

## Civil Contracts Consultative Group (CCCG) Minutes

19 July 2017

V2

Date:	Wednesday, 19 July 2017	
Where	The Law Society- 113 Chancery Lane, London WC2A 1PL	
Chair:	<b>Richard Miller</b> – Head of Justice, The Law Society	
Attendees	<b>Avrom Sherr</b> – IALS <b>Carita Thomas</b> - ILPA <b>Carol Storer</b> - LAPG <b>David Martin</b> – Family Legal Aid/LASPO Review [MoJ] <b>Eleanor Druker</b> - Service Development [LAA] <b>Eleanor Solomon</b> - HLP <b>Giorgio Bugnatelli</b> – Finance – [LAA] <b>Grazia Trivedi</b> - minutes [LAA] <b>Hannah Payne</b> Service Development/Commissioning [LAA] <b>Ilona Skinner</b> – Finance [LAA]	<b>Jane Pritchard</b> – TV Edwards <b>Luke Crosby</b> – Digital [LAA] <b>Malcolm Bryant</b> – Exceptional, Complex Cases [LAA] <b>Nicola Jones-King</b> ALC <b>Nimrod Ben-Cnaan</b> Law Centres Network <b>Paul Seddon</b> ACL <b>Richard Knight</b> – Communications [LAA] <b>Stephen Barker</b> – Civil Operations [LAA] <b>Tim Collieu</b> – Commissioning [LAA] <b>Zara Topping</b> - Digital [LAA] <b>Vicky Ling</b> - Resolution
Apologies	<b>Dominique Smith</b> - Bar Council <b>Steve Starkey</b> – Civil Operations [LAA] <b>Stuart Hearne</b> - Shelter <b>Kerry Wood</b> – Com missioning [LAA]	<b>John Sirodcar</b> – Contract management – LAA <b>Tam Gill</b> - MHLA <b>Laura Wensley</b> Service Development/Commissioning [LAA] <b>Rachel Rogers</b> - Resolution

1. **Minutes** from the May meeting were approved.

### 1.1 **Actions**

- AP 1[Mar] - Share the output from the LAPG members' survey on CCMS user experience. Taken forward to the next meeting **Action 1 [Mar]**
- AP3[Mar] – E Druker was due to meet with the digital team to discuss how the search ranking for legal aid advisors could be improved. For C Storer the main issue was that when Googling either a) legal aid adviser b) legal aid advisor or c) legal aid solicitor, none of the outputs listed [.GOV](#) as the top choice and this was detrimental to people looking for a legal aid solicitor in their area. The [.GOV](#) link should appear as the top choice. Rep bodies would send through any other specific suggestions for improvements **Action 2[July]**.
- CCMS Actions attached below<sup>1</sup>

Resolutions members had been having difficulties with means assessed applications in cases where the practitioners acted for a child. V Ling said that practitioners needed help to interpret the guidance. **Action 3[Mar]** E Druker clarified that the LAA would not be changing its historic practice where the solicitor signs the form.
- AP15[Mar]. A ministerial decision had not yet been made on Universal Credit. Action to be taken forward **Action 4[Mar]**

### 2. **LAA Updates**

2.1. **Civil operations.** There were not questions about the report. Rep bodies would contact Steve Starkey directly if they had any queries.

### 2.2. **Commissioning update**

No updates were available on the Civil Contracts Tender timetable or the Response to the HPCDS consultation.

**North Hertfordshire** Earlier this year the LAA ran an Expression Of Interest [EOI] to place Housing and Debt services in North Hertfordshire after the withdrawal of the sole provider in that procurement area. The LAA had previously reported that the EOI received no response so they contacted housing providers who:

- I. currently had a contract to undertake Housing and Debt work in a neighbouring Procurement Area; or
- II. currently had a contract(s) to undertake Housing and Debt work in a nearby Procurement Area(s) and undertook higher volumes of work; or
- III. currently held a HPCDS Exclusive Schedule in the neighbouring Procurement Area to identify whether they would be interested in providing Housing and Debt services in North Hertfordshire until the end of the current contracts.

The deadline to respond was 20 July. The LAA would consider the responses received and would report further at the next meeting.



**Immigration and Asylum EOI** The LAA had previously reported to the group about an EOI for the award of supplementary matter starts in the access points of:

- I. London
- II. Mid, South West and Coastal Kent

The exercise had concluded. The LAA had awarded matter starts to a total of 12 organisations (14 offices) and the outcome would be published on gov.uk shortly.

Matter starts awarded through this exercise were specifically for use for asylum seekers being transferred from other areas of the UK to London by National Asylum Seekers Support (NASS); and/or Unaccompanied Asylum Seeking Children (UASC) arriving in the UK following the closure of the camp at Calais.

**Schedule upload.** The LAA completed the upload of the 2014 Standard Civil Contract (Mental Health/Community Care) contract extension notice which was issued in May 2017 and ran through to 31 March 2018. The supporting schedules commenced on 1 August.

**Tunbridge Wells Housing Possession Courts Duty Scheme** the LAA had recently received notice from the provider that delivered the HPCDS in Tunbridge Wells that they were withdrawing from their housing and debt contract shortly. This will not result in a Housing and Debt access gap as there were other housing and debt provision in the mid and south west Kent Procurement Area.

However, the LAA were now exploring options to maintain HPCDS cover in Tunbridge Wells. Tunbridge Wells county court closed in December 2016 but an 'alternative hearing location' had been established there so that clients could continue to receive advice in Tunbridge Wells. The LAA would provide a further update at the next CCCG.

### 2.3. Grenfell Tower Update

Payments made to victims of the Grenfell Tower fire from the Discretionary Fund would be disregarded by the LAA in relation to means assessments.

The LAA together with TLS had produced guidance for providers on measures they might need to consider and the ECC team had set up a dedicated email box for any queries related to this: [contactECCmajorincidents@justice.gov.uk](mailto:contactECCmajorincidents@justice.gov.uk)

A core group of people from all parts of the LAA had been meeting daily to discuss individual cases and issues as they came up.

### 2.4. Provider Statement of Account [PSoA] update.

I Skinner and G Bugnatelli spoke about the changes planned for the PSoA<sup>2</sup>.

C Thomas said that it was not possible to figure out the remittance for controlled work in the PSoA report and asked that this be made more clear in the new system; C Thomas to send G Bugnatelli the details of the specific issue **Action 5 [July]**



**Post meeting note** C Thomas explains: Is it possible to remove the SPANOFFLIN system and simply provide an itemised list statement of all controlled work payments each month by client name? This would be a huge help. The current system is not transparent and creates an administrative burden for providers to work out what payments relate to.

and G Bugnatelli to consider it. **Action 6 [July]**.

**Post meeting note** G Bugnatelli's response to C Thomas: Given the nature of the issue, it will be necessary to involve other teams at the LAA before I can provide an answer. A resolution may not be immediate therefore I will respond as soon as I have more details.

Rep bodies said that their members were asking for:

a) the client name to be added to the PSoA report for ease of reference **Action 7[July]**. **Post meeting note:** The clients' names do appear on the PSoA report but are blacked out on the presentation slide.

and b) for a remittance advice to be sent even when their account was in debt and recoupment transactions were entered. **Action 8 [July]** **Post meeting note:** remittance is available when a physical payment has been made and not when the provider is in debt because there is nothing to remit. The LAA have raised this with the project team to see if CCMS could notify the provider when their account is in debt. From a contractual point of view the LAA confirm that they are meeting their obligation. Providers may wish to contact the SRA if they believe that current procedures place them in breach of the SRA accounts rules to get a definitive position on this.

## 2.5 Exceptional and Complex Cases [ECC]

The official stats for the LAA period Jan – 31 March 2017 had been published and could be found [here](#). The ECF grant rate was over 50% for this period, a significant rise compared to when the scheme was introduced in 2013.

There was no litigation of note regarding the ECC group.

The team had met with the inquest lawyers and had agreed to produce some operational guidance on the legal help waiver for inquests. This aspect had not been delegated to the provider and applications for a waiver for eligible client had to be sent to the LAA. The team would provide CCCG with any guidance on this issue when available.

M Bryant remarked that the ongoing operational changes, i.e. moving some work to South Tyneside [ST], was progressing. All family case plans were now undertaken by the caseworkers from ST and continued to be managed by Anthony Leal. The Customer Service team had received additional training to help them resolve issues first time but if CCCG had any concerns regarding the service they should get in touch so that further training needs could be assessed.

The ECC group had now recruited a CCMS work flow manager who identified that many of the delayed cases were due to providers incorrectly identifying whether cases were in or out of scope; 22 hours were being used weekly to reassign/reroute cases.

Rep bodies remarked that correctly identified cases were also delayed and this was accepted by M Bryant. He asked rep bodies to remind providers to check scope questions on CCMS applications. **Action 9[July]**.

N Ben-Cnaan said that the quarterly stats showed the total number of applications for ECF and the number of grants and noted how many of those applications were made directly by individuals rather than with the help of a legal aid lawyer. He asked how many ECF applications made without help from a lawyer were successful. If the LAA already noted separately the number of direct applications, what was the corresponding figure on the number of grants; he said it would be useful to have this information as a routine feature of the statistical release, but if not then at CCCG. M Bryant. **Action 10[July]**

**Post meeting note** The LAA do publish this information<sup>3</sup>, but in the more detailed [data csv](#), not in the tables. The table below covers all the information required. The data behind this can be found in our more detailed data file that can be found [here](#). One thing to note- PPVs ceased to exist in July 2016 and are now just recorded as grants.

ECF individual applications, by financial year and determination, 2013-14 to 2016-17

	Awaiting	Granted	Positive Preliminary view	Refused	Rejected	Withdrawn	Total
2013-14			2	48	27	1	78
2014-15			2	37	15		54
2015-16		42		57	54	4	157
2016-17	4	119		140	82	4	349

M Bryant was asked about the changes to the guidance for exceptional CCFS cases and the amalgamation of the high cost team and the 2-counsel team; these were agenda items to be discussed at the CCFS/CCMS/HCC meeting the following Monday with Anthony Lyle. M Bryant would try to attend that meeting and provide an update then. **Action 11[July]**.

**Post meeting note** from Anthony Lyle. No changes have been proposed and no changes have been agreed. There is a general item to consider how the guidance is being applied and any issues arising from that. No issues were raised at the meeting. It was suggested that since the guidance has been in place for approaching 2 years we will now have a body of cases which may better inform the type of case or issues involved which may lead to a case being considered exceptional. It was agreed that we would look at that. The issues mentioned within the group were in fact of a nature which would lead to the grant of authority for Queen’s Counsel/2 counsel. The use of the events model in such cases is not mandatory, hence the exceptional guidance referred to in single counsel cases does not apply.

About the transfer of work to the VHCC Team, I provided an update that this had happened with effect from 1<sup>st</sup> May and that all work remained under the supervision of ECC and that I was regularly attending the team in VHCC to provide training and support. One of the Rep Body members had recently attended ST and seen how the team worked. She was full of praise for the team having seen them in action and was extremely positive about this move. I intend to have a further meeting towards the end of September.



## 2.5. Client and Cost Management System [CCMS]

L Crosby, the LAA new Head of Digital introduced himself and then asked rep bodies for their views on how the profession and the project team could work together to improve CCMS functionality.

J Pritchard said that the LAA should engage with a large volume of providers and rep bodies in the same way that the Provider Reference Group had done to prepare for the introduction of the Care Case Fee Scheme [CCFS]. This had been one of the best engagement experiences that she had been involved in. If budget restrictions delayed further enhancements, then the LAA needed to give positive workarounds which did not necessitate making changes to the system's interface.

Feedback from practitioners had been fed through to the LAA so now it was time to deal with each issue starting from the big ones which affected every practitioner and progressing to issues specific to certain areas of law and requiring separate meetings and a bespoke project plan. Dedicated regular meetings with rep bodies should take place to work through CCMS issues.

The LAA had been focusing on making sure that the system was reliable and always available to users. Resilience and performance issues had been tackled and the system was much more stable. A new portal would be released to all users shortly. It was proposed that the LAA make a list of top 10 issues based on the feedback received, consult with practitioners' reps and agree on an action plan.

The LAA was asked to set a date for an initial meeting in Sep **Action 12 [July]** and to share the feedback from LAPG's members beforehand; rep bodies would supply names of practitioners to be invited once they were briefed on the remit.

Rep bodies felt that communications had been poor during the previous year and this had increased practitioners' frustration; providers needed to have hope that things would improve and encouragement to persevere.

**Cost Assessment Guidance.** No decision had been made about the proposed changes; the matter was with the legal team. Get an update at the next CCCG. **Action 13[July]**

**FAS court-assessed claims submitted on CCMS.** The LAA had published an [article](#) stating that from 14<sup>th</sup> August FAS court assessed claims submitted on CCMS would have to include a breakdown of fees; P Seddon asked whether the LAA would pay practitioners for the time it would take to include a breakdown of the individual hearings using the rule engine or whether a paper matrix could be used as per CLAIM1As. S Barker to take this away. **Action 14 [July]**. There were concerns about the tight deadline for mandating and transitional arrangements.

**Post meeting note.** The deadline has been extended to 20<sup>th</sup> September before the breakdown is mandatory. The benefits to assurance and the agency are necessary compared to the extra time it will take to enter the breakdown. At this stage the LAA timings show it as a required change to set off against the potential assurance risk. Communications to practitioners will be released shortly confirming the deadline extension.

S Barker and P Seddon to discuss this further away from the meeting and agree a plan **Action 15 [July]**.

**Electronic submission of controlled work escaped fees claims<sup>4</sup>.** The LAA had asked CCG for feedback on proposals for moving towards more electronic working through an electronic claim form and electronic file submission within the legal help escape cases. C Thomas said that the proposed mandating of an electronic EC Claim 1 would be seriously detrimental to some practitioners and asked that the proposal be vetoed until more details were shared about how it would work. **Action 16 [July]**

**4 AOB none.**

Actions from this meeting		Owner	deadline
AP1 [Mar]	Share the output from the LAPG members' survey on CCMS user experience	C Storer	Closed
AP2[July]	Send through specific suggestions on how the search ranking for legal aid advisors could be improved	Rep bodies	31 July Closed
AP3 [Mar]	Clarify to providers the position re applications in cases where the practitioners acted for a child	Z Topping	20 Sep
AP4 [May]	Update on Universal Credit	Wensley-Payne	20 Sep
AP5 [July]	Send details of how payments for controlled work should be shown on the new PSoA	C Thomas	Closed
AP6 [July]	How to improve demonstration of controlled work on the new PSoA following clarification from C Thomas.  <b>Post meeting note:</b> LAA's enquiries currently involve a number of teams at the LAA and they are ongoing. We hope to provide a comprehensive response in the not too distant future.	G Bugnatelli	In progress
AP7 [July]	Find out whether the name of clients could be added to the new PSoA	G Bugnatelli	Closed
AP8 [July]	Find out if a weekly remittance advice could be sent to practitioners	G Bugnatelli	Closed
AP 9 [July]	Remind providers to check scope questions on CCMS applications	Rep Bodies	Closed
AP10 [July]	how many ECF applications made without the help of a lawyer were successful.	M Bryant	Closed
AP11[July]	Update on changes to the guidance for exceptional CCFS cases and the amalgamation of the high cost team and the 2-counsel team	M Bryant	Closed
AP12 [July]	Set a date in Sep for a meeting with rep bodies and practitioners to discuss the top 10 CCMS issues and share the list of issues from rep	M Bryant/L Crosby	30 Aug



	bodies' members 2 weeks before the meeting.		
AP13 [July]	Update CCCG on the Cost Assessment Guidance	S Baker/S Starkey	20 Sep
AP14 [July]	Find out whether the LAA would pay practitioners for the time taken to include a breakdown of the individual hearings for court-assessed claims under the FAS.	S Baker/S Starkey	20 Sep
AP15 [July]	Meet outside CCMS to discuss transitional arrangements and deadline for mandating the breakdown of the FAS court-assessed claims	S Barker/P Seddon	15 Aug
AP16 [July]	Consider the proposal to mandate the electronic EC Claim 1 form and follow up with C Thomas out of committee.	L Crosby	20 Sep
Brought forward from July	AP13 – Send family specific issues to Z Topping – unresolved points raised: c) Signing forms on amendment applications [with Operational Assurance]. e) Alternative flow to notify and subsequently report DF decisions and submit.	Z Topping	20 Sep