



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

7 April 2020

V1.0

When:	Tuesday 7 April 2020 15:00		
Where:	Via phone		
Chair Minutes	Chair: David Thomas Minutes: Adam Friswell		
Attendees	Adrian Vincent – BC Alice Mutasa – TLS Andrew Cosma – MMS Arron Dolan - CBA Carla Walley – LAA Caroline Goodwin – CBA Chris Henley – CBA Daniel Bonich – CLSA Daniel Sternberg - BC Elaine Annable – LAA Elliot Miller – LAA Gillian Brooks - HMCTS	Glyn Hardy – LAA Avrom Sherr – IALS Nick Ford – LAA Hannah Payne - LAA Helen Johnson – LAPG Henry Hills – SAHCA Ian Kelcey – CLC James MacMillan – MoJ Jelena Lentzos - LAA Jennifer Johnson - LAA John Foster – MoJ Jonathan Black – LCCSA Kerry Hudson - BSB	Matt Doddridge – LAA Melissa Thompson – LAA Mumtaz Patel – MoJ Neil Lewis - LAA Olwen Kershaw - HMCTS Paddy Enright - LAA Rakesh Bhasin-LCCSA Richard Atkinson – TLS Richard Miller Rob Irons - HGS Roger Ralph – CILEx Stuart McMillan – BC Will Hayden – LAA
Apologies	Karl Ford – LAA Maria Brown – LAA Russell Barnes – LAA		

Welcome and introductions.

1. Minutes. Minutes and actions from February meeting were discussed as follows.

Actions from the last meeting and decisions from this meeting			
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
APFEB01	To look at the channels through which the defence can find a URN	E Miller/G Brooks	Open
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	Open

2. DSCC performance update

2.1 Background

COVID-19 is high on agenda for HGS. On 20/03 call volumes had dropped by around 30-40%. Number of people who are sick/self-isolating which is similar.

2.2 Organisational Measures

HGS are focussed on future-planning on what could come next based, ensuring that where-ever possible they have the right member of staff.

Currently implemented:

- Home Working Solutions to avoid unnecessary travel and cope with travel restrictions
- In offices, putting social distancing measures in place (i.e clear-desk between office staff)
- Enabling staff to travel using personal cars to avoid public transport

2.3 Ongoing contingency measures

- Cross-training agents from Civil Legal Advice onto DSCC for increased people capacity.
- Working to develop a different access channel for police so that they can submit details online which in turn will enable quicker deployment by HGS being able re-assign available agents to the deployment side.

2.4 Admin Service

HGS confirmed that admin service is still open, still taking requests for swaps etc. Rob reminded attendees of the ability for solicitors to amend their details on DSCC online and in doing so would reduce traffic into the call centre at this time.

2.5 Performance

Number of cases being deployed is reducing over time. Still deploying calls between 5-15 minutes. On average, time from call to deployment is was just over 9 minutes (accurate as of end of March).

2.6 Questions and Comments

Question: K Hudson - Website was down yesterday – is this going to be an ongoing issue?

HGS Confirm that we've had two outages on the website, both of which lasted approx. 10 minutes. HGS are investigating route cause and will update CCCG if there are to be repeated or prolonged outages.

#AP1 [April]

Question: K Hudson – Some calls from DSCC are still showing up as Private Numbers, leading to solicitors not picking up.

HGS advised that this shouldn't still be happening and will investigate the root cause of this issue. **#AP2 [April]**

Question: K Hudson – Reports of DSCC giving out new reference number where Solicitors are refusing to travel to Police Station.

HGS confirmed they have re-briefed all agents in appropriate action and response to this additional pressure. HGS confirmed that agents have the authority to push back on requests from the police to reallocate cases as solicitor will not attend. **#AP3 [April]**

Question: K Hudson – Clarification needed about “COVID Negative” – clarification request

HGS confirmed that “COVID-Negative” is a response to a new query which identifies if clients are symptomatic with COVID19 symptoms. The script currently asks “is the detainee self-isolating or displaying symptoms” – with responses logged in comments box. **#AP4 [April]**

Additional discussion – Question. CCG expressed concerns that this doesn’t account for spreading of disease when not symptomatic, contact with anyone who’s symptomatic, or who’s made that “negative” assessment.

Additional discussion – Answer HGS will continue to ask the question but only pass on, when deploying the case, where a concern has arisen.

Question: I Kelcey – Should Police be changing standard Risk Assessment to include initial screening questions in relation to an individual’s symptoms, contact with individuals, raised risk.

Answer: It was agreed that this suggestion should be taken forward with NPCC.

HGS to communicate any expected long-term or repeated outages **#AP5 [April]**

HGS to investigate route cause of calls showing up as Private Caller **#AP6 [April]**

HGS to amend “COVID” process so that police are still asked if the detainee is ‘self-isolating or displaying symptoms’ but will only pass on information where the detainee has expressed COVID19 related concerns (symptoms, contact with a symptomatic case, or increased risk). **#AP7 [April]**

LAA – To take forward suggestion of Police Service rolling out Risk Assessment and initial questions to NPCC. **#AP8[April]**

3. Operational Update and contingency overview

3.1 System Issues

LAA experienced an E-Forms issue about 2 and a half weeks ago, that was not COVID related, but due to issues with the datacentre. System is now back to operational standards and should be working. Any CCG members still experiencing difficulties should inform their contract manager.

3.2 Update since agenda

Secure File Exchange has gone live this week. This will enable providers to submit electronic evidence in support of AGFS and LGFS claims and will also be used to facilitate a temporary change to how we process some of the crime lower claims during the current crisis.

3.3 Operations

Criminal applications: 48-hour targets are 100% being met.
Intake is currently about 60% of what we’d normally expect.

LGFS initial claims currently being processed in 3-4 Days

AGFS initial claims currently being processed in 6-7 days

Large spike in LGFS claims – over last 13 days, intake is up 18% from usual levels. On the 06/04/2020, intakes were up 28% from what we'd usually expect. We are coping with those spikes and getting them processed. This is as a result of an increase in interim claiming along with claims being submitted where the trial has started but been adjourned due to CV19

3.4 Fund Spend

The spikes mentioned above has led to a large increase in fund spend. Up £17m over last 2 weeks than we'd usually expect.

3.5 Process Changes

On GOV.UK there are two separate areas:

1. Financial Relief for Legal Aid Providers.

For crime this guidance is mainly focussed on interim payments, and hardship payments for both advocates and litigators.

2. LAA contingency Response

Focussed on Contingency planning guidance for:

- Means Assessment
- Digital / No Signatures
- Provisions around relaxing deadlines for submission of evidence
- Marstons possible suspension of chasing arrears. Please also note that contact centre is now email only for Marstons.

<https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response#stay-up-to-date>

3.6 The Secure File Exchange (SFE).

Benefits: It's a far more secure way of sending files for LGFS/AGFS claims whilst cutting down on encryption issues with Removable Media. We can't be reliant on DX due to increased courier demand and possible DX site closures, and the SFE reduces this reliance.

3.6 Questions and Comments

There is a specific guidance on the website, which will also be circulated

Q1: I Kelcey - Do those doing the billing for LGFS, do they have access to the digital case system?

A1: No. Where there are payment discrepancies, defence can replicate the prosecution bundle and send it via secure email. That gives case-workers access to key documents where there is a disagreement about assessments. When downloading bundle, it gives a shareable link for billings team which can be shared via secure email.

Q2: When will invites / comms be going out?

A2: Contract Managers will be supplying contact details. LAA are currently working through providers to invite them to SFE. We are going live with certain processes first:

- CRM7
- CRM18
- CRM18a

- AGFS/LGFS.
- Criminal Case Team.
- LAA will be rolling out to more areas over the next few weeks.

All members to forward to N Poulter if any issues with E-Forms#AP9 [April]

All members are invited to look at gov.uk LAA Contingency Response for SFE guidance. #AP10 [April]

All members, if not already invited to SFE to contact Contract Manager to discuss Access to SFE. #AP11 [April]

E Miller to circulate guidance on downloading bundled prosecution material through DCS.

<https://www.gov.uk/guidance/crown-court-digital-case-system-training-guides-and-videos> ACTION CLOSED 07/04/2020 #AP12 [April]

4. Duty solicitor arrangements during Covid-19

4.1 Discussion

It is recognised that there have been a number of queries since HMCTS published list of priority courts. That published document gives us a good starting point, combined with the reality that each individual court is managed by HMCTS regional leads. The LAA is working with those regional leads to understand what local requirements are, for Duty Solicitors, for each court site. Questions being asked on a local level on the exact demand for duty solicitors over the next few weeks.

Once we have that information, we'll be making decisions on what needs to happen at each area. It was noted that a one-size fits all blanket approach isn't likely to meet the needs for each local court, so we're taking a localised view to each court. This means liaising with HMCTS and providers to ensure that the local scheme meets the needs of the local court. Situation in local court areas may change on a week to week basis.

4.2 Questions and comments

Question: I Kelcey - Due to COVID19, firms may not have usual levels of flexibility. Many firms have furloughed staff, so sudden changes on a week-to-week basis may mean that firms cannot respond. Firms need to be able to plan according to demand, and HMCTS need to engage in a structured way to make sure providers situation is reflected in HMCTS planning. This also gives practitioners understanding of what the requirements are moving forward. Decisions can't change on a day-by-day basis as practitioners can't meet that swiftness of change.

Answer: G Hardy - We are liaising with HMCTS on this, and provider requirements and circumstances are reflected in these discussions. We'll liaise with HMCTS on ensuring changes are forwarded on a fortnightly basis. It was recognised that this may not apply due to local differences between courts.

Question: K Hudson - Could a Court hotline be set up to ensure regular and easy communications.

Answer: This is happening in some areas but not others and needs to be communicated more widely to HMCTS. EA to liaise with NPCC on this.

Question: I Kelcey - There seems to be an expectation that clients should be informing providers that court dates have changed. Please can we recognise the court, AND the nominated solicitor that dates have changed.

Answer: It was agreed that systems should be in place to ensure sure local providers are aware of any changes. It is recognised that we may not have the usual 3- or 4-week time period for consultation, but the aim is to have consultation prior to any major changes being made. EA to take this forward with HCMTS.

4.3 Decision

Group asked for clarity that we will be reverting back to pre-COVID measures, and any suggested measures are subject to full consultation if there is desire to keep any changes

It was agreed that these changes would be limited to COVID-19 and not perpetuated beyond contingency planning is necessary. It was further confirmed that all changes to processes will be time-bound for when we revert to BAU, and any changes which are proposed to continue beyond that point will be subject to full consultation before approval.

I Kelcey/R Atkinson to send G Hardy examples of where HMCTS are changing policies on a daily basis, for LAA to bring to discussions with HMCTS about Duty Solicitor Rota to improve this going forward.

#AP13 [April]

G Hardy/ E Annable to take up conversations with Courts to explore hotline for increased communications with provider base. **#AP14 [April]**

E Annable to liaise with HMCTS about informing solicitor that court dates have changed. **#AP15 [April]**

5. AOB

Due to time restrictions, full discussion of the following was limited.

5.1 Monthly Payments

Question: There have been requests from Providers, via Account Managers, to go back to standard Monthly Payments. With a decrease in work, there is a concern that providers will furlough workers to supplement this, resulting in coverage issues.

Answer: The LAA confirmed that this has been recognised and has been looked at. There will be some LAA comms very shortly. The Law Society confirmed that they are working up some proposals which may alleviate these concerns as well.

5.2 Travelling from Home

Question: With office closures, working/travelling is done from home. CCG asked for confirmation that they will not be penalised for travelling from home and claiming the mileage as such.

Answer: The LAA confirmed there will be no penalty for travelling from home and billing as such. LAA to put out comms this week.

Any other specific issues, please feed them in through contract managers. Contract managers are feeding queries into LAA teams and MoJ policy if providers would prefer to go through Contract Managers rather than Service Development of CCG forum.

Actions from this meeting			
APAPRIL01	HGS Confirm that we've had two outages on the website, both of which lasted approx. 10 minutes. HGS are investigating route cause and will update CCCG if there are to be repeated or prolonged outages.	HGS	2 June
APAPRIL02	HGS advised that this shouldn't still be happening and will investigate the root cause of this issue.	HGS	2 June
APAPRIL03	HGS confirmed they have re-briefed all agents in appropriate action and response to this additional pressure. HGS confirmed that agents have the authority to push back on requests from the police to reallocate cases as solicitor will not attend	HGS	2 June
APAPRIL04	HGS confirmed that "COVID-Negative" is a response to a new query which identifies if clients are symptomatic with COVID19 symptoms. The script currently asks "is the detainee self-isolating or displaying symptoms" – with responses logged in comments box.	HGS	2 June
APAPRIL05	HGS to communicate any expected long-term or repeated outages	HGS	2 June
APAPRIL06	HGS to investigate route cause of calls showing up as Private Caller	HGS	2 June
APAPRIL07	HGS to amend "COVID" process so that police are still asked if the detainee is 'self-isolating or displaying symptoms' but will only pass on information where the detainee has expressed COVID19 related concerns (symptoms, contact with a symptomatic case, or increased risk).	HGS	2 June
APAPRIL08	HGS to take forward suggestion of Police Service rolling out Risk Assessment and initial questions to NPCC.	HGS	2 June
APAPRIL09	All members to forward to N Poulter if any issues with E-Forms	All group	2 June
APAPRIL10	All members are invited to look at gov.uk LAA Contingency Response for SFE guidance.	All group	2 June
APAPRIL11	All members, if not already invited to SFE to contact Contract Manager to discuss Access to SFE.	All group	2 June
APAPRIL12	To circulate guidance on downloading bundled prosecution material through DCS.	All	2 June
APAPRIL13	I Kelcey/R Atkinson to send G Hardy examples of where HMCTS are changing policies on a daily basis, for LAA to bring to discussions with HMCTS	I Kelcey/R Atkinson	2 June

	about Duty Solicitor Rota to improve this going forward.		
APAPRIL14	G Hardy/E Annable to take up conversations with Courts to explore hotline for increased communications with provider base	G Hardy/E Annable	2 June
APAPRIL15	E Annable to liaise with HMCTS about informing solicitor that court dates have changed	E Annable	2 June

The next meeting: is on 2 June 2020 via Teams