



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

4 September 2018

V1.0

When:	Tuesday 4 September 2018 15:00 – 17:00		
Where:	TLS		
Chair Minutes	Rodney Warren - LAA Gillian Hothersall - LAA		
Attendees	Andrew Cosma – MMS Adrian Vincent – BC Avrom Sherr – IALS Charlotte Hillyard - LAA Daniel Bonich – CLSA David Thomas – LAA	Elaine Annable – LAA Glyn Hardy – LAA James MacMillan – MoJ Matt Doddridge – LAA Matt Shelley - MoJ Neil Lewis - LAA	Nick Ford – LAA Rakesh Bhasin-LCCSA Rob Ryan - MoJ Richard Atkinson TLS Richard Miller - TLS Roger Ralph – CILEx Rowena Foxwell - LAA
Apologies	Alice Mutasa – TLS Carol Storer – LAPG Elliot Miller – LAA Greg Powell – LCCSA	Helen Johnson – LAPG Henry Hills – SAHCA John Sirodcar – LAA Nick Poulter – LAA	Paul Keleher – CBA Richard Knight – LAA Tom Payne – BC

Actions from the last meeting

AP1 [Jul]	D Thomas to update the meeting in November re secure file exchange.	D Thomas	6 Nov
AP2 [Jul]	A Cosma to send N Poulter details of emails needing more detail on claims being assessed down, for caseworker training	A Cosma	4 Sep
AP3 [Jul]	D Thomas agreed to investigate amending the declaration to include confirmation that the client had seen the GDPR information	D Thomas	4 Sep
AP4 [Jul]	N Lewis to investigate ways to improve information sharing regarding changes in the court system	N Lewis	4 Sep

Welcome and introductions.

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

- AP1 [Jul] Action for November – keep open. **#AP1 [Sep]**
- AP2 [Jul] A Cosma reported that this issue was being addressed and the action can be closed.
- AP3 [Jul] D Thomas confirmed that the planned new versions of the declaration will include confirmation that the client has seen the GDPR information. Action can be closed.
- AP4 [Jul] Ways to improve information sharing regarding changes in the court systems:
G Hardy said that there was ongoing work with HMCTS to develop information sharing systems; links were being established with the police force to pick up estate changes.
- R Ralph commented that the list of police stations was out of date, and G Hardy responded that this was one of the issues being discussed. It was suggested that a representative of HMCTS be invited to a future meeting to update members – this is already pencilled in for a future date and details are to be confirmed in due course. Action can be closed.

2. Audits

R Ralph asked about applications which are rejected because the previous firm at the police station has already applied. E Annable confirmed that from a Contract Management perspective, these are disregarded as they are not within the firm's control. R Warren asked whether there had been any analysis of such duplicate applications. J Edwards said that LAA do look at duplicates but are more interested in duplicates from the same firm.

3. Crime peer review outcomes

C Hillyard outlined the paper which had been circulated previously. Over a 3-year period every Crime provider will have a peer review. This could be by a referral from a Contract Manager, or because they are flagged as an 'at risk' provider, or could be by random sampling.

A Sherr commented that it was good to see the large number of providers who were moving from a score of 4 to 3 (passing grade) but also substantial numbers were moving to 2 or 1. A Sherr commented that some providers had not had a peer review previously, and the review had enabled them to move fairly easily by improving their understanding and providing them with a degree of initial support.

A Sherr also reported on the types of issues being identified. Some firms are not reporting early enough that they are getting through to the client. Some show evidence of poor preparation for the crown court. In response to a query, C Hillyard reported that there have been two appeals which went to CRB where the peer review decision was upheld. A Sherr commented that there had been concerns as to whether information from the prosecution would get thorough to the review. However, this did not seem to have been an issue.

R Ralph asked whether the peer review quality guide could be more prominent on gov.uk and D Thomas said he would look at ways to promote it. **#AP2 [Sep]**

Post meeting note: the peer review quality guide is available at:
<https://www.gov.uk/guidance/legal-aid-agency-audits#peer-review>

4. Update from LASPO review team

Matt Shelley gave an update on the work undertaken by the MoJ's post-implementation LASPO review team. The team are conducting an evidence based review of the impact of LASPO using internally captured data as well as evidence submitted from interested parties. The team have held two rounds of consultative group meetings, as well as a number of other forms of engagement. In total, the team have now met with over 80 organisations and individuals, from a diverse range of backgrounds. This review process also represents an opportunity for the Government to consider what the future should look like.

R Ryan added that during the evidence gathering phase the team had heard concerns regarding the recruitment and retention of the next generation of legal aid lawyers; the eligibility criteria, particularly in the magistrates' court and the support available at police stations and in court.

R Warren asked whether there were plans to broaden the scope of what the review considered. M Shelley replied that the review was against the four objectives, but that this was not merely looking back, but considering the future.

In response to a query on funding, M Shelley confirmed that the team, amongst other ideas, were considering building a business case for investment earlier in the process, in order to achieve savings later. A Cosma asked whether alternatives to the tendering system were being considered, and M Shelley invited further comment. R Ralph commented that there had been an increase in litigants in person, and M Shelley confirmed that this is being considered. D Bonich asked whether data was available regarding any change in the number of domestic violence cases reported, and R Ryan responded that this was being considered.

In response to a comment on the eligibility criteria, it was confirmed that the top end of the criteria was being considered.

There was concern at the idea of using non-lawyers; it was confirmed that this was not proposed as a substitute for legal advice, but a suggestion of early support, particularly in family cases, before legal advice was sought. It was stressed that duty solicitors at police stations and at court were a priority. The issues of recruiting new legal aid lawyers were discussed.

In response to a query on looking for efficiencies elsewhere in the system, it was confirmed that within the bounds of what is in MoJ's control, these were being considered, and elsewhere MoJ can steer and influence.

Other issues raised included the time it takes to qualify as a solicitor and what training is available; the drive towards more out of court settlements and what support is needed; pay rates needing to be commensurate with the commercial sector; other reviews such as the disclosure review which need to feed into the findings of this review.

R Warren asked whether there were any plans for future ongoing dialogue following the report, and it was confirmed that further engagement was very important.

5. Crime CCG Terms of Reference

R Warren invited comments on the Terms of Reference, which were last updated in 2015. There was a suggestion to include inviting HMCTS periodically. The TOR does currently include:

If the chairs agree, other bodies may be invited if a specific agenda item requires their attendance.

It was noted that HMCTS and CPS have previously been invited to take part, among other organisations, and HMCTS are expected to attend again at a future meeting.

Members were asked to send any comments to G Hothersall before the November meeting so that the TOR could be signed off then. **#AP3 [Sep]**

6. Operational update

6.1 Billing

J Edwards outlined the report and noted that the figures were healthy. There were no queries

6.2 Applications

J Edwards outlined the report and again noted that the figures were healthy, and rejects have dropped significantly.

A Cosma asked about high page count cases and consistency between the AGF and LGF teams. There were also issues with PDFs served on disks. It was confirmed that it was indeed the LAA's position that if page count was verified by one team this would normally be accepted by the other team (AGF, LGF) with no need to recheck/verify discs as clearly this had already been done and would involve the duplication of work. A Cosma asked for this be included in the guidance when next updated.

In response to a query regarding whether the caseworker guidance on this issue has changed, it was confirmed that the PPE guidance was last updated in February 2017 and there has been no change since then. N Lewis said he would investigate whether every disk needed to have the number written on it. A Cosma to send specific details of his issues to J Edwards and N Lewis who will investigate. #AP4 [Sep]

7. Issues raised by the representative bodies

No issues were raised.

8. AOB

N Lewis passed on a message of thanks from Shaun McNally to R Warren, for his invaluable service in co-chairing the Crime CCG, and of welcome to R Atkinson in taking up the role of co-chair.

R Warren thanked the group for their assistance and cooperation over the years, outlining the history of the beginnings of the group and the difference their hard work has made.

Actions from this meeting			
AP1 [Sep]	D Thomas to update the meeting in November re secure file exchange.	D Thomas	6 Nov
AP2 [Sep]	D Thomas to consider ways of promoting the peer review quality guide	D Thomas	6 Nov
AP3 [Sep]	Any comments on the Terms of Reference to be sent to G Hothersall in advance of next meeting	All	6 Nov
AP4 [Sep]	A Cosma to send specific details of his issues to J Edwards and N Lewis who will investigate.	A Cosma J Edwards N Lewis	6 Nov

The next meeting is on Tuesday 6 November at MoJ