

**Civil Contracts Consultative Group (CCCG)
Minutes v2**

24th March 2021

Date:	Wednesday, 24 th March 2021, 3pm
Where	Video conference
Chair	Richard Miller – Head of Justice [The Law Society]
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Andrew Hatrick – Contract manager [LAA] Ann-Marie Jordan – Analytical Services [LAA] Anthony Evans – Business Delivery [LAA] Avrom Sherr – Peer Review Bob Baker – Association of Cost Lawyers Carol Storer – Access to Justice Committee [The Law Society] Chris Walton – Shelter Chilli Reid – Advice UK Chris Minnoch – Legal Aid Practitioners Group [LAPG] Deborah McLaughlin - Civil Operations [LAA] Eleanor Druker – Service Development [LAA] Ellie Cronin – The Law Society Fraser Clubbe - Performance/Planning and Risk [LAA] George Hatfield – Service Development [LAA] Jill Waring – National Contract Manager [LAA] Kate Pasfield – Legal Aid Practitioners Group Kathryn Grainger – Civil Business Improvement [LAA] Kathy Wong – Bar Council Laura Fernley – Contract Manager [LAA] Lynn Evans-Service Development and Central Commissioning [LAA] Nimrod Ben Cnaan - Law Centres Network Oliver Rogers – External Comms [LAA] Paddy Enright – Contract Management and Assurance [LAA] Rabeya Begum – Contract Manager [LAA] Sally Cheshire – Housing Law Practitioners Association Simon Cliff – The Law Society Sonia Lenegan – Immigration Law Practitioners’ Association Tim Collieu – Central Commissioning [LAA] Tom Fitzgerald – Customer Service [LAA] Vicky Ling – Resolution Vicky Fewkes – Housing Law Practitioners Association [HLLPA]</p>
Apologies	<p>Helen Keith - Exceptional Complex Cases Team [LAA] Kathy Hartup – Communications [LAA] Kerry Wood – Central Commissioning [LAA] Steve Starkey – Civil Operations [LAA]</p>

1. [Minutes](#) of the January meeting were approved and would be published.

Action 6 [Jan]: Request for Historic Provider and Office figures by Procurement Area. T Collieu said that the Commissioning team did not have the resource needed to collate this data on a regular basis however K Wood (who wasn't at the meeting) would be willing to consider ad hoc requests for specific purposes. Rep bodies agreed to bring specific requests under this heading at the next meeting. **Action 1 [Mar]**

Action 7 [Jan] Peer Review Quality Guides. The quality guides had been reformatted and published. A Sherr was happy with them however he proposed that he, J Waring and V Ling work together to find more meaningful photos to replace those currently on the guides; he also suggested that more relevant peer review comments be introduced to highlight certain points. This was agreed and would be done out of committee.

Action 9 [Jan] Update the published LAA's list of audit activity. J Waring had shared a draft of the list with rep bodies and was collating their feedback before publishing the final version. The list reflected the way in which audit activity had evolved and had been streamlined.

Action 12 [Jan] Provide guidance on client financial contributions when their trial date has been moved back. R Miller and L Evans had exchanged emails and L Evans said that she had passed the matter onto the MoJ policy team. L Evans suggested that it would be more appropriate for R Miller to discuss further with James Wrigley from the civil legal aid policy team, and she would flag it to James. **Action 2 [Jan]**

2. Civil Providers Webinars

J Waring said that three civil webinars had been run on: civil merits, civil means and Very High Cost Cases [VHCC] in Family; they had been very successful. There were plans to record and post future sessions online so they could be viewed by practitioners who wanted a refresher.

The LAA were now considering running a webinar to help practitioners with their induction of new starters. The session would last 1 ½ hours and cover topics like: high level information about the LAA, case management, information management and how to contact the LAA. J Waring asked rep bodies for their views. E Cronin suggested a webinar on audit activity as a next step. J Waring agreed to share the module outline with rep bodies so that they could give feedback. **Action 3 [Mar]**

3. Covid19 Contingency Arrangements

J Waring said that an [update](#) had been published. The LAA were working on aligning the contingency measures with the English Road Map out of lockdown announced by the government. Most of the contingency measures that were due to be in place until 31 March had been extended to June, however as the Road Map was under continuous review, so would be the contingency measures. The LAA was making plans on what the future position might be after June but would engage with rep bodies before any decisions were made. F Clubbe added that the LAA were also aligning with the Government financial support measures where relevant, which were going to end at the end of September.

Any changes relating to offices and supervision would be discussed with rep bodies; the current position was as set out in the guidance on Gov.uk.

R Miller said that practitioners would need support for many months after all government-imposed restrictions had come to an end because the Justice 'ecosystem' would take time to get back to

normal. This ought to be considered separately to what measures should remain permanent to reflect the different ways of working that had evolved over the past year. F Clubbe agreed and said that the LAA would work closely with rep bodies prior to making any changes.

Resolution members had indicated that one of the measures they'd like to keep was to be able to send key documents for escape fee claim assessments rather than the whole file. A Evans agreed that electronic solutions were going to be prioritised.

4. Interim Payments for Controlled work

J Waring said that the LAA were working on a solution to speed up payment for housing providers for controlled work, fixed fees and disbursements for a limited period. This would allow practitioners to bill a fixed fee at an earlier stage and not having to wait until the case was concluded. A consultation would be run imminently on the contract amendment needed so that the new scheme could start from April. The LAA were not going to look at any other areas of law in term of Covid19 contingencies aside from Housing, Immigration and Inquests. If the Road Map changed, the LAA would consider extending the contingency measures accordingly.

Finance colleagues had done extensive modelling around the volume of claims that were likely to be received under the scheme and had tried to strike a balance that would benefit the provider as much as possible and also be approved by the Treasury. E Druker would find out whether the modelling could be shared with rep bodies **Action 4 [Mar]** She confirmed that housing providers could claim for disbursements on legal help under the fixed fee.

It was agreed that the consultation would run for a week unless rep bodies requested longer. Guidance would go out to providers to inform them of how the scheme would work. C Minnoch explained that the scheme on which they were going to consult didn't go far enough and came too late in the day; rep bodies had been asking for this kind of support in all areas of law from the start of lockdown. Rep bodies found themselves in a difficult position when having to explain to members that the scheme had been worked out without their involvement and that this consultation was on the operational part. He accepted that providers would get some benefit from the scheme and that the LAA had done their best to get support for practitioners. He pointed out that since lockdown started a year ago, much less had been spent on legal aid and he wondered why the money saved could not be used to support providers.

5. Commissioning

Update. T Collieu apologised for the late circulation of the report. The only thing of note in the first quarter of the year was a small reduction in the number of Housing, Family and Immigration providers. T Collieu agreed to find out whether it was possible to show the number of prison law contracts separately **Action 5 [Mar]**.

N Ben Cnaan said that 55 civil providers had been lost since the start of the pandemic and asked at what point the LAA would address the crisis with substantive measures. T Collieu reiterated that the Commissioning team were monitoring the situation very closely and were dealing with the Housing shortage of service provision with the current Housing tender. The LAA executive team and MoJ were kept informed of the situation. Jane Harbottle, the LAA's CEO, had been having regular conversations with the Legal Aid minister about capacity in the market; equally, MoJ civil policy colleagues were working on sustainability. L Evans said that the LAA had received housing contract bids for 13 out of the 14 procurement areas. From the 1st April advice would be available in 8 out of the 14 areas and clients would be able to receive advice through digital means. Further verification was currently in process with a further 5 organisations.

Withdrawals and inactive contracts. A question was asked about whether the LAA records the reasons for withdrawals. When an organisation decided to withdraw from a contract or stop services from one of their offices, their contract manager set out to find out the reasons behind that decision; these were recorded and fed back to the minister and MoJ colleagues on a monthly basis. J Waring agreed to find out whether stats could be provided on the reasons for firms' withdrawals in the preceding 12-month period. **Action 6 [Mar]**

Contract Management [CM] were currently looking at inactive contracts to find out whether they had been affected by the pandemic or by other factors. Commercial viability was one of the most cited reasons for withdrawals, but CM wanted to find out the details behind that, such as loss of personnel and recruitment issues. LAPG were about to launch a workforce survey in both civil and crime and one of the questions was about reasons for letting go of a contract. It was agreed that there was a correlation between a contract that had been inactive for a period and a withdrawal however, a number of inactive providers explained the absence of work on things such as lack of clients or loss of personnel and intended to retain the contract. P Enright agreed to provide high level figures by the next CCG and a detailed analysis at a future date. **Action 7 [Mar]**

Civil contract tender. T Colliou said that the current civil contract had been extended by a year to 31 August 2022 and contract holders would be notified of this during the following two weeks. The schedule for that 4th year of the contract would be uploaded in July of the current year, towards the end of the month, with the new schedule commencing on 1st September. The crime contract was going to run until 30 September 2022 with schedule uploads starting today.

E Druker explained that there wasn't much more of an update on the civil contracts, though noted that it was unclear yet whether it would be possible to tender for all civil categories at the same time under one contract or whether some categories, such as Housing Possession, would have to be done separately. The LAA would engage with rep bodies as soon as possible with regards amendments such as legacy measures introduced during the pandemic that might be retained, or supervision or quality standards, or measures to support provider base sustainability. With regards to High Cost cases in Family there had been an increase of 33% in intake since January, therefore overtime and recruitment for additional resources had started to deal with the extra work.

6. LAA Civil Operations Update.

Applications. D McLaughlin talked through and highlighted some of the data sets in the report. Overall performance remained strong and in target. The pack would in due course contain more data on appeals, the Fixer system, quality control processes, rejects and document requests. E Cronin asked for the Civil Operations Pack to be published on the Gov.uk website, however the issue with this for the LAA was that the data in the pack was Management Information, not official/validated stats and therefore could be subject to change. D McLaughlin suggested publishing the *Hints and Tips* and *Process Maps* on the training website.

The pack's title would change to Civil Operational Performance.

Billing. A Evans talked about some of the salient points in the report. Overall performance remained strong. Appeals volumes were low, but a high percentage was refused because in most cases the appeal value was incorrect. The team planned to liaise with CMs and communications to help providers understand how to appeal successfully. Rejects volumes had remained stable at around 20% as opposed to around 45% two years before. Rep bodies and CMs had helped to drive rejects down plus the LAA's recent change to rejects reasons which allowed the team to see the reasons for rejects in more granular detail. A lot of information was coming from the well-established Civil Claim Fix system which helped the team to drive improvements.

A Evans and D McLaughlin would have a discussion about getting as much of the information in the pack published as this would drive improvements. **Action 8 [Mar].**

O Rogers said that the comms team planned to put the *Hints and Tips* on the LAA Customer Service team's Twitter account, on the LAA Bulletin and on LinkedIn.

7. **Exceptional and Complex Cases Team [ECCT]**

D McLaughlin said that she was deputising for H Keith who was on leave. A written update had been circulated beforehand and further stats were included in the Operational pack [p.26]. E Cronin asked what the team were doing to address the delay in processing emergency applications and following a quick request to the team D McLaughlin confirmed that the delays were due to low numbers in this category of work (only two applications can result in the KPI being out of target). The team had implemented new processes to check the incoming work earlier in the process to maximise the 10-day allocation and multi skilling was in progress to widen the pool of staff able to process the work. ECCT to develop the pack further for the next meeting **Action 9 [Mar]**. H Keith to update CCCG at the next meeting on emergency applications. **Action 10 [Mar]**

8. **Housing Possession Court Duty Scheme [HPCDS]**

E Druker was going to share the stats on HPCDS the following day. **Action 11 [Mar]**

9. **AOB**

LAA quarterly digital meetings L Evans said that E O'Sullivan, Head of Digital at the LAA, was keen to understand the kind of issues that rep bodies wished to discuss at these meetings. E O'Sullivan would get in touch with V Ling who raised the query **Action 12 [Mar]**.

Peer Review A Sherr said that peer reviewers were having issues with the files sent to them by the LAA for peer review because they were in a format that didn't allow them to search.

J Waring explained that if a provider was able to send files for peer review to the LAA electronically, they did so via the Secure File Exchange [SFE] system and the LAA then transmitted them to the peer reviewer in the same way. Problems occurred when the provider sent the files to the LAA in certain formats.

K Grainger said that the LAA had put a contract in place for SFE to deal with the restrictions posed by the Covid19 pandemic and that they were now reviewing the requirements and looking for ways in which the system could be improved. It was agreed that A Sherr, K Grainger and J Waring would work together on this. **Action 13 [Mar]**

CCCG meetings It was agreed that there would be a discussion and a vote at the next meeting on whether CCCG should continue to meet on MST or face to face. The next meeting would be on Teams on 19 May. **Action 14 [Mar]**

Actions from this meeting		Owner	Deadline
AP1[Mar]	Rep bodies to provide specific requests in relation to <i>Request for Historic Provider and Office figures by Procurement Area</i> to the May meeting	SPG	19 May
AP2 [Mar]	Ask James Wrigley to contact R Miller to discuss clients' financial contributions when their trial date was moved back. Post meeting note: J Wright has been made aware of the issue	E Druker	Closed
AP3 [Mar]	Share the outline of the webinar sessions with rep bodies so that they could give feedback.	K Hartup	Closed
AP4 [Mar]	Find out if the modelling supporting the interim payments to housing providers could be shared with rep bodies	E Druker	Not yet concluded
AP5 [Mar]	Find out whether the commissioning report could include the number of prison contracts. Post meeting note: At this stage the information cannot be provided	T Collieu	Closed
AP6 [Mar]	Find out whether stats could be provided on the reasons for firms' withdrawals in the preceding 12-month period	P Enright	Closed
AP7 [Mar]	Provide high level information on inactive providers Post meeting note: Contract Management & Assurance have planned to carry out a fresh review of Contracts showing little or no activity. Contract Managers will contact Providers to understand further the drivers behind inactive Contracts and their impact throughout May and June. We will update CCG further once this work has been completed and analysis undertaken at which point, we will consider what information may be shared at CCCG	P Enright	Taken forward
AP8 [Mar]	Find out what information in the Civil Operational Performance pack could be published Post meeting note: the pack cannot be published on Gov.uk but the Hints and Tips will be published as soon as possible	A Evans/D McLaughlin	Closed
AP9 [Mar]	ECCT to develop the pack further for the next meeting.	H Keith	Closed

AP10 [Mar]	Update CCCG on processing times of ECF cases	H Keith	19 May
AP11[Mar]	Share the stats on HPCDS	E Druker	Closed
AP12 [Mar]	Contact V Ling to discuss the LAA quarterly digital meetings Post meeting note: Kirsty Allen [LAA digital team] has spoken to Vicky and a digital meeting has been arranged for 4 th May.	E O'Sullivan	Closed
AP13 [Mar]]	Review the SFE requirements and find ways in which the system could be improved. Post meeting note: A meeting has been arranged	J Waring/A Sherr/K Grainger	Closed
AP14 [Mar]	Discuss how CCCG should meet in the future	CCCG	19 May