



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

15 May 2018

V1.0

When:	Tuesday 15 May 2018 15:00 – 17:00		
Where:	The Law Society		
Chair Minutes	Richard Atkinson - TLS Gillian Hothersall - LAA		
Attendees	Alice Mutasa - TLS Andrew Cosma – Martin Murray Sols Avrom Sherr – IALS Elaine Annable – LAA Graham Hughes – LAA	Jane Edwards – LAA John Sirodcar - LAA Daniel Bonich – CLSA Elliot Miller – LAA Glyn Hardy – LAA Greg Powell – LCCSA	Helen Johnson – LAPG James MacMillan – MoJ Neil Lewis – LAA Nick Poulter – LAA Roger Ralph – CILEx Will Hayden – LAA
Apologies	Adrian Vincent – BC Carol Storer – LAPG Henry Hills – SAHCA	Matt Doddridge – LAA Nick Ford – LAA Paul Keleher – CBA	Rakesh Bhasin-LCCSA Rodney Warren – TLS Tom Payne – BC

Actions from the last meeting			
AP1 [Mar]	Send comments on the revised IOJ guidance to Jane Edwards	Rep bodies	31 March
AP2 [Mar]	Update CCCG on secure file exchange mechanism	E Miller	May CCCG
AP3 [Mar]	Update CCCG on the outcome of the 10 cases currently with contract lawyers	J Sirodcar	May CCCG
AP4 [Mar]	Email CCCG to explain why the AGFS scheme was no longer cost neutral	J MacMillan	14 March

Welcome and introductions.

1. Minutes from March were approved and would be published. Actions were discussed as follows:

AP1 [Mar] Revised IoJ guidance now circulated. Action can be closed.

AP2 [Mar] E Miller updated re plans for the secure file exchange mechanism. This will be a standing item on the agenda going forward. The team is currently in the discovery phase, evaluating the various models currently available. They are looking to have something in place by the end of the year at latest. As an interim measure, it was noted that information can currently be downloaded as PDFs if necessary, but it was noted that this suggestion was not supported by rep bodes. It was also noted that there is no requirement to print materials. It was suggested that a firm could give access directly to a peer reviewer. E Miller and A Sherr to discuss. **#AP1 [May]**

Another suggestion was to provide a separate domain name for peer review. N Lewis to discuss options with HMCTS and report back at next meeting. **#AP2 [May]**

AP3 [Mar] J Sirodcar updated re the cases which had gone to contract lawyers under agenda item 4.

AP4 [Mar] Email re AGFS scheme circulated. Action can be closed.

R Ralph asked for an update on the 14 hour consultation. G Hardy confirmed that the consultation had been launched and there would be a follow up meeting shortly.

A Cosma asked about progress on AP5 from the previous meeting – regarding whether a prompt could be given to prevent duplicate claims. J Sirodcar confirmed that this was on the list for future enhancements when funding becomes available. He also confirmed that this in itself would not usually be a reason for a contract notice, and reiterated that if a firm received a contract notice they felt was inappropriate, this should be taken up with their Contract Manager if necessary, heading an email as a complaint.

2. Court appointee digital working brief

G Hughes outlined the paper which had been circulated. The digital form which had been developed received positive feedback and is currently being amended before going live. A step by step guide is also being developed. A go live date of 4 June is proposed. It will be publicised in the LAA Bulletin, plus flyers and emails, and the form will be available to view online. Members were happy for this to go ahead.

3. Review of DSCC Online:

W Hayden outlined the paper previously circulated. The Defence Solicitor Call Centre (DSCC) has been in place for 10 years and has now had its first full review. Input was requested from members on three fronts:

3.1 Anything missing which members would like to see added

The ability to have different user categories for editor and viewer
The ability to log a case online rather than phone

3.2 Future engagement strategies

Representative bodies were willing to encourage a wider cohort to engage with DSCC online.

3.3 Strategies to improve usage

It was suggested that having different user categories would improve usage, as firms would be more confident in giving access to the system to a greater number of staff.

4. Audits

J Sirodcar updated on the cases which had gone to contract lawyers, and said that most of the 10 had now received a decision. All of these had upheld the original formal review decision, and he will inform the CCG of any which do not. He confirmed that the volume of requests for reviews is decreasing.

R Atkinson said that he was still receiving some complaints about firms which did not appear to be compliant, and agreed to provide J Sirodcar with details so these could be progressed. **#AP3 [May]**

There was also concern about firms facing sanctions where the decision has not gone to CRB. J Sirodcar confirmed that all requests for reviews do follow the contractual process.

Members requested further information as to whether principles could be drawn from these decisions as to what does not count towards the 14 hours. J Sirodcar said that the information had fed into the general principles being discussed in the consultation; however, individual decisions were fact-specific and cases were usually not about only one issue.

In response to a query, he confirmed that if someone is removed from the rota, their employer can submit a fresh CRM12 at the next opportunity if they are confident that the individual will now be compliant with contractual requirements.

At the request of members, J Sirodcar agreed to see if it was possible to redact relevant formal review letters and circulate to members for information. **#AP4 [May]**

5. Operational update

5.1 Billing

N Poulter outlined the report. Performance had been stable. There had been a concern about claims involving disks, which were being rejected because the disks had not yet arrived in the post. This was addressed and should no longer be an issue. It was noted that when the secure file exchange is in place, this process will be much quicker as disks will no longer need to be sent in the post.

A Cosma queried the issue of written reasons for AF1s. N Poulter confirmed that these would be down to 8 weeks by the end of May and further improved after that.

In response to a query, N Poulter clarified that the processing team were still based in Nottingham, but the call centre had been relocated to Birmingham to provide enhanced facilities. Much more data (such as speed of response and abandoned call rate) is now available. As an example, in April the average time taken to answer an AGFS call was 1 minute and 14 seconds, with an abandoned rate of 6.5%. This is all well within target. The more complex queries are escalated to the Nottingham team for attention. A Cosma maintained that there have been issues transferring calls or awaiting a call back. It would also be helpful if the notes on CCD contained greater clarity as to why a claim was being assessed down, as this was a common reason for phone calls. A Cosma to send N Poulter details for caseworker training. **#AP5 [May]**

5.2 Applications

Performance has stayed at a high level and the reject rate continues to decrease. There were no queries.

6. Issues raised by the representative bodies

Legal aid means test

A Mutasa asked if MoJ could provide information on whether, when and how the means test levels have been reviewed.

J MacMillan confirmed that they were reviewed and updated in 2006, 2007 and 2008. Since then they have been reviewed almost every year. However, they were last updated in 2008.

Members asked for information on the impact this may have had regarding numbers out of scope of criminal legal aid. J MacMillan to investigate what data MoJ analysts can provide. **#AP6 [May]**

7. AOB

- R Ralph asked for clarity regarding whether it is possible to claim for working through a lunch hour. J Sirodcar confirmed that there is no blanket rule, and Contract Managers would not see this as an issue if work was indeed taking place.

Actions from this meeting			
AP1 [May]	E Miller / A Sherr to discuss secure file mechanism and possible interim solutions for peer review.	E Miller / A Sherr	3 July
AP2 [May]	N Lewis to discuss with HMCTS options re secure file mechanism and report back to meeting	N Lewis	3 July
AP3 [May]	R Atkinson to send J Sirodcar details of complaints about apparent non-compliance	R Atkinson	3 July
AP4 [May]	J Sirodcar to investigate redacting formal review letters and circulating to members	J Sirodcar	3 July
AP5 [May]	A Cosma to send N Poulter details of emails needing more detail on claims being assessed down, for caseworker training	A Cosma	3 July
AP6 [May]	J MacMillan to investigate what data MoJ analysts can provide on numbers out of scope of criminal legal aid over the last 10 years	J MacMillan	3 July

The next meeting is on Tuesday 3 July at MoJ