



The Law Society



Legal Aid
Agency

Civil Contracts Consultative Group (CCCG) Minutes

23 May 2018
v3

Date:	Wednesday, 23 May 2018	
Where	102 Petty France	
Chair	Hannah Payne- Commissioning and Serv. Dev. [LAA]	
Minutes	Grazia Trivedi - [LAA]	
Present	Avrom Sherr – IALS Carol Storer - LAPG Eleanor Druker – Service Development [LAA] Emily Timcke – Bar Council Jayne Nevitt-Civil Operations [LAA] Kerry Wood-Commissioning [LAA] Lawrence Mays-Chandler- LASPO PIR [MoJ] Linda Vaux-CCMS [LAA] Lynn Evans- Commissioning and Ser. Dev. [LAA] Malcolm Bryant – Exceptional, Complex Cases [LAA] Nick Lewis – MHLA	Nicola Jones-King ALC Nimrod Ben-Cnaan Law Centres Network Paul Seddon ACL Rachel Rogers– Resolution Remmy Ahebwa – LASPO PIR [MoJ] Richard Miller – Head of Justice, The Law Society Saloud Zaman - ACL Vishal Misra - ILPA Zara Topping - Digital [LAA]
Apologies	Claire Blades – CAB Rea Murray – HLP Carita Thomas-ILPA	John Sirodcar-Contract Management [LAA] Bob Baker-ACL Sally Cheshire-HLPA

Actions from the previous 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. Post Meeting Note: 50%	M Bryant	Closed
AP8 [Jan]	LAA position on non-fundable trafficking cases. Post meeting note https://www.gov.uk/government/news/civil-news-funding-for-victims-of-modern-slavery-and-trafficking The clarification document comes after the tables of delegated authorities on this page: https://www.gov.uk/government/news/civil-news-funding-for-victims-of-modern-slavery-and-trafficking	M Bryant	Closed
AP9 [Jan]	Circulate a summary of what the 6 issues in relation to the VAT guidance update. Post meeting note: The Service Development Team is currently coordinating a piece of work to ensure that the Legal Aid Agency’s position on charging VAT for overseas clients is consistent and reflects HMRC guidance. This has been prompted by queries from providers and other stakeholders on the LAA’s position on charging VAT in the following circumstances: <ol style="list-style-type: none"> 1. VAT for services to clients whose right to reside in the UK has elapsed, taking into account the guidance in paragraph 3.8 of HMRC VAT Notice 741A 2. VAT for the services of an interpreter in relation to clients who are not themselves said to “belong” in the UK for the purposes of VAT 3. The approach to take where a provider is unsure if a client “belongs” in the UK for VAT purposes (e.g. due to mental capacity issues) 4. VAT in relation to clients who “may not have had an identifiable country of origin” and whether paragraph 4.33 of the Cost Assessment Guidance is in tension with HMRC Internal Manual VATPOSS04600. 	E Druker	Closed

AP10 [Jan]	Update CCCG on what was going to be in the inquests guidance	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. Post meeting note: <ul style="list-style-type: none"> The meetings took place in April 2018 and a range of stakeholders and interested parties from four sectors – criminal law, civil law, family law and the advice and third sector were invited to contribute views and evidence. The consultative groups are just one facet of the evidence gathering process. Alongside the consultative groups the review team are keen to meet interested parties in order to inform not only the review process but also the wider consideration on the future of legal support in the justice system. If individuals or groups are keen to engage with the review process please contact the review team at lasporeviewmoj@justice.gsi.gov.uk. 	R Ahebwa	Closed
AP13 [Jan]	Share the review timetable with CCCG Post meeting note: Although we have not formally released a timetable for the review we are intending to publish later this year. We expect the deadline for evidence submissions to be at the end of September.	R Ahebwa	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 Post meeting note: The data we have for work completed for 2017/18 to date is as follows: <ul style="list-style-type: none"> Urgent applications (including work previously marked as very urgent) average days to complete - 13 working days based on a total of 365 urgent applications. Non- urgent average days to complete - 26 working days based on 1527 applications marked as non-urgent. 	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

H Payne welcomed everyone and said that this would be the last time she'd chair CCCG because L Evans had returned from maternity leave to resume her job-share position with Laura Wensley. H Payne would be staying at the LAA working on the transformation programme.

1. **Minutes** of March meeting were approved and would be [published](#).

1.1 **Actions from the previous meeting.**

- Action 1 [May 17] the LAA were waiting for MoJ to make a decision on Universal Credit.

- Action 3 [Mar] The interviews had taken place and a report would be completed in a few weeks
- Action 4 [Nov] and action 5 [Jan] to be published on Friday, 25 May. **Action 3 [Nov '17] and 4 [Jan '18].**
- P Seddon asked E Druker for clarification on a VAT point; he asked whether VAT charged by a VAT registered interpreter could be claimed on a person that had no rights to remain in the UK. E Druker to circulate clarification **Action 5 [May]**

Post meeting note Changes were made to page 39 of the Escape Cases Electronic Handbook to address this point:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699975/escape-cases-electronic-handbook-v1.7.pdf

- Action 16 [Nov]. This matter was in the hands of the Lord Chancellor

2. LASPO Post Implementation Review [PIR] R Ahebwa said that the review was underway and that the review team were committed to publishing a report by the end of the year.

A first round of consultative group panel meetings had taken place in April with stakeholder discussions split into jurisdictions: Criminal, Civil, Family and Advice and Third Sector. Meetings with other stakeholders and interested parties on an individual and smaller group basis were taking place between now and the end of July. Interested parties were invited to get in touch with the PIR team if they wished to meet to discuss the impact of LASPO; they could also send further information and evidence to the dedicated inbox LASPOreviewmoj@justice.gsi.gov.uk. The team would continue to collect evidence until the end of September. N Ben-Cnaan and N Jones-King reported that several of their members and other stakeholders had sent emails but had not had a response. R Ahebwa apologised for this and said that the inbox was monitored regularly and everyone should be receiving a response from it in June in order to set up meetings between the review team and interested stakeholders, either alone or in groups, in July. N Ben-Cnaan asked for clarification on how groupings were to be decided on.

Rep bodies asked to see a summary of the consultative panel meetings as well as the names of attendees and the agendas. R Miller and C Storer said that attendees of the April meetings had been told that a summary would be circulated the following week but they still had not received anything. R Ahebwa said that the team was waiting for approval to release the notes and would look into this **Action 6 [May]**. C Storer said that she had notes of all the meetings which showed that some very interesting information had been shared and very sensible topics had been discussed. She felt that it would be in everyone's interest to read a summary of the meetings. Rep bodies asked that the PIR team be more transparent, share information, communicate effectively and keep the profession informed about their work and progress. They felt that a great opportunity was being missed to encourage people to engage.

Post meeting note: MoJ have published an update and the agendas from the first round of the consultative group panel meetings on Gov.uk: <https://www.gov.uk/government/publications/post-implementation-review-of-laspo>. We are committed to providing all interested parties with an equal opportunity to express their views on the impact of LASPO. How and when the summaries and lists of attendees from the consultative group meetings will be shared publicly is subject to ministerial approval. A further update will be provided at the next meeting.

LAPG together with other groups had organised a conference on 15 June to which every rep body at CCCG and members of the PIR team had been invited to discuss a number of topics. The plan was to widen the invites to include as many areas of law and expertise as possible. The profession needed to understand what type of information and evidence the PIR team were seeking.

Rep bodies asked that the PIR team share a) the list of external research material that they were considering as part of the review b) the 34 specific changes made in LASPO that the review team were focussing on c) the criteria used to put consultative groups together; for instance, the Law Centres Network should have been in the civil group but had instead been put into the Advice and Third Sector group. Action to consider all 3. **Action 7 [Mar]**

Post meeting note: MoJ continue to receive evidence and information from interested parties to be considered as part of the review process. Sharing a list at this stage would not accurately reflect all the information being considered and we want to avoid the perception that we will not be accepting evidence for consideration beyond the published list. To ensure the review is as informed as possible, we are encouraging all parties with information regarding the impact of the changes made by LASPO to send it to the review inbox for the consideration of the team.

Part 1 of the Post-Implementation Review of LASPO includes all of the changes made to the legal aid system which were implemented as a result of the Legal Aid Reform and Legal Aid Transformation consultations. Information regarding the changes made as a result of the consultations can be found in the consultation and consultation response documents <https://www.gov.uk/government/publications/2010-to-2015-government-policy-legal-aid-reform/2010-to-2015-government-policy-legal-aid-reform>.

The aim of the Consultative Groups was to bring together interested parties from across the justice system to discuss the effects of LASPO and potential legal support solutions going forward. Membership of the groups was restricted to ensure that meaningful discussion could take place. The Consultative Groups are just one part of the engagement process and we continue to engage with interested parties who wish to provide data or evidence on an individual or small group basis. The views of all parties will be taken into account equally by the review team.

3. LAA Updates

3.1 CCMS Z topping updated the group on the activities that had taken place during the previous months and plans for future work, including changes to Prior Authority Requests; Z Topping would collaborate with rep bodies for this work.

C Storer asked for clarification about 'documents upload' while submitting an application. Z Topping said that for all emergency and substantive applications documents could be uploaded at the time of submission. One reason that some providers were not able to do this was because they were not using a role with appropriate authorisation. It was not clear to rep bodies why it was necessary to have authorisation to submit enclosures; the same issue applied to VHCC case plans. Rep bodies asked that the LAA issue guidance to summarise where document upload could be used and troubleshooting tips so that providers who encountered difficulties uploading documents knew what to do. Z Topping to publish comms to providers on this by mid-June. **Action 8 [May]**

3.2 Operations J Nevitt said that good performance against targets had been maintained but the applications reject rate had increased. A new draft form of the operations report, containing more current and relevant information, was going to be shared with the group shortly. Rep bodies were asked to give feedback on this before the next meeting. **Action 9 [May]**.

Travel expenses. A note from LAA case management colleagues had been circulated. Resolution suggested that it was the current guidance which was causing difficulties in that it linked the client to being a witness of fact and giving evidence. As a party in a court case say about your child's future the party is duty bound to attend all hearings and parents are directed to attend every hearing under the FPR unless excused by the court. The guidance should be linked to any court hearing or expert assessment to progress their case. There was also a wider issue than family cases about making the guidance clearer and referencing where court procedure requires attendance.

P Seddon had some questions about the Costs Assessment Guidance in relation to client travel expense claims and would email J Nevitt directly.

3.3 Commissioning

The verification process was underway, however out of 1700 providers only 450 were actively engaged in verifying their contract. Providers that delayed engagement risked running out of time if further information or clarification was requested by the LAA. Rep bodies were asked to urge their members to commence verification sooner rather than later. The LAA had called all providers to remind them to start and were about to call a second time. C Storer and N Ben-Cnaan suggested that it was not clear who was making these courtesy calls so rep bodies asked that the commissioning team identify themselves and state the reason for the call if they were leaving voicemail messages. C Storer asked where the information on the verification process was published. R Miller said that the supervisor requirement and the need to have recruited them first was emerging as a problem that was preventing successful bidders from starting verification.

Post meeting note:

IFA:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653107/2018-f2f-itt-ifa-v2.pdf

Update 1:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706483/Verification_update_May18.pdf

Supervisor Declaration Forms and Contract Documents:

<https://www.gov.uk/government/publications/standard-civil-contract-2018>

Designated Signatory Guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380719/how-to_allocate-designated-signatory-role.pdf

AC1 Form: www.gov.uk/guidance/update-your-details-with-laa

The Housing Re-Tender had been undertaken because the LAA wanted to increase the number of service providers in procurement areas where only one bid had been successful and in the 8 areas where no bids had been successful. There had been 45 additional bidders in the re-tender and 21 of those were brand new providers. C Storer said that it was becoming difficult for providers to recruit housing supervisors.

K Wood said that the LAA planned to undertake a lessons learned exercise after the tender, in August or September, and rep bodies were asked to feedback any information they came across. E Druker said that the final version of the contract would be published in June, replacing the draft version currently in circulation.

3.4 Exceptional and Complex Cases [ECC] M Bryant said that all Windrush applications were going to be dealt with by a specialist group of lawyers to ensure consistency. The LAA were waiting for guidance from the Home Office on how they were to determine the cases in order that the LAA could then determine the level of complexity to make these applications. However, the LAA had to always determine cases on their individual facts.

Providers could call the team to discuss individual cases but the team could not give generic advice. So far, no applications relating to Windrush had been received, only general queries.

The URGENT Template would be incorporated in the Exceptional Case Funding provider pack to be published shortly. The LAA had regained control of their pages on the GOV.UK website so they could be more prescriptive as to what information was helpful to providers and direct clients.

M Bryant said that his team planned to work with inquest and non-inquest lawyers to define the complexity of cases in Exceptional Case Funding.

Processing times for urgent applications was currently 13 days, compared with a target of 10 days; once providers had started to use the template it would become easier to identify urgent cases so processing times would hopefully improve significantly. New KPIs were 90% for applications and amendments within 25 days, 100% in 40 days. This was to ensure that attention was given to the oldest and most complicated cases.

R Miller asked whether the LAA were planning to publish stats on high profile cases. M Bryant to speak to R Miller separately about this. **Action 11[May]**

4. Stats on revoked civil legal aid applications grants. El Druker to provide **Action 11 [May]**

5. PET [Process Efficiency Team] The work undertaken by this group needed to be documented in a user-friendly way so that CCG members could input their ideas.

6. AOB

6.1 Financial statements. The LAA would publish an update on weekly remittance statements for providers that were getting into a debt position. **Action 12 [May]** N Jones-King said that it was now possible to access a provider's account statement which showed all movement of money, including recoupments, so if no BACS payment was received a firm could check movement of money, including recoupments, on the provider's account statement. There was agreement that the LAA should inform providers about all the options that were available to them in order to check their account position. C Storer asked that LAA staff dealing with providers' statements be informed of the solicitors' accounts rules whereby a limit of 14 days applied for transferring money.

Providers had also requested that the form of monthly statements be changed from a PDF document to an excel spreadsheet.

Post meeting note

- The LAA Finance teams are aware of the relevant rules and the 14-day limit applied for transferring money.
- We are not currently aware of a way that providers can access their PSOs online, as described at the last meeting. There is a project underway to develop a new PSO which would facilitate this, but it has been delayed due to competing priorities.
- We are not able to share PSOs with providers via Excel and we are not currently in a position to facilitate this change. It is obviously open to providers to turn their PSOs into

an Excel spreadsheet themselves, if this is the most useful format for their own record keeping.

- We have received legal advice which confirms we are not responsible for ensuring compliance with SRA rules in relation to this specific issue. The LAA provides sufficient information to a provider to let it know that a bill has been processed and it lets a provider know if no payment will be made because of payments on account that have been made. The LAA provides a monthly account statement (a summary of all activity, including details of recoupments etc.) and weekly remittance advice where payments are made which gives providers an opportunity to reconcile their financial records with those of the LAA. This should be sufficient for any book keeper to be able to track payments or for confirmation where no payment is made.

6.2 Interpreters E Druker asked rep bodies to send her their queries and concerns by the end of the following week. **Action 13 [May]**

		Owner	deadline
AP1 [May 17]	Update on Universal Credit.	Wensley-Payne	Taken forward
AP2 [Sep 17]	Cost Assessment Guidance update.	P Seddon	Closed
AP3 [Nov 17]	Publish the notes on the meeting held on 3 rd October	Z Topping	25 May
AP4 [Jan 18]	Publish the LAA response to the feedback from providers on workarounds.	Z Topping	25 May
AP5 [May 18]	Provide clarification on whether VAT charged by a VAT registered interpreter could be claimed on a person that had no rights to remain in the UK.	E Druker	Closed
AP6 [May 18]	Find out when/whether the names of attendees, the agenda and a summary of the consultative group meetings could be published.	R Ahebwa	Closed
AP7 [May 18]	Update CCCG on a) the list of external research material that they were considering as part of the review b) the 34 specific changes the review team were looking at that had been made in LASPO c) what criteria was used do put consultative groups together	R Ahebwa	Closed
AP8 [May 18]	Publish comms to providers to clarify the position on uploading documents when submitting applications or VHCC case plans.	Z Topping	29 June
AP9 [May 18]	Share a new draft form of the operations report	J Nevitt	Closed
AP10 [May 18]	Discuss with R Miller what high profile cases stats could be published	M Bryant	Closed
AP11 [May 18]	Provide stats on revoked civil legal aid applications	E Druker	Closed

	grants by category of law.		
AP12 [May 18]	update CCCG on the position regarding weekly remittance statements when a provider was getting in a debt position	Wensley/Evans	Closed
AP13 [May 18]	Send queries and concerns about interpreters to E Druker	Rep bodies	Closed