



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

7th November 2017

V1.0

When:	Tuesday 7 November 15:00 – 17:00		
Where:	113 Chancery Lane (Brems Room)		
Chair Minutes	Rodney Warren - TLS Gillian Hothersall - LAA		
Attendees	Adrian Vincent – BC Alice Mutasa – TLS Andrew Cosma – Martin Murray Sols Avrom Sherr – IALS Carol Storer – LAPG	Glyn Hardy – LAA Greg Powell – LCCSA Helen Johnson - LAPG John Sirodcar - LAA Mark Edwards - LAA Matt Doddridge – LAA	Neil Lewis – LAA Nick Ford - LAA Rakesh Bhasin-LCCSA Richard Atkinson – TLS CLC Richard Field - LAA Roger Ralph – CILEx
Apologies	David Thomas - LAA Elaine Annable – LAA	Henry Hills - SAHCA Paul Keleher - CBA	Richard Knight – LAA Sarah Grace – CLSA Tom Payne – BC

Actions from the last meeting		Owner	Deadline
AP1 [July]	Ask Rachel Hawkins for update re CLAS reaccreditation	A Mutasa	7 Nov

AP2[July]	Ask at Criminal Committee meeting whether agents not being able to submit on the system is a significant issue for their members.	R Warren	7 Nov
AP3 [Sep]	Ask LCCSA members for feedback on Evidence.com and share with CCG	R Bhasin	7 Nov
AP4 [Sep]	Set up a meeting to discuss LAA caseworkers training material	J Edwards	7 Nov
AP5 [Sep]	To document LAA position re “all options open”	J Edwards	7 Nov
AP6 [Sep]	Share an update on CCD online for rep bodies to use when contacting their members	N Poulter	Closed

Welcome and introductions.

1. Minutes from September were approved. Actions were discussed as follows:

- AP1 [July] CLAs Reaccreditation: R Hawkins has changed roles; R Warren to liaise with A Mutasa and confirm who is responsible for providing update re CLAS accreditation. J Sirodcar asked if this action can be progressed as it has been outstanding for some time. **#AP1 [Nov]**
- AP2 [July] It was confirmed that the issue of agents not being able to submit on the Eforms system is an annoyance but not a major issue. J Sirodcar confirmed it was an intended future enhancement but not one that is a priority. Action can be closed.
- AP3 [Sep] Evidence.com: no feedback received – action can be closed although any feedback is always welcome.
- AP4 [Sep] The meeting to discuss LAA caseworker training materials took place in October. The IoJ guidance is being redrafted and will include caseworker guidance. A copy will be shared with CCG. **#AP2 [Nov]**
- AP5 [Sep] J Edwards reported that LAA were content that ‘all options open’ was a strong indicator that an application would be granted, though not a certainty that a representation order would be granted. This will be included in the revised guidance when drafted, and relevant bodies would be consulted. J Edwards will circulate draft to CCG members when ready. R Warren queried whether there could be a method of recording the number of instances in which a rep order is refused in an ‘all options open’ case, and sharing the statistics with CCG. J Edwards to investigate. **#AP3 [Nov]**
- AP6 [Sep] Update on CCD online was circulated and action can be closed.

2. Quarterly legal aid statistics

R Field and M Edwards gave a presentation of changes and enhancements to the publication of LAA's quarterly statistics on the gov.uk website. The slides will be circulated to members after the meeting.

In response to a query from H Johnson, it was confirmed that it is not yet possible to filter the statistics by court, though this may be possible in the future.

R Field offered to liaise with any member who wished to have a more in-depth session on the statistics release, and G Powell said he would welcome this. R Field to liaise with G Powell to arrange.

3. Operational update

3.1 Applications:

J Edwards outlined the report. Performance remains strong and the reject rate is consistently down from about 23% to just under 15%.

3.2 Billing:

N Poulter outlined the report. Performance remains stable and the team are looking for ways to improve it further. Use of CCD became mandatory on 1 November; 86% of AGFS claims and 71% of LGFS claims are already being received via CCD. The 'soft reject' period is operating and a flyer is being distributed explaining that CCD is now mandatory. As from early January, paper claims will be rejected.

N Poulter also explained a recent issue regarding CCLF; it is currently available externally, so providers can complete CCLF and monitor progress of their claims. This is causing some confusion between CCD and CCLF now that CCD is mandatory, and therefore LAA propose to close down external access to CCLF. A three month period after the January cut-off date for paper claims was suggested. Members felt that this would be helpful, and there was a general consensus that CCLF should be turned off earlier. It was agreed that external access to CCLF would be turned off in January, with advance notice circulated to the profession as soon as possible.

In response to a query from R Warren, N Poulter confirmed that positive feedback on CCD had been received from those who had only recently started to use it.

N Poulter also reported that there had been issues with the customer service phone system for criminal billing. The current phone system is no longer fit for purpose, and we are moving to a new system from this month. AGFS calls will move from 20 November with LGFS following in late January, depending on the success of the initial move. N Poulter to report back on the success of the move at the next Crime CCG meeting in January. **#AP4 [Nov]**

A Cosma reported that some firms ringing the AGFS team are finding that caseworkers do not see the same screen providers do, and this is causing difficulties with queries regarding determinations. N Poulter to investigate and respond. **#AP5 [Nov]**

He also raised the issue of evidence served on discs needing to be verified once PPE has already been verified. N Poulter confirmed that this is now only needed in a small number of cases.

N Poulter confirmed that all caseworkers had been updated on this, and suggested that it was helpful to indicate on the form if a co-defendant was involved.

4. Issues raised by representative bodies/AOB:

4.1 Wasted costs:

R Atkinson outlined an issue concerning Para 8.48 and 8.49 of the contract and the disclosure of material. The issue is to do with the requirement that orders cannot be made to the other party without them being deducted from their fee. He proposed that this requirement be removed, which would contribute to efficiency and have a cost saving.

It was agreed that the suggestion should be explored further and discussed with policy colleagues, so that the policy headlines should be agreed before any decisions were made about the detail of the proposal. R Atkinson to prepare a written paper outlining the points of principle, which will be discussed at the next meeting. **#AP6 [Nov]**

4.2 Lammy review:

G Hardy mentioned that discussions were already happening following the Lammy review recommendation to look at different ways of delivering information to those in custody. G Hardy to liaise with A Mutasa, R Ralph and any other relevant parties to discuss implications. **#AP7 [Nov]**

5. Duty solicitor compliance and 14 hours

R Warren chaired a discussion around the 14 hour rule, taking as a basis the paper circulated previously by J Sirodcar. It was agreed that a smaller task related group be set up to explore any necessary contract issues in more depth and feed in to CCG discussions.

J Sirodcar provided some context on the issue; there are roughly 15 informal reviews currently regarding this issue, of which 6 are progressing to CRB. Any potential change would need to be implemented carefully and communicated clearly.

It was generally felt that the requirement (among other factors) had contributed strongly to the removal of ghosts from rotas. It was also felt by some that clearer guidance on what constitutes the 14 hours would help clarify the issue.

There was discussion of whether court advocacy should count towards the 14 hours, and a consensus that it should. It was also felt that the wider profession would generally agree. J Sirodcar and N Lewis will discuss further.

A Cosma also raised the issue of multi-office firms as something the small group could investigate. It was agreed that R Warren would email members to ask who wished to be involved in the sub-group; R Atkinson would then take forward the formation of the sub-group. **#AP8 [Nov]**

Actions from this meeting			
AP1 [Nov]	R Warren to liaise with A Mutasa and confirm who is responsible for providing update re CLAS accreditation.	R Warren	16 Jan
AP2[Nov]	J Edwards to circulate redrafted IoJ guidance including caseworker guidance.	J Edwards	16 Jan
AP3 [Nov]	J Edwards to investigate whether there could be a method of recording the number of instances in which a rep order is refused in an 'all options open' case.	J Edwards	16 Jan
AP4 [Nov]	N Poulter to report back on the success of the move of AFGS calls to the new phone line.	N Poulter	16 Jan
AP5 [Nov]	N Poulter to investigate the issue of caseworkers having access to the same screen as practitioners, and respond.	N Poulter	16 Jan
AP6 [Nov]	R Atkinson to prepare a written paper outlining the points of principle regarding wasted costs.	R Atkinson	16 Jan
AP7 [Nov]	G Hardy to liaise with A Mutasa, R Ralph and any other relevant parties to discuss implications of the Lammy review.	G Hardy	16 Jan
AP8 [Nov]	R Atkinson to take forward the formation of a sub-group to discuss relevant issues and feed into CCG.	R Atkinson	16 Jan