



Summer 2014

Leeds 10 June	Liverpool 17 June
South Tyneside 11 June	Cambridge 17 June
Bristol 11 June	Birmingham 19 June
Cardiff 12 June	Brighton 26 June
Nottingham 12 June	London 26 June
Manchester 16 June	

Provider Reference Group events were held in the summer of 2014 to update providers across England and Wales on a number of key issues.

A number of questions were captured and passed on to subject matter experts in the LAA. This document captures their responses.



Civil

Issue	LAA response
LAA needs a better process for handling emergency cases.	<p>If there are specific examples of where there have been delays, we are happy to look into them. Please speak to your Contract Manager in the first instance.</p> <p>E-mailed emergency applications are allocated on an urgent basis and the number outstanding monitored daily.</p>
For soft rejects, can you extend time available to respond to 2 or 3 days?	<p>Unfortunately not. Further increasing the time we allow has administrative implications and we have made it clear that we will only ever make such requests if we genuinely believe that the information we request can be provided within 24 hours.</p> <p>Our soft reject policy was extensively piloted before being introduced more widely. The successful return rate is currently more than 80%. So we are confident that our current time limit gives most providers sufficient time to comply.</p>
Can the LAA reconsider what level of additional financial information is asked for from passported clients?	<p>We have recently reviewed this and changed the evidence required to one month's worth of bank statements in relation to civmeans 2 cases.</p> <p>We've also reminded caseworkers of the discretion available when dealing with applications from vulnerable clients, e.g. those who are homeless.</p> <p>We need to ask about third party finances where the client may be supported by a third party but, again, the caseworker should exercise discretion, taking the relevant circumstances into account.</p>
If LAA issues a "show cause" (which embargoes work) and the reason for the "show cause" turns out not to be valid – e.g. client is in receipt of passported benefit – will the LAA allow any urgent work conducted during the	<p>Yes – this is made clear in Paragraph 8.36 of the Lord Chancellor's Guidance:</p> <p>https://www.gov.uk/funding-and-costs-assessment-for-civil-and-crime-matters</p>



“show cause” to be claimable?

Can LAA work with HMCTS to get final orders, especially for care proceedings, as these can often take several weeks?

We are working more closely with HMCTS and will look into this but would like to request you send specific examples to your contract managers.

For travel claims, does the LAA use Google Maps?

Checks should be made using the [court finder route checker](#) for court attendances or Google maps for any other travel. For travel time the LAA will compare against the highest travel time estimate indicated.

If there is a difference, providers should provide full reasons for the discrepancy between the route finder and their claim.



Crime

Issue	LAA response
For eForms, what will happen about date stamping if I undertake work on Saturday but don't upload until Sunday or Monday?	<p>Please make sure you complete the information required to secure a date stamp on the eForm on the Saturday and then complete the remainder of the application the following week.</p> <p>This will ensure that for relevant cases – if granted – your representation order will be back-dated.</p>
How will the need for client signatures be handled with eForms?	<p>The client, their partner (if relevant) and the provider must complete the client declaration form together with the eForm and retain it on file.</p>
For eForms, what is the position on getting the signature of the client's partner?	<p>The partner's signature is waived if the client is remanded in custody. However, in all other circumstances where a partner's circumstances are considered – because we assess at a household level – the partner must sign the declaration form.</p> <p>Some very limited further exceptions apply. See the Criminal Legal Manual 4.4.7 Partner's signature – page 52:</p> <p>https://www.gov.uk/government/publications/criminal-legal-aid-manual</p>
LAA needs to be clearer on how to handle unused evidence and Pages of Prosecution Evidence	<p>The Crown Court guidance has been recently updated to give greater clarity around what can be claimed as Pages of Prosecution Evidence, what can be claimed as Special Preparation, and what is already included in the graduated fee.</p> <p>It can be found at:</p> <p>https://www.gov.uk/government/publications/crown-court-fee-guidance</p> <p>Unused evidence is already included in the graduated fee payment so no additional payments will be made.</p>



For eForms, we often don't have the client's National Insurance number or it is not appropriate – e.g. for failed asylum seekers.

The National Insurance number is not a mandatory field. If you do not complete it, you will be unable to complete the DWP benefits check. You will then need to either upload evidence that demonstrates they are on benefits, answer means questions in the form explaining how they support themselves or answer means questions about their income.

Please note that there are potential contribution implications for defendants if they are then treated as non-passported, particularly in Crown Court trial cases.

There is guidance on the approach for foreign nationals who do not have a National Insurance number. This is set out in the Criminal Legal Aid Manual at 17.1.1 Minimum Income Evidence – page 114

<https://www.gov.uk/government/publications/criminal-legal-aid-manual>.

When the LAA processes criminal legal aid applications, how will appeals against refusals for the interests of justice test be handled?

The provider guidance below explains the process for making an appeal against an interests of justice decision:

<https://www.gov.uk/work-out-who-qualifies-for-criminal-legal-aid>

HMCTS are charging providers different amounts (said to be between £10 and £60) for copies of representation orders. Can LAA work with HMCTS to stop this?

A copy of the “memorandum of an entry” should cost £10. This has recently gone up from £5. A certified copy will cost £60. We do not need to see a certified copy.

If a particular court is suggesting that the fee is £60 for an uncertified copy, please let us know and we will take this up with HMCTS.

If the defendant was unrepresented at the mode of trial hearing, the £10 fee can be claimed as a disbursement.

We are currently exploring the possibility of removing the need for a LAC1/representation order to be sent in with each claim as part of improving electronic access to court records.

In relation to the CJS Efficiency Programme, will CPS print

The existing process of Initial Disclosure of the Prosecution Case (IDPC) will continue until Professional



details for the client if documents are not served in advance?

Court User wi-fi has been delivered and all courts are wi-fi enabled.

This means that a paper version will be available at court for the first hearing, if it has not previously been requested digitally.

Where served digitally, the CPS has committed to providing digital case files two working days before the first hearing.

The CPS recognises that in certain instances, such as where there are unrepresented defendants, paper copies may still be required at court. Discussions are currently taking place between the CPS and HMCTS about providing printing facilities in the courts for this purpose.

Payments from central funds are taking longer than three months. Can providers have an escalation point when this is the case?

The National Taxing Team are currently processing 98.4% of all claims (which includes payments from central funds) within three months.

If you have an unpaid claim older than three months, you can contact the region where you submitted the claim to ask for an update. Here's a link to the contact details:

<http://www.justice.gov.uk/courts/national-taxing-team>



Civil and crime

Issue	LAA response
<p>Very High Cost cases and Special Investigation Unit cases take far too long to progress and pay. The LAA needs some clear communications as to what expected timescales are and what providers can do if these are not achieved.</p>	<p>High Cost Cases (formerly Special Cases Unit and National Immigration and Asylum Team) and VHCC South Tyneside will publish its targets separately later in the year.</p> <ul style="list-style-type: none">• Applications for civil legal aid: 75% in 4 weeks.• Amendments to civil legal aid certificates (including case plans): 85% in 4 weeks. <p>These are complex cases so will take longer. For example, a multi-party action would easily fall outside the above timescales and we would inform the solicitor of the timescales for responding.</p> <p>The VHCC family team in South Tyneside has introduced schemes to replace case planning, including the VHCC Care Case Fee Scheme (CCFS – formerly known as the “Events” pricing model), and produced Funding Checklists.</p> <p>These set out what costs will be paid based on the number of hearings or the circumstances of the case. We would recommend these are used as it will speed up approval and payments for these cases.</p> <p>For more information:</p> <p>https://www.gov.uk/civil-high-cost-cases-family</p> <p>If you wish to find out about non-family high cost cases then visit this page:</p> <p>https://www.gov.uk/government/publications/high-cost-cases-non-family-civil</p>
<p>Soft rejects are great but can you use different email addresses?</p>	<p>We use the email address shown either on the covering letter or the claim form itself.</p> <p>We appreciate that the CLAIM 1 form doesn't have a dedicated email field. Please use the 'Your Details'</p>



section to include contact name and email address as there is plenty of space in this field and the caseworker will always look here first.

For experts' fees in cases where the expert has completed the work before codified rates, it isn't right that the LAA now asks for breakdowns after the event, when the expert has completed the work and often been paid.

To enable our caseworkers to decide on the reasonableness of any expert's claim, we need to know the hourly rate used and the number of hours being claimed. For work completed before codified rates, this information should still be readily available to you.

CCMS

Issue

LAA response

Why do Online Support never talk through issues and always ask for a copy of a screenshot – surely this isn't always needed?

The screen shot assists the adviser in diagnosing the issue.

If it is confirmed to be a technical defect, the investigating IT team will then look at the screenshot to help remedy the problem.

We are unable to see the bill submission after it has been submitted. This isn't helpful.

A copy of the bill can be viewed before it is saved. This will be displayed as a PDF document which can be printed or saved.

We have recently updated our FAQs (<http://ccmstraining.justice.gov.uk/using-ccms>) to include an additional section "Case Supervision and MI".

This includes suggestions about processes which you may wish to adopt to supervise cases.

How does the promissory declaration work?

The promissory declaration may be used where:

1. You are granting an emergency certificate



under delegated functions.

2. The client is reasonably unable to attend the office to sign the emergency application declaration in person. For example, the client is imprisoned or hospitalised; or there is a system outage, officially confirmed by the LAA, which prevents the client from being able to sign the client declaration on the CCMS emergency application.

3. You have seen adequate evidence to enable you to reasonably assess that your client is likely to be eligible for legal aid.

This does not replace the requirement for a client signature as part of your substantive application.

However, it ensures that the client is aware of:

- their obligation to provide you with information to allow you to complete a substantive application; and
- the consequences of not doing so.

If the client subsequently fails to sign the substantive application, your costs will be protected.

How do we deal with clients we see out of the office, e.g. in prison?

Guidance on creating and submitting an application where your client cannot attend the office is available on the CCMS website on the hard-to-reach clients page under the Using CCMS tab :

<http://ccmstraining.justice.gov.uk/using-ccms>