

Civil Contracts Consultative Group (CCCG) Minutes

16th September 2020

Date:	Wednesday, 16 th September 2020	
Where	Video conference	
Chair	Lynn Evans -Service Development and Commissioning [LAA]	
Minutes	Grazia Trivedi – Service Development [LAA]	
Present	<p>Adrian Vincent – Bar Council Ann-Marie Jordan – Analytical Services [LAA] Avrom Sherr – Peer Review Bob Baker – ACL Carol Storer – Access 2 Justice Chris Walton – Shelter Chris Minnoch - LAPG Christine Wright - – Transformation Team [LAA] (observing) Deborah McLaughlin - Ops. civil legal means [LAA] Eleanor Druker – Service Development [LAA] Ellie Cronin – TLS [TC] Hilary Tabita – PS to CEO [LAA] Jill Waring – National Contract Manager [LAA] Joe McHale – Finance [LAA] Kate Tyrrell - MHLA Kate Pasfield – LAPG Kathryn Grainger – Civil Business Improvement [LAA] Kerry Wood – Commissioning [LAA] Kris Kilsby - ACL Malcolm Bryant-Exceptional Complex Cases [ECC] Nick Stocker – Contract management [LAA] Nimrod Ben Cnaan - Law Centres Network Paddy Enright – Contract Management/Assurance [LAA] Russell Barnes – Communications [LAA] Sally Cheshire – HLPAs [TC] Simon Cliff – policy adviser [TLS] [TC] Sonia Lenegan – [ILPA] Steve Starkey – Civil Ops [LAA] Sue Antell – MHLA Tim Collieu – Commissioning [LAA] Vicky Ling – Resolution</p>	
Apologies	Richard Miller – Head of Justice [TLS]	Chilli Reid - Advice UK

1. [Minutes](#) and actions from the previous meetings.

Minutes of the July minutes were approved and would be published.

- *Action 1 - Feasibility of publishing FOI requests/responses.* H Tabita said that out of the 138 business units within the MoJ only HMCTS and the Justice Statistics Analytical Services team published any FOIs online and both were considering ceasing publication. The LAA would trial publishing FOI requests and responses for 3 months from September to the end of November with a full impact assessment to follow to determine whether it was feasible to continue. C Minnoch expressed his appreciation of this decision and hoped the trial would have a positive outcome.
- *Action 5 - Costs of remote hearings.* E Druker to pick this up at the end under AOB.
- *Action 6 – Publish the FAQ document.* E Druker to pick this up at the end under AOB.
- *Action 14 - Peer reviews in Discrimination and Education.* P Enright confirmed that currently there weren't peer review panels in these two categories and there were no plans to set them up; peer review activity was being focused on the highest volume categories. A Sherr suggested that the LAA find out whether any of the existing peer reviewers had any experience in these areas, this would avoid the need to set up completely new panels. C Minnoch said that peer review had been identified as one of two quality-control measures in Education and Discrimination, the other being a review of the transitional supervisor standards. Jill Waring would check if any of the existing panels of peer reviewers had experience in Discrimination and Education. **Action 1 [Sep]**

Post meeting note: out of 66 reviewers, 3 have some experience. 1 described this as 'limited and a long time ago'. The other 2 had some limited experience in Discrimination, but none in Education.

The LAA Service Development team would review the impact on quality of the interim supervisor standard and update CCCG. **Action 2 [Sep].**

Post meeting note: The face-to-face Education and Discrimination contracts came into force in September 2019. The contracts had an initial term of two years with provision to extend for a further two years. The LAA will shortly commence a review of these contracts to assess how they have operated over the first 12 months, which will include consideration of the uptake and impact of the transitional supervisor standards. We will share high-level findings from this review with CCCG in the new year, inviting feedback from members. The contracts will continue to be monitored following this initial review, with final decisions being made on the specification for these services prior to the procurement of any replacement contract

- *Action 15 – Add physical volumes to the Operational Update.* To be covered under item 3.
- *Action 19 - Stats that can be shared with CCCG on a regular basis.* To be covered under item 3.
- *Action 20 - Payments to Ltd companies.* To be carried over. **Action 3 [Jul].**

- Action 21 - *Contingency payments*. V Ling said that Resolution members had been flagging major issues with these and the unwieldy process. She'd send the emails from practitioners to the LAA **Action 4 [Sep]**.

2. Operations Update

S Starkey said that performance continued to be very strong across bills and applications. He pointed out that some information, like that relating to rejects and the overall claims return level, were documented in detail in the Shadow Pack, which also included detailed information on cost appeals. S Starkey to include a table showing improvement/deterioration of reject levels (including Top Reasons). **Action 5 [Sep]** S Starkey confirmed that there were no restrictions in sharing the Shadow Pack. He explained what measures, such as claim-fix, were in place to deal with challenges to rejects and how the LAA continued in their efforts to reduce those levels. He said that the best way to ensure that no disbursement vouchers were missed by the case worker was to scan them all onto one document.

3. Stats and MI that can be shared

P Enright said that the LAA would be sharing additional information twice yearly, starting in November, such as: the number of visits by contract managers, number of contract notices and termination sanctions. Data in the Shadow Pack would be expanded to include information on applications from a legal and means performance perspective, mirroring what was shared already from a billing perspective. The operational update would also include information on Exceptional and Complex cases.

It would not be possible to share data relating to the volumes of work. That information could only be made available in the quarterly national statistics publication, the latest of which was due out the following week. In response to rep bodies' requests, this latest publication had volume data split into months. Although certain information could not be shared in advance of publication, requests for additional data could be accommodated for inclusion in future ones. Should anyone wish to see a different breakdown of data or additional information, they should flag to AM Jordan who could consider including in the next published report.

AM Jordan would look at the possibility of publishing volumes by category and by procurement area/scheme. **Action 6 [Sep]** N Ben Cnaan would send a list of suggestions for additional information he'd like to see published **Action 7 [Sep]**; in the meantime, he asked for more frequent and more detailed information on HPCDS.

4. Exceptional and Complex Cases Team

M Bryant said that performance had been strong and talked about the data in the operations report.

5. Commissioning update

K Wood tabled a presentation with three sets of data and confirmed that all the information could be shared freely. The first set of data showed the number of provider contracts. Upon request K Wood agreed to email the presentation out to the group with additional information: the table of provider contracts in Excel; the data by offices; the number of providers with a civil contract, the number of providers with a crime contract and the number of providers with both; the number of Procurement Areas [PA] in each category. **Action 8 [Sep]**.

K Wood said that from the data in the table it was not possible to determine whether the trend in the number of contracts was upwards or downwards to such a degree as to cause concern, however she had concerns about areas where the supply of a certain type of services, namely Housing, had reached low levels; there was also a concern about the commercial sustainability of contracts where the providers carried low volumes of work.

The second slide in the presentation showed the 15 PAs without any Housing provision, except for a couple of outreach service providers. A tender for a Housing contract in all 15 areas was about to be launched, which included a different supervisor standard. Providers with a full-time supervisor in Mental Health or Family or Community Care could bid for Housing services. This concession might make the contracts more commercially advantageous to providers doing a low volume of work in those three categories. The LAA were going to monitor the outcome of this tender very closely to ensure the quality standards were not compromised in any way.

A [tender](#) was going to go out in the next few days for telephone services in Education and Discrimination.

The third slide showed data relating to the Housing Possession Court Duty Schemes [HPCDS]. K Wood talked about her interpretation of the data on court listings for each scheme and the market potential that could be derived from it. She said that only between 45% and 10% of clients had been seen out of the total number of cases listed. A discussion ensued on the factors that could have impacted on numbers of clients seen.

K Wood reiterated that the data could not lead to firm conclusions but the variance between those with the highest and lowest number of clients seen was interesting to note. Also interesting was that the highest conversion rate appeared to come from the private sector providers. The LAA would continue to monitor the trends and consider to what extent provider behaviour was a factor. She suggested that putting a KPI on the number of clients seen by solicitors might be a way to achieve this, however K Pasfield cautioned against this, saying that if a client didn't turn up for court the provider was not to blame.

V Ling asked if there was a timetable for the retendering of the 2018 contract. E Druker said that usually a tender process took a year. The LAA was going to send their proposals to ministers soon with proposals for an extension of the 2018 contract.

6. AOB

- 6.1 **Resolution request on being paid after hearings on FAS:** The LAA would be undertaking a review of the current arrangements and would ask rep bodies a number of questions as part of that review; the outcome would be completed by the end of January '21.
- 6.2 **COVID19 contingencies:** L Evans said that these were being discussed internally and rep bodies would be informed of any planned changes.
- 6.3 **Remote Hearing and Disbursements in relation to HMCTS:** E Druker had met with LAPG and TLS representatives and Housing Possession providers to discuss how the new arrangements would work. Disbursements were still an outstanding issue. At a separate meeting of the judicial working group where the LAA were not present, a member of the judiciary said that a dedicated phone line should be set up for the benefit of communication with clients and thought that the cost could be met by either the LAA or HMCTS. E Druker explained that the LAA could not legally fund general admin costs/office overheads like telephone contracts.

HMCTS were currently considering their position with regards this and the LAA were looking into alternative options. K Pasfield said that some providers had bought a phone and a contract because the court asked them to put the number on their client's letter; the line had to be kept free so clients could speak to the adviser immediately and without interruptions. These arrangements were forced upon the provider due to COVID restrictions, therefore they should not have to pay for them. E Druker would find out HMCTS' position, have a discussion with finance colleagues and then send out revised provider guidance when ready. The claim form would be modified to include disbursements and the guidance would be amended too. E Druker said that she had started an urgent contract consultation on amendments to the Means test in relation to HPCDS, so asked for any comments to be sent to her.

- 6.4** C Minnoch said that process servers in the Bristol area were not accepting legal aid instructions, essentially because of the fees and this was a trend that was going to be replicated in other areas. E Druker said that other reasons as well as fees were causing issues with the process servers, including the LAA recently saying that they would allow only three attempts at service. The LAA was having to routinely offer higher rates for experts' services and had raised the issue with MoJ. One of the matters under discussion as part of the spending review was about potentially raising the rates paid to experts. E Druker would organise a meeting with rep bodies, MoJ and a couple of providers to discuss further. **Action 9 [Sep]**.
- 6.5** C Minnoch asked what would happen to someone who was a supervisor but, due to being furloughed did not get any work coming through and could not meet the case involvement standard to qualify as a supervisor. J Waring said that if a supervisor had not been able to clock up the hours required due to Covid, no action would be taken. A meeting would take place the following week to discuss the issue.
- 6.6** C Minnoch asked whether the LAA training webinars attracted CPD points. R Barnes said that they didn't this current year because they were being run as a test, but the LAA planned to make the webinars qualify from the following year. C Minnoch would email R Barnes to explain this point in more detail. **Action 10 [Sep]**
- 6.7** S Cliff said that there had been an issue submitting immigration fees and stage 2 fees on CWA whereby the system generated an hourly rate rather than a fixed fee. E Druker said that she had received the query from Chris Cole and had referred it to the LAA Digital team, who were looking into it. She said that most of the claims had gone through correctly so Digital were trying to find out whether it was a certain combination of codes that caused the problem. She'd update Chris Cole as soon as she had an answer. **Action 11 [Sep]**
- 6.8 FAQ document.** E Druker had been unable to come up with a list of things that the LAA would pay for and that HMCTS would pay for in relation to disbursements because most things were case specific, so it had proved impossible to come up with a FAQ that was definitive. E Druker suggested that Resolution send over cases with the most common issues so that they could be addressed.

Actions from this meeting		Owner	Deadline
AP 1 [Sep]	<p>Carry out a capacity review of current peer review panels and update CCGG</p> <p>Post meeting note: out of 66 reviewers, 3 have some experience. 1 described this as 'limited and a long time ago'. The other 2 had some limited experience in Discrimination, but none in Education.</p>	J Wareing	Closed
AP2 [Jul]	<p>Review the impact on quality of the interim supervisor standard in Education and Discrimination and update CCGG</p> <p>Post meeting note: The face-to-face Education and Discrimination contracts came into force in September 2019. The contracts had an initial term of two years with provision to extend for a further two years. The LAA will shortly commence a review of these contracts to assess how they have operated over the first 12 months, which will include consideration of the uptake and impact of the transitional supervisor standards. We will share high-level findings from this review with CCGG in the new year, inviting feedback from members. The contracts will continue to be monitored following this initial review, with final decisions being made on the specification for these services prior to the procurement of any replacement contract</p>	SD team	Closed
AP 3 [July]	Update on the issue of payments to Ltd companies	J Waring	11 Nov
AP4 [Sep]	Send emails from Resolution members regarding major issues with contingency payments.	V Ling	Closed 18/09
AP 5 [Sep]	<p>Include a table showing improvement/deterioration of reject levels (including Top Reasons) in the Shadow Pack.</p> <p>Post Meeting Note: Information included in the Shadow Pack</p>	S Starkey	Closed
AP 6 [Sep]	Check if volumes of work could be published by category and by procurement area/scheme.	AM Jordan	11 Nov
AP7 [Sep]	Send a list of suggestions for additional MI information to AM Jordan	N Ben Cnaan	Closed
AP8 [Sep]	Share the commissioning presentation and additional information requested.	K Wood	Closed 28 Sep
AP 9[Sep]	Set up a meeting with rep bodies to discuss issues with process servers.	E Druker	Closed
AP10[Sep]	Email the point about accreditation points attached to webinars to R Barnes	C Minnoch	Closed
AP11[Sep]	Let Chris Cole know what the issue was with CWA and claim of immigration fees and copy the group into the response	E Druker	Closed