



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

6 November 2018

V1.0

When:	Tuesday 6 November 2018 15:00 – 17:00		
Where:	102 Petty France		
Chair Minutes	Rowena Foxwell - LAA Gillian Hothersall - LAA		
Attendees	Alice Mutasa – TLS Andrew Cosma – MMS Elaine Annable – LAA Elliot Miller – LAA Glyn Hardy – LAA Graham Hughes - LAA	Hannah Rollason – LAA Ian Kelcey - CLC Leanne Galbraith – HMCTS Mark Edwardes - LAA Matt Doddridge – LAA	Melissa Thompson – LAA Neil Lewis - LAA Nick Ford – LAA Rakesh Bhasin-LCCSA Richard Field – LAA Roger Ralph – CILEx
Apologies	Adrian Vincent – BC Avrom Sherr – IALS Caroline Goodwin – CBA Chris Henley – CBA Daniel Bonich – CLSA	David Thomas – LAA Fiona Rutherford – MoJ Greg Powell – LCCSA Helen Johnson – LAPG Henry Hills – SAHCA	James MacMillan – MoJ John Foster – MoJ John Sirodcar – LAA Nick Poulter - LAA Richard Atkinson – TLS Tom Payne – BC

Actions from the last 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

Welcome and introductions.

1. Minutes from September were approved apart from one addition requested by A Cosma. When this has been added, the minutes will be published. Actions were discussed as follows:

- AP1 [Sep] On agenda – action can be closed.

- AP2 [Sep] LAA Comms has confirmed that the best way forward to promote the guides on the govt website is via a tweet. They will not tweet until the email address information is updated on the main page. However, there are current issues with accessing the publishing system and as an interim we have included reference to the guides in the initial peer review file request letter sent to providers. Action can be closed.

- AP3 [Sep] No comments had been received. The ToR was signed off without changes. Action can be closed.

- AP4 [Sep] N Ford has received examples and is working through the issues raised. A Cosma and R Ralph raised some further issues around number of pages and out of hours working. A Cosma and R Ralph to continue to send specifics of any further issues to N Poulter and M Thompson who will respond. **#AP1 [Nov]**

2. Court appointee digital claim forms

R Foxwell talked through the paper circulated by G Hughes, who joined the meeting later by phone. The team are contacting providers who are not currently using the CA1 form, to encourage usage. It is hoped that most will be using it by the time it is made mandatory. The DCO1 form is planned to become mandatory from 1 January, and takeup of this is at 95% currently. There is a pilot of the DCO2 form also.

3. Legal aid statistics

R Field and M Edwardes outlined the MoJ Legal Aid Statistics which are published quarterly, with a more comprehensive release each June. MoJ is responsible for providing statistics on legal aid which are trusted and high quality, and supporting their use. The slides used at the meeting will be circulated with the minutes. The statistics, including machine readable tables and commentary, are available at:

<https://www.gov.uk/government/statistics/legal-aid-statistics-april-to-june-2018>

In addition to these releases, the team publish an interactive visualisation tool for users; they also respond to Freedom of Information requests regarding costs in high profile criminal cases. Recent developments include improved presentation of figures in very high cost criminal cases; the facility to separate out LGFS work where interim payments are included; extension of breakdowns by age, sex, ethnicity and disability status; trends in the number of providers doing legal aid work.

A Mutasa asked whether there were statistics on the number of unrepresented defendants, particularly in Crown court. R Field replied that LAA do not have access to this data currently, though links with HMCTS data are being explored.

A Mutasa queried whether statistics were available on those who refuse because of the contribution amount. This applies to Magistrates court also. N Lewis offered to investigate whether these figures could be obtained, and to pick up the issue of unrepresented defendants with the Better Case Management group. **#AP2 [Nov]**

R Ralph raised the issue of phones being turned off because the provider is dealing with another client, or there is no reception in the police station. He suggested that this and other operational issues may impact the statistics.

In response to a query from A Cosma, it was confirmed that VAT was included in these figures, as this is the standard method of comparing costs; however, it is possible to separate out VAT for almost all criminal fees using the detailed breakdown of figures included in the published statistics.

I Kelsey commented that wall telephones in police stations also impacted on the ability to have an effective conversation with the client, and suggested the 45 minute rule could be revisited. E Annable commented that Contract Managers were aware of this issue, and mentioned Dr Vicky Kemp's research work on this, which shows the importance of a welfare call.

4. Secure file exchange update

H Rollason reported that the pilot due to start in October had been delayed due to issues with the system being used, which were now resolved. The pilot will begin on 12 November and use Google Suite Basic. Five out of nine providers have so far confirmed they are happy to take part. The pilot has been extended to two months, and guidance will be sent out this week. Following the launch of the pilot, the team will consider how the secure file exchange could be rolled out more widely.

5. Operational update

5.1 Applications

M Thompson outlined the report. It was noted that 90% of applications are processed within 2 days.

5.2 Billing

Only one area is currently out of profile – written reasons. This has been reduced down from 90 days in July, and is currently 49 days for LGFS and 59 days for AGFS. The team are on track to be within the target of 40 days by the end of November, and will be looking to reduce further after that.

A Cosma commented on the AF claims which seemed to be a high rate. It was clarified that the figures include multiple appeals on the same case, and there are more of these currently than happened under the paper based system.

N Poulter and M Thompson to drill down further into appeals data and bring the results to the next meeting. **#AP3 [Nov]**

6. Issues raised by the representative bodies

6.1 ID cards

R Bhasin queried whether there was a requirement for solicitors to have LCCSA cards for duty solicitor work, as he was aware of a sign at a particular police station which stated the LCCSA card was needed. It was confirmed there was no such requirement. TLS confirmed there were no plans for a TLS card. R Bhasin to send details to N Lewis who will discuss with the stations concerned. **#AP4 [Nov]**

6.2 Deployment of cases on Wimbledon scheme

R Bhasin raised an issue which has happened due to a custody suite relocating and the work not being deployed to the correct scheme. G Hardy has spoken to the DSCC and confirmed that they ask custody staff where the arrest originated, and follow up with questions to find the correct location if custody staff are unsure. He has also spoken to the Met DCI for Wandsworth & Kingston and to custody leads, who will issue a reminder that if an arrest originates in Wimbledon, then a Wimbledon solicitor should be requested.

R Ralph commented that there was a similar situation in Harrow, where cases are diverted to Wembley or Colindale. G Hardy said that similar conversations are taking place in Harrow. There was also concern that the list needs updating.

It was confirmed that the fee claimed should be the fee for wherever the provider attends.

N Lewis offered to prepare communications on what fee should be claimed and share with the group. **#AP5 [Nov]**

6.3 Peer review

R Ralph raised a query regarding peer review, where a 14 page form had been used in place of a 2 page one which could be more effective. He will send examples of feedback on the forms to N Lewis who will investigate. **#AP6 [Nov]**

7. Demonstration of Common Platform

L Galbraith gave an update on the Common Platform. The programme is being run by HMCTS and CPS and the aim is for it to be rolled out nationally in due course. Details are in the presentation which will be circulated with the minutes.

In response to a query, she confirmed that each organisation will have an account, but individual users will be able to be given an IDPC. It was confirmed that only defence organisations will have access to the data and will need to download an authentication app in order to protect the data. They will also have to comply with security and registration requirements.

It was noted that police cannot download body camera or CCTV information to the charging lawyer at police stations. L Galbraith said that in Liverpool a piece of technology regarding multi-media is being piloted to address this issue, and links to multi-media evidence should eventually be uploaded onto the Common Platform.

L Galbraith confirmed she would be happy to attend at a future meeting to update on progress.

8. AOB

It was confirmed that guidance will be coming out soon regarding client declarations on the CRM1 and CRM2 form and the GDPR privacy notice.

M Doddridge confirmed that the CBAM needs to be updated and asked when would be a good time to consult on this. It was confirmed that this should be done after Christmas.

Actions from this meeting			
AP1 [Nov]	A Cosma and R Ralph to continue to send specifics of any further issues to N Poulter and M Thompson who will respond.	A Cosma R Ralph N Poulter M Thompson	8 Jan
AP2 [Nov]	N Lewis to investigate whether numbers who refuse because of contribution could be obtained, and to pick up the issue of unrepresented defendants with the Better Case Management group	N Lewis	8 Jan
AP3 [Nov]	N Poulter and M Thompson to drill down further into appeals data and bring the results to the next meeting.	N Poulter M Thompson	8 Jan
AP4 [Nov]	R Bhasin to send details of station displaying out of date poster to N Lewis who will discuss with the stations concerned	R Bhasin N Lewis	8 Jan
AP5 [Nov]	N Lewis to prepare communications on what fee should be claimed when custody suites relocate.	N Lewis	8 Jan
AP6 [Nov]	R Ralph to send examples of peer review feedback on the 14 page and 2 page forms to N Lewis who will investigate.	R Ralph N Lewis	8 Jan

The next meeting is on Tuesday 8 January 2019 at MoJ