGS to ensure they are identifying those sources of complaints and deal with them. Not dealing with one at a time but looking at underlining cause of it and trying to resolve that.

R Irons – opportunity with law society to look at deployment issue and to think what might work best.

R Atkinson – The presentation is packed with stats and asked if anything specific they want to talk about on the slides.

R Irons – Nothing specific – the slides demonstrate what they want to do and there is an opportunity if people want to come and see what they are doing. Based in Chiswick and Preston.

D Thomas reiterated thanks to practitioners for their time, advice and constructive criticism to help to improve this service. Recognise it is not where it needs to be but positive in working with us to help us understand where main challenges are.

R Irons happy to come back and give updates when required.

### 3. HMCTS Crime Programme

Discussed the crime programme and in particular, ‘**Common Platform**’. Getting to the stage where this is becoming a reality and expect to roll it out in the first 6 months of this year.

Put it into context, reform in HMCTS is across all jurisdictions (Civil, Family, Tribunals & Crime) and it is a huge programme. All jurisdictions are governed by the 3 principles – just, accessible and proportionate.

In Crime, have the added advantage of Sir Brian Levinson’s review; it is the guiding principle we follow closely and the review was clear that we had a system that was inefficient and was in favour of using technology and considering the processes used in the criminal courts, to make sure we got to a streamline and efficient approach.

One of the major enablers is Common Platform. G Brooks will try and give a flavour of what defence will be able to see on Common Platform.

Common Platform enables everybody including defence to see all the bits of information you need, and it is important to us that defence are on and using common platform. It is going to be delivered in two parts. It is already rolled out and does exist for single justice service matters and it is already delivered and dealing with those cases.

Common platform is to be rolled out in the first half of the year and will replace the functionality in the Magistrates court. The current systems will be replaced with Common Platform. Key things for our operations, is to move the court swiftly as possible onto the system as fast as possible.

In the Crown Court, there is very little change overall. The DCS system does not change. For the time being, DCS will continue.

Key element is to test the system via the early adopters. They are a number of magistrates and crown courts who will test the system and it has to be done live. Start with small number of cases to test it and assess very carefully. Be very careful and cautious with timeframes, so we use a large range. Start with early adopters between now and June and the national roll-out will be in the later part of the year.

Representative bodies asked how to get access and what will they have access to?

G Brooks – You will have a firm access and it will enable you to get onto common platform. To find a defendant, will need the Name, date of birth (DOB) and Unique reference number (URN). Common platform will know who has accessed what and when information is put on there. Lots of information that will tell us what's happened and when and the arguments you do get, will be a thing of the past, as it will be on common platform.

Representative bodies commented that you don't always have a URN or even DOB and if you need all 3 of those elements, then they may have an unworkable system.

G Brooks – We have a national digital practitioners' group that help and if you have practical problems, they will work out ways with people to find solutions. Important you can get the information off common platform. All new cases go on the system but in smaller tranches, as they need to test the process.

Representative bodies asked how do you prevent anyone else from having access to a case if they are not involved in it?

G Brooks confirmed - If you have the 3 elements, it gives you legitimate access to the initial information. If instructed, you are then associated to the case. LAA will tell them they have granted Legal aid and it will mean they are now associated to the case. Need the 3 elements because it prevents others from looking at other people's data. HMCTS is urged to do training on this for practitioners in each of the areas before this goes live, so they can understand the benefits, limitations and what they are going to get. G Brooks also mentioned that only one firm can be associated with the defendant. Up to representative bodies to disassociate and the system will not allow more than one firm to be associated in a case.

Guidance training will answer some of these practical problems. If anybody here is interested, the team gathering this information will welcome thoughts and input and if keen to do that, then would love to know.

Representative bodies asked if with common platform, it is envisaged that the LAA and peer reviewers will have access to the system?

E Miller confirmed that they will have access in terms of operational side such as processing applications and bills and means testing. However, there is work to be done to get level of access needed for audit primarily for magistrate courts cases.

Representative bodies questioned how long will papers be kept on the system for access? Will Crown court judges be able to access papers on common platform when cases progress to Crown court?

G Brooks – Papers kept on the system is that same that applies on DCS and it will apply on common platform. Crown court judges are not using common platform in the first phase. However, court clerks are resulting on it. Crown court judges do not access common platform at this stage.

Representative bodies also mentioned that they have to think about functionality of the system and how it will work, when dealing with multiplicity of offences in different areas and trying to tie them up to get them dealt with in one court for sentencing. Need to think about the functionality of how that will work and it might present problems.

G Brooks – thought it was a good point and will put this in the pack.

Representative bodies asked about the IT requirements and if the system was web-based and the compatibility with browsers.

G Brooks thinks it is but will take it back and find out if any restrictions on the system practitioners can use.

G Brooks will feedback to the team that will be doing the training. E Miller will filter anything that they send to him.

#### **4. LAA/Providers – Common Platform**

E Miller – Building on what G Brooks has said and there are 2 dimensions: Procedural & Operational. Common platform will supersede Libra (in the Magistrate court) and Exhibit (in the Crown court). At the moment LAA relies on the data recorded in those systems. Don't plan any fundamental change to our own system but by necessity, there is collaboration going on with courts to repoint LAA systems towards common platform. Some process changes required on an ancillary basis. Working with HMCTS to understand what the rollout plan is and understand which cases where we will be expecting applications that are associated with a common platform case. It is important, so we can train our caseworkers and prepare contingency mechanisms in the event that there is a technical hitch in the interface.

There shouldn't be visible impact on the providers if the interface works and our ultimate goal is to minimise any interruptions to the processing of applications and targets. One thing that we are likely to ask solicitors and advocates for, which we don't currently ask for and that is the URN. By collecting it, it will link our own records with the appropriate case on common platform. Should be benefits to doing that way because at the moment, our linkage work is quite a manual process but with a URN, it should be much easier to automate it.

The representative bodies commented that the URN could be difficult and they will struggle in those cases where they don't have the URN number.

E Miller asked if using the URN, does it have to be captured within the representative bodies case management software to complete eforms and crown court defence. Representative bodies confirmed they record it anyway. E Miller to take it away.

E Miller to look at the channels through which the defence can find a URN **#AP1 [Feb]**

#### **5. Operational Update**

N Poulter - Levels remain strong. Processing claims very quickly and in terms of application, things are strong. If any providers have any problems with a case, please let us know and send those through to N Poulter

Representative bodies asked N Poulter to keep an eye on the VAT aspect on reports. N Poulter will catch up with N Lewis and see what is going on there.

D Thomas mentioned the contract management update which is on a separate paper and if anyone has any questions. E Annable says she can deal with this today or at the next meeting. Paper came out yesterday.

Representative bodies observed there was a slight drop in number of Contract Notices (CNs) issued and also against the number of offices but had not gone down very much. The representative bodies felt they had been led to believe that there will be a change and CNs would only be issued in significant cases. It was confirmed CNs were not raised for trivial matters and if colleagues had concerns, they

should raise these with their Area Contract Manager, similarly if there were engagement issues, these should be escalated.

It was agreed the representative bodies would come back to this at the next meeting when more time was available to consider the content.

I Kelcey – raised a point on details sent by N Poulter on claiming electronic material as PPE (ePPE) and queried whether the work required in submitting claims, as highlighted by this guidance, should be remunerated moving forward? N Poulter happy for this guidance to be circulated to the group and R Atkinson confirmed this will be a conversation for the next meeting

#### **Claiming for a breach of Crown Court bail**

N Poulter confirmed this short paper set out the regulations and the regulations do not appear to allow room for manoeuvre. N Poulter was happy to circulate the paper further.

Representative bodies asked if maybe there was a need to think about a short amendment to the contract? Relates to the fact that because you have higher rights in the Crown Court, you can be paid and if not, then cannot be paid and maybe think about an adjustment or amendment to the contract to incorporate that. Not a vast number of cases but an example is when a solicitor needs to go in on bank holidays or on weekends (often because the crown court is not sitting) but is unable to be paid for that attendance.

Need to address this maybe with an additional clause to the contract where someone who deals with crown court bail in the magistrates' court is deemed for those purposes a person who can be paid for that work. However, it is thought this is a regulation issue and not a contract issue.

N Poulter to look into the issue with respect to remuneration for breach of bail hearings heard in the magistrates' court and report back by the next meeting. **#AP2 [Feb]**

#### **6. AOB**

The point was raised if the meeting allowed enough time for the meeting contents to be discussed. Confirmed that it varies from meeting to meeting

<b>Actions from this meeting</b>			
APFEB01	To look at the channels through which the defence can find a URN	E Miller/G Brooks	7 April
APFEB02	To look into the issue with respect to remuneration for breach of bail hearings heard in the magistrates' court and report back by the next meeting.	N Poulter	7 April

The next meeting: is on 7 April 2020, TLS