



The Law Society



Legal Aid Agency

Civil Contracts Consultative Group (CCCG) Minutes v1.4

15 May 2019

Date:	Wednesday, 15 th May 2019	
Where	Room 10.50, 102 Petty France, London, SW1H 9AJ	
Chair	Jo Fiddian – Service Development and Commissioning (LAA)	
Minutes	Cindy Pencil – LAA	
Present	Avrom Sherr – IALS Aisling O’Connell – Flexible Operating Hours [MoJ] Bob Baker – ACL Carol Storer – A2J Chris Minnoch – LAPG Chris Walton – Shelter Claire Blades – CAB [TC] Eleanor Druker – Service Development [LAA] Eleanor Solomon - HLP Emily Timcke – Bar Council Francesca Green – Flexible Operating Hours [MoJ] Gemma Jordan – Commissioning [LAA] Helen Keith – Exceptional and Complex Cases [LAA] Jane Robey – Family Mediation Council Joseph Sabu – Statistics Analytical Services[MoJ] Kate Pasfield – LAPG Kerry Wood – Commissioning [LAA] Lindsey Poole – ASA	Liz Whiting – Statistics Analytical Services [MoJ] Zara Topping – CCMS [LAA] Maria Brown – Comms [LAA] Mark Crosskill – Process Efficiency Team[LAA] Nick Lewis – MHLA Nicola Jones-King ALC Nimrod Ben – Cnaan Law Centres Network Noel Arnold – CCLC Paddy Enright – Contract Manager [LAA] [TC] Richard Miller – TLS Russell Barnes – Communications [LAA] Steve Starkey – Civil Ops [LAA] Sue Antell – MHLA Tim Colliou – Commissioning [LAA] Vicky Ling – Resolution Vishal Misra – ILPA
Apologies	Joanna Bainbridge (LAA) Fiona Rutherford (MoJ)	Grazia Trivedi (LAA)

1. Minutes

The minutes of the previous meeting were approved and it was noted that any actions were either complete or on the agenda for discussion at the meeting.

2. LAA Updates

IT/CCMS update

- 2.1 Zara Topping updated the group on the work being taken forward on presenting Management Information (MI). The Digital team is responsible for up to 60 digital products that are used by a mix of providers and citizens and it is important that any MI is presented in a useful format.
- 2.2 The team are looking to start reporting on service availability. In April 2019, CCMS uptime was at 99.97%. In May, that fell to 70.9% due to a small outage. Zara wondered how much value the group would derive from detailed reporting on CCMS uptime and it was agreed that it would be more useful for the group to be better sighted on issues affecting the usability of the system, e.g. 504 errors represent a small proportion of the number of page views but it was noted that there were 5000 such errors in February which were fixed quickly.

AP1 – Zara Topping to conduct more user research around system usability and system errors and to send an invitation to the wider group in order better capture user feedback.

AP2 - Zara Topping to invite Sue Antell to the PET group.

Commissioning update

- 2.1 Kerry Wood advised the group that the LAA was at the last stage of the Immigration Telephone Advice (ITA) tender and would shortly be awarding the contract.
- 2.2 The tender for Housing advice produced bids in Isle of Wight and Calderdale but there were no services in Dorset, East Riding of Yorkshire and Doncaster.
- 2.3 The LAA had held meetings with Housing representative bodies in order to discuss any possible barriers to attracting supervisors, particularly in areas where there are low volumes of work.
- 2.4 In Family, providers who bid in lot 1 have been asking for a higher number of matter starts and the LAA are considering next steps.
- 2.5 Kerry advised the group that the LAA had begun planning the steps for the removal of the mandatory gateway and it was expected that some communications would be published shortly.
- 2.6 The LAA were also considering future HPCDS plans and MoJ were keen to receive input from providers. Rep Bodies were encouraged to respond to the survey relating to the future of HPCDS published by MOJ.
- 2.7 Kerry also noted that it appeared a number of providers hadn't used any of their NMS. This can, sometimes, be down to delays in reporting and the LAA expects to have more reliable data available by July.

AP 3 - Kerry Wood to provide some data on the NMS usage under the new contract at the next meeting.

Operations update

- 2.8 Steve Starkey referred to the IT issues that had been raised at the last meeting and noted that the group should have, hopefully, been noticing that the service has been running more efficiently. Whilst there have been delays on payments, it was noted that this shouldn't be an issue associated with the system.

The group noted that the determination for some cases often takes 3/4 months and, by the time a client is found to be ineligible, providers have often invested a lot of time and effort into the case. This isn't necessarily reflected in the LAA stats which show a much shorter timeframe than that. The published figures show that civil applications take, on average, 13 days and this figure does not include any time spent on inquiries. The group were concerned that the nature of the enquiries was often repetitive and that concerns were raised that weren't always valid. Steve requested that any such concerns be shared with him. Where providers have concerns about receiving invalid requests, they should contact Mark Crosskill. **Action 4** CCCG members to provide Steve and Mark with examples of repetitive queries

ECC update

- 2.9 Helen Keith updated the group on the latest performance statistics which were broadly similar to the last set of statistics shared.
- 2.10 On PET, the process on high cost family case planning (over £25,000) was being reviewed and revised guidance would be issued soon. This would include a live training package on how to access the high cost process.
- 2.11 Helen noted that the team had been answering a number of emails from providers, including CCMS queries. External comms have now been issued to remind everyone that queries and emails have to be sent to the appropriate email address or they will not be answered.
- 2.12 With regard to damages cases, Helen noted that the conditional fee arrangement criteria aren't always addressed. The ECC team must be satisfied that the case is unsuitable for ECF and are keen to minimise the volume of communications that are being generated in trying to make that assessment.
- 2.13 The team are also reviewing immigration case planning.

3. Tableau Functionality

- 3.1 Liz Whiting was in attendance with a view to demonstrating the new Tableau functionality. Unfortunately, due to IT difficulties, the presentation could not go ahead and Liz is looking into other ways to update the group, possibly through a webinar.
- 3.2 Tableau has been developed with a view to making data visualisation more user-friendly and work is ongoing on developing a demo video that would instruct users on how to view the data. The benefit of using it is that it provides a user-friendly comparative tool.
- 3.3 Liz also invited comments on what statistics the group would find helpful, with the caveat that there is no guarantee the data is available.

There were suggestions for improving our understanding of the workforce/provider base, especially since MoJ Analytical Services are currently doing a similar analysis of the data in crime, as part of the Crime Review. It was, however, acknowledged, that the collection of any such data should have a clear, identifiable purpose and should be balanced against the amount of work required. MoJ Policy to look into this point and respond to CCCG.

- AP5** – Liz Whiting to check with MoJ Policy whether there are plans to collect analysis of workforce/provider base within civil sector and respond to CCCG.

4. Flexible Operating Hours (FOH) pilot

- 4.1 Aisling O’Connell provided an update on the pilot and confirmed that pilots were going ahead in Brentford and Manchester and the pilot prospectus had been revised, as a result of the feedback received.
- 4.2 A small amount of funding will be available for legal professionals taking part in the pilots – these have been set at £100 for housing possession cases and £50 for a single hearing. The fee is being funded by HMCTS but is being administered by the LAA because of the existing payment mechanism in place. The fee will be available throughout the lifespan of the pilot and there is no long-term policy in place for its continued availability. However, as part of this work, HMCTS will also look to capture the actual costs of working out of hours.

AP 6 – El Druker to issue guidance to firms on how to claim the fee for the FOH pilot.

Post meeting note: the start date has been pushed back to December and the claiming guidance will be issued in due course

5 Bristol Pilot on Costs and Scope limitations

- 5.1 Jo Fiddian confirmed that this project has gone live and is no longer a pilot. MI is being collected in order to consider the next phase but there is no immediate plan or timeline for this, although the LAA is looking to hold a workshop with some providers to determine where the limits should be capped.
- 5.2 In terms of practical implementation, the group requested further guidance on cases whereby some case points fall within the £25k cost limitation and other case points fall outside that cost limitation.

AP 7 - The ECC team will review the guidance and El Druker will clarify to the group.

- 5.3 There was a question from rep bodies about what the LAA were intending to do following the changes to the family costs limitations and whether they would be looking at other areas. H Keith said they were starting to look at some data in respect of court of protection and mentioned immigration as the next potential area.

6 Novation

- 6.1 Paddy Enright confirmed that the guidance on novations would be reissued and would align with the new contracts. No major changes have been made, however, from a decision-making perspective. The group were invited to provide feedback on the document.
- 6.2 A query was raised on how changes to SRA rules are impacting freelance solicitors and whether thought had been given on the wider implications and whether client protection would be compromised.

AP 8 - Paddy Enright to reflect on impact of SRA rule changes on freelance solicitors, in terms of novation.

Post meeting note: Paddy has confirmed that our current contracting arrangements mean clients will not be impacted by the change and the LAA will consider in future development of the service and contracting arrangements.

7 IT Incident Communications – Next steps and contingency

- 7.1 Maria Brown advised that a new guidance document setting out how the LAA will communicate with users, when there are IT incidents, was recently published and will be shared with the group.
- 7.2 The result of the recent survey that was run had indicated that users' preferred method of communication is via email and the feedback from Representative Bodies was that the LAA should communicate directly with individual users. The LAA's Communications team are looking to use existing channels in doing so and will develop a new IT incident group to which users will be asked to register. This is important in order to ensure this message gets out to users at the right time and also to ensure that the LAA can identify key users who may be in a position to disseminate information. This is an opt-in service and Maria reflected that getting the right message to the right people at the right time is a difficult balance to strike.
- 7.3 The messaging portal will continue to be available and there will be an option to opt out of this.
- 7.4 Maria requested that the group keep providing feedback to ensure the LAA is able to further refine the targeting of information.

8 External Communications Survey results and new LAA Communications Strategy

- 8.1 Russell Barnes updated the group on the review of the communications strategy and advised that some of the current work-strands include:
- Improving the customer service
 - Dealing with issues with CCMS
 - Reviewing the use of the customer service line
 - Communicating on the HPCDS tender
- 8.2 The strategy's main focus is about using the right people at the right time and this can only be done through dialogue with the Representative Bodies and other users.
- 8.3 The group wondered what plans were in place to publish more robust messages around controversial cases and clarify that the role of the LAA is to provide access to justice. Russell highlighted the challenges in doing this without disclosing details of specific cases, especially ones that have attracted media attention.

9 Payment for Police Disclosure

- 9.1 The group voiced concerns that this practice essentially results in shifting the cost from one public body to another.
- 9.2 It wasn't clear whether there should be a charge for GDPR disclosures and the LAA confirmed that, where the police have charged a provider, the LAA will refund this, provided this is noted on the file. The GDPR guidance has also been updated and there will be communications on this.
- 9.3 It was clarified that, where the information request is a matter of police record, it cannot be treated as a Subject Access Request.

10 Contract Notices (CN) and Sanction

- 10.1 Paddy Enright requested views on the paper that had been circulated with regard to the Contract Management approach to managing Contract Notices.
- 10.2 The group requested clarification on the meaning of 'Eligibility LASPO' that had been captured in the data.

AP 9 - Paddy to look into the meaning of 'Eligibility LASPO' and clarify what this means.

Post meeting note Paddy has advised that the above is used where a Contract Notice is issued due to there not being evidence/acceptable evidence of domestic abuse to demonstrate eligibility for private law family advice, as introduced by LASPO.

10.3 Whilst there has been a significant drop in the number of CN being issued, the group were concerned that a high proportion of firms remain affected and suggested that they should only be applied to serious breaches. Paddy clarified that CN are issued as a result of breaches of contract, regardless of whether they're minor or major, but this does not necessarily determine whether the LAA will continue to contract out to a provider, under future tenders. CN are distinct from serious breaches whereby different sanctions are applied.

10.4 The group questioned whether the contract requirements too stringent and whether there should be an appeals process. Paddy confirmed that the Contract Management team would review trends, as and when relevant and the group were advised to escalate, as appropriate, any particularly concerning cases.

AP10 - El Druker to send to the group a list of Area Contract Managers.

11 AOB

Removal media

Jo Fiddian requested that all read the Corporate Assurance paper on removal media and provide any responses to Tom Carr.

Actions from this meeting		Owner	deadline
AP 1 [May]	Zara Topping to conduct more user research around system usability and system errors and to send an invitation to the wider group in order capture more user feedback.	Z Topping	24 Jun
AP 2 [May]	Zara Topping to invite Sue Antell to the PET group.	Z Topping	24 Jun
AP 3 [May]	Kerry Wood to provide some data on the NMS usage under the new contract at the next meeting	K Wood	10 Jul
AP 4 [May]	Members to provide Steve and Mark with examples of repetitive queries	Rep bodies	Closed
AP 5 [May]	The group requested additional MI data on the workforce/provider type, in the same way as is now done in Crime, following the LASPO PIR recommendation. It was, however, felt, that the collection of any such data should have a clear, identifiable purpose and should be balanced against the amount of work required. Liz Whiting to check with MoJ Policy on this point and respond to CCCG.	L Whiting	24 Jun
AP 6 [May]	On FOH, a fee is now available for legal professionals taking part in the pilot. El Druker to issue guidance to firms on how to claim this fee. Update: the start date has been pushed back to December and the claiming guidance will be issued in due course	E Druker	Closed
AP 7 [May]	On the Bristol Family pilot, the group requested further guidance on	H Keith /E	24 Jun

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AP 10 [May]	<p>El Druker to send to the group a list of Area Contract Managers.</p> <p>Update</p> <table border="1"> <thead> <tr> <th>CM Region</th> <th>ACM</th> <th>Email</th> </tr> </thead> <tbody> <tr> <td>Birmingham</td> <td>Claire Jan</td> <td>Claire.Jan@justice.gov.uk</td> </tr> <tr> <td>Brighton</td> <td>Raj Bhanderi</td> <td>Rajesh.Bhanderi@justice.gov.uk</td> </tr> <tr> <td>Bristol</td> <td>Louise Parcell</td> <td>Louise.Parcell@justice.gov.uk</td> </tr> <tr> <td>Cambridge</td> <td>Elaine Annable</td> <td>Elaine.Annable@justice.gov.uk</td> </tr> <tr> <td>Cardiff</td> <td>James O'Reilly</td> <td>James.OReilly@justice.gov.uk</td> </tr> <tr> <td>Leeds</td> <td>Paddy Enright</td> <td>Padraig.Enright@justice.gov.uk</td> </tr> <tr> <td>Liverpool</td> <td>Nic Johanson</td> <td>Nicola.Johanson@justice.gov.uk</td> </tr> <tr> <td>London - C & W</td> <td>Abbie Lane</td> <td>Abbie.Lane@justice.gov.uk</td> </tr> <tr> <td>London - E</td> <td>Hannah Stevens</td> <td>Hannah.Stevens@justice.gov.uk</td> </tr> <tr> <td>Manchester</td> <td>Karen Mychajlyshyn</td> <td>Karen.Mychajlyshyn@justice.gov.uk</td> </tr> <tr> <td>Nottingham</td> <td>Elaine Annable</td> <td>Elaine.Annable@justice.gov.uk</td> </tr> <tr> <td>South Tyneside</td> <td>Karl Ford</td> <td>Karl.Ford@justice.gov.uk</td> </tr> </tbody> </table>	CM Region	ACM	Email	Birmingham	Claire Jan	Claire.Jan@justice.gov.uk	Brighton	Raj Bhanderi	Rajesh.Bhanderi@justice.gov.uk	Bristol	Louise Parcell	Louise.Parcell@justice.gov.uk	Cambridge	Elaine Annable	Elaine.Annable@justice.gov.uk	Cardiff	James O'Reilly	James.OReilly@justice.gov.uk	Leeds	Paddy Enright	Padraig.Enright@justice.gov.uk	Liverpool	Nic Johanson	Nicola.Johanson@justice.gov.uk	London - C & W	Abbie Lane	Abbie.Lane@justice.gov.uk	London - E	Hannah Stevens	Hannah.Stevens@justice.gov.uk	Manchester	Karen Mychajlyshyn	Karen.Mychajlyshyn@justice.gov.uk	Nottingham	Elaine Annable	Elaine.Annable@justice.gov.uk	South Tyneside	Karl Ford	Karl.Ford@justice.gov.uk	E Druker	Closed
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