



The Law Society



Legal Aid Agency

Civil Contracts Consultative Group (CCCG) Minutes

21 March 2018

V2

Date:	Wednesday, 21 March 2018	
Where	The Law Society, Chancery Lane, London	
Chair	Richard Miller – Head of Justice, The Law Society	
Minutes	Grazia Trivedi - [LAA]	
Present	Avrom Sherr – IALS Chris Minnoch – LAPG Claire Davies – Finance [LAA] Eleanor Druker – Service Development [LAA] Emily Timcke – Bar Council Fiona Rutherford – Legal Aid Policy [MoJ] Gillian Dyne – Finance [LAA] Hannah Payne- Commissioning and Ser. Dev. [LAA] Jayne Nevitt-Civil Operations [LAA] Kerry Wood-Commissioning [LAA]	Laura Wensley-Commissioning and Ser. Dev. [LAA] Malcolm Bryant – Exceptional, Complex Cases [LAA] Nicola Jones-King ALC Nimrod Ben-Cnaan Law Centres Network Robert Barker – ACL Sally Cheshire - HLP Sue Antell – MHLA Vicky Ling – Resolution Vishal Misra - ILPA Zara Topping - Digital [LAA]
Apologies	Paul Seddon ACL Claire Blades - CAB	John Sirodcar-Contract Management [LAA]

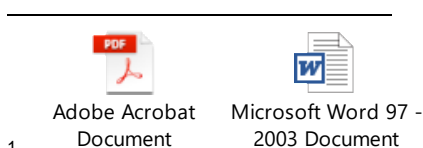
1. **Minutes** of January meeting were approved.

1.1 **Actions from the previous meeting.** It was agreed that action points would have a deadline of no later than 2 ½ weeks before the following meeting.

- Action 1 [May '17] Ministers had yet to respond to the consultation on Universal Credit. Action carried forward. **Action 1 [May]**
- Action 2 [Sep] Cost Assessment Guidance amendments. ACL were going to publish the survey shortly and a result would be known by the next meeting **Action 2 [Sep]**
- Action 3 [Jan] **Behavioural Insight Interviews [BI]**. LAA Case management who were working on this had met with the Process Efficiency Team [PET] to discuss. More volunteers were needed, especially providers from small firms. CCCG members were asked to contact Z Topping with any suggestions. **Action 3 [Mar]**
- Action 4 [Nov] The minutes of the meeting held on 3 October were going to be included in the pack to be circulated prior to the CCMS meeting with representative bodies. **Action 4 [Nov]**
- Action 5 [Jan] provide a response to the feedback from providers on workarounds. Z Topping was waiting for an update from universal credit before responding. **Action 5 [Jan]**
- Action 6 [Jan] Family law representatives were not invited to PET meetings because the group had focussed on operations; however, at the last couple of meetings discussions had been around broader contexts; N Jones-King was concerned that she was missing out on discussions that affected family law. It was agreed that the ToRs¹ of both groups would be circulated and discussed at the next CCCG. **Action 6 [Mar]**
- Action 7 [Jan] M Bryant said that the majority of key critical documents without which a merit determination could not be made were the court orders and decision letters that had been challenged. Further Information [FI] could also be requested over and above what were key documents. In 60% of ECF cases FI was requested (means or merits) which slowed down the process considerably; to speed things up the team were going to start to reject applications that were submitted without the critical documents. M Bryant to share the list of FI² and provide further redacted means FI in due course.

With regards Exceptional Funding applications and controlled work, it had to be noted that a means assessment had to be done by the LAA but financial information was often missing or was out of date. From 1st April means assessments, which were quicker to determine, would be processed and if FI was required this would be sent out to the providers before the merits team would look at it. M Bryant was asked to check the proportion of ECC applications where documents were missing on CAS and CCMS. **Action 7 [Mar].**

- Action 8 [Jan] Non-fundable trafficking cases. Taken forward **Action 8 [Jan]**



- Action 10 [Jan] the CCMS meeting with rep bodies was planned for Friday, 13 April; invites would go out shortly.
- Action 12 [Jan] 6 issues needed to be resolved before the guidance on VAT could be amended. E Druker would circulate a summary of what these issues were; the amended guidance would be ready before the next CCCG. **Action 9 [Mar]**
- Action 13 [Jan] HMCTS had issued guidance to state that they would fund intermediaries.
- Action 15 [Nov] The updated Exceptional Cases Funding [ECF] provider information pack [inquests] was still to be issued however a meeting between LAA, MoJ and Inquest was to take place the following Friday. Update CCCG on what was going to be in the inquests guidance **Action 10 [Jan]**

2 LASPO Post Implementation Review [PIR] LAA Updates

F Rutherford said that the review had entered the evidence gathering phase and that this would consist of engagement with stakeholders via a) meetings with consultative groups, b) operating a dedicated email account to respond to questions pertinent to the review, c) hold further engagement meetings either on a 1:2:1 basis or in smaller stakeholder groups. Circulate the email address **Action 11 [Mar]**. Discussions at these meetings would focus on the changes that had taken place since LASPO

F Rutherford said that membership of the consultative groups had been decided and was due to be published.

N Jones-King asked for more information on the consultative groups; she felt that the Association of Lawyers for Children [ACL] should be involved. **Action 12 [Mar]**.

N Ben Craan asked why there was an artificial separation of the advice sector panel from the civil panel. F Rutherford explained that the advice sector panel could potentially include some crossover with crime and family too but that the separation had been necessary so as not to have too large a group of people with which to have a meaningful engagement.

N Ben-Cnaan asked if it was possible to see the list of 34 specific changes that R Linham talked about at the previous CCCG, that were made by, or under, or in the context of, LASPO. F Rutherford said that she believed these were set out within the [Post Legislative Memorandum \[PLM\]](#).

He also requested more clarity on the review timetable. **Action 13 [Mar]**.

3 Provider Statement of Account [PSoA]

Finance colleagues provided an update of the Debt Ledger project to amend CCMS so that it would issue a notification to providers when they entered a debt position, together with a statement of account to allow Providers to review. The new PSOA project did not include an interactive PSOA, but LAA agreed in the future it would be a good functionality. Rep bodies said that this was a step in the right direction; providers needed to be able to log in at any stage and be able to get a real-time statement to see what had been rejected or accepted, which was available on the Portal for providers. C Davies said that providers could contact the LAA payment information team to request a statement of account if required.

There was some discussion about recoups and everyone agreed that more clarity should be given to providers on this issue; C Davies explained that providers should be aware of when

recoupments were likely to occur due to the submission of the final invoice on a case; however, the finance team had just started to look at the ability to amend the information provided in remittance advices to provide greater detail.

4 LAA Updates

4.1 CCMS the team had been working on updates relating to legislative changes in the AGFS and prison law areas and on the debt management processes. Some changes had been made on the billing side to prevent incorrect billing and reduce rejects; a survey of the volume of calls from providers would be done to measure how successful the changes had been.

4.1 Operations Performance across operations had largely been maintained; the team had experienced a dip in performance in civil billing but were now back on track. On the billing side the volume of document requests had been high and without document requests the reject rate would be substantially higher. A change in approach on document requests would be introduced with effect from 16th April 2018 this had been flagged in the recent LAA [bulletin](#).

4.2 [Commissioning](#)

Face to Face contract tender. The LAA had started to notify successful applicants of the outcome of their bids for the 2018 Standard Civil Contract. A dedicated team would be assigned to deal with providers directly during the verification process, making it easier to get information and deal with queries. It was the responsibility of organisations to provide verification.

Bids had been made in all procurement areas however the LAA felt that in some of them insufficient bids had been received. In these areas tenders would be advertised again however firms that had already successfully bid for a contract would not need to go through the process again.

Housing Possession Courts Duty Scheme [HPCDS] The assessment process was progressing well and notifications to successful applicants for this contract might be sent out sooner than expected. Cornwall was the only area where insufficient compliant bids had been received so the LAA were working to resolve the issue. This would include retendering the service and considering dividing the area into lots.

CLA Education and Discrimination Services Tenders in these categories had been cancelled because not enough compliant tenders had been received; the tender would be relaunched. The LAA had not informed CCCG of this in advance because it related to a commercial contract and the LAA could not give advance notice to individual economic operators. The rep bodies specified in the contract terms had been informed. The LAA would however provide notification to CCCG once the information had been made public so they could be prepared for member queries.

4.3 Exceptional and Complex Cases [ECC] The team were going to introduce an email template to help caseworkers and providers to identify cases that met the emergency criteria. M Bryant to share the template with CCCG inviting feedback. **Action 14 [Mar].**

Performance relating to High Cost Cases [HCC] processing had been less than satisfactory despite the team's efforts. M Bryant would seek to obtain data on HCCs outside the bulk of civil case management to get a clearer picture. The number of complaints, mainly to do with delays, had dramatically come down. Time taken to process inquests where a hard reject approach had been adopted, had dramatically reduced waiting times for inquest. The reject policy would be monitored.

M Bryant was asked to produce data on the duration of ECF urgent and standard applications **Action 15 [Mar]**

In response to a query M Bryant explained that ECF cases could not be flagged as urgent correctly on CCMS because the flag was for emergency rather than urgent work thus sending the case to the emergency universal queue. It was hoped that the email template would work well for everyone and address the issue; it would cover CCMS, CLR, LH and Direct client applications.

5. **Family VHCC Cases Guidance** Rep bodies said that the lack of clarity in the Family VHCC cases guidance was causing problems. N Jones-King said that a position had been agreed but this was not reflected in the guidance. M Bryant to find out what was being done about the guidance. **Action 16 [Mar]**

6. AOB

CCMS Training Videos. A series of short videos had been released on YouTube designed to help resolve CCMS issues relating mainly to the administrative side of the system. The videos could be found on the CCMS [training webpage](#); E Druker asked rep bodies for feedback on the videos and any suggestions for future topics.

General Data Protection Regulations [GDPR] Changes were going to be implemented in a couple of months' time with regards GDPR both in the contract and in the guidance; it was the providers' responsibility to make themselves aware of these changes. As part of the consultation process the Law Society, LAPG and the LAA had workshops to identify the roles of data controllers and data processors. The contract changes offered providers the opportunity to remind themselves of their obligations under the GDPR.

Civil Tax Bills Plans to move processing of civil tax bills from HMCTS to the LAA had progressed to the final, internal signing stage. Wensley-Payne to check whether C Storer had spoken to Jane Harbottle to talk about her concerns **Action17 [Mar]**

Actions from this meeting		Owner	deadline
AP1 [May]	Update on Universal Credit.	Wensley-Payne	Taken forward
AP2 [Sep]	Cost Assessment Guidance update.	P Seddon	Expected in June
AP3 [Mar]	Contact Z Topping with suggestions for providers willing to be interviewed by the Behavioural Insights team.	Rep Bodies	Closed
AP4 [Nov]	Circulate the notes from the meeting on 3 October	Z Topping	4 April
AP5 [Jan]	Provide a response to the feedback from providers about workarounds	Z Topping	4 April
AP6 [Jan]	Circulate ToR for CCCG and PET	E Druker	Closed
AP7 [Jan]	Check the proportion of ECC applications where documents were missing on CAS and CCMS.	M Bryant	Closed
AP8 [Jan]	Look into the LAA position on non-fundable trafficking cases with a view to communicating it to immigration providers	M Bryant	Closed
AP9 [Jan]	Circulate a summary of what the 6 issues in relation to the VAT guidance update.	E Druker	Closed

AP10 [Jan]	Update CCCG on what was going to be in the inquests guidance Post meeting note: The Legal aid minister is meeting Inquest and therefore it is a matter between themselves as the guidance is the Lord Chancellors	M Bryant	Closed
AP11 [Jan]	Circulate the PIR email address LASPOreviewmoj@justice.gsi.gov.uk .	F Rutherford	Closed
AP12 [Jan]	N Jones-King asked for details of the consultative groups involved in the review.	F Rutherford	Closed
AP13 [Jan]	Share the review timetable with CCCG	F Rutherford	Closed
AP 14 [Jan]	Share the emergency funding template	M Bryant	Closed
AP15 [Nov]	Produce data on the duration of ECF urgent and standard applications	M Bryant	Closed
AP16 [Nov]	Find out what was being done about the family VHCC guidance and update CCCG.	M Bryant	Closed
AP17 [Mar]	Find out whether C Storer had spoken to J Harbottle about her concerns on the potential changes to the civil tax bills processing.	Wensley-Payne	Closed