



The Law Society



Legal Aid
Agency

Crime Contract Consultative Group (CCCG) meeting

Minutes

14 May 2019

V1.0

When:	Tuesday 14 May 2019 15:00 – 17:00		
Where:	The Law Society		
Chair Minutes	Richard Atkinson - TLS Gillian Hothersall - LAA		
Attendees	Alice Mutasa – TLS Andrew Cosma – MMS Avrom Sherr – IALS Carla Walley - LAA Daniel Bonich – CLSA David Thomas – LAA Elaine Annable – LAA Elliot Miller – LAA Eloise Wood - LAA Glyn Hardy – LAA	Henry Hills – SAHCA Ian Kelcey – CLC James MacMillan – MoJ Karl Ford - LAA Lisa Obadan – LAA Maria Brown - LAA Matt Doddridge – LAA Melissa Thompson – LAA Nick Ford – LAA	Nick Poulter – LAA Paddy Enright - LAA Rakesh Bhasin-LCCSA Roger Ralph – CILEx Russell Barnes - LAA Tom Payne – BC Vickie Burgin – Chair, National Streamlined Forensic Reporting Board
Apologies	Adrian Vincent – BC Caroline Goodwin – CBA	Chris Henley – CBA Fiona Rutherford – MoJ Helen Johnson – LAPG	John Foster – MoJ Jonathan Black – LCCSA Neil Lewis - LAA

Welcome and introductions.

1. **Minutes** from September were approved. Actions were discussed as follows.

Actions from the last meeting and decisions from this meeting			
AP1 [Mar]	M Doddridge to circulate draft of national guidance regarding calling in extra people to court duty schemes.	M Doddridge	Closed
	Circulated – action can be closed.		
AP2 [Mar]	N Lewis to circulate percentage of withdrawn applications. (Closed, see post-meeting note to March minutes.)	N Lewis	Closed
	Closed		
AP3 [Mar]	I Kelcey to update re raising the issue of unrepresented defendants with the Better Case Management group.	I Kelcey	Closed
	This has been done – action can be closed.		
AP4 [Mar]	Representative bodies to ask their members for three or four commonly occurring instances where LAA reduce claims.	All	3 Sept
	Keep open – all invited to contribute. #AP1 [May]		
AP5 [Mar]	R Ralph to continue to liaise with A Sherr re 14 page police station attendance form, and send information to M Doddridge.	R Ralph	Closed
	It has been confirmed that the content rather than the format is what matters. Action can be closed.		
AP6 [Mar]	M Doddridge to ensure the list of which courts are in which areas is added to claim guidance.	M Doddridge	3 Sept
	This is under way. Keep open. #AP2 [May]		
AP7 [Mar]	M Doddridge to arrange for LAA to publish a finalised list of codes on gov.uk with an email address to submit corrections to.	M Doddridge	3 Sept
	This is under way. Keep open. #AP2 [May]		
AP8 [Mar]	N Poulter to update regarding the LF1 disk target.	N Poulter	Closed
	It was confirmed this was being done within 7 days, well under target. Action can be closed.		
AP9 [Mar]	All to let members know that if a firm has a written reason query outstanding for longer than 56 days, they can contact M Thompson or N Poulter with specific details of the case.	All	Closed
	Action can be closed.		
AP10 [Mar]	A Cosma to send J Sirodcar details of instances where there appear to be inconsistencies in assessing page count.	A Cosma	Closed
	Action can be closed.		
AP11 [Mar]	E Miller to circulate Q&A on access to CCDS for peer reviews.	E Miller	3 Sept
	D Thomas to discuss the issue with HMCTS.	D Thomas	Closed
	Action can be closed. Refer to agenda item 4.		

AP12 [Mar]	M Doddridge to draft guidance for future discussion.	M Doddridge	14 May
	Circulated with today's papers. Issue can be closed.		
AP13 [Mar]	G Hardy to take issue of police station closures forward in discussion with LCCSA.	G Hardy	14 May
	G Hardy and R Bhasin to liaise – keep action open. #AP4 [May]		
AP14 [Mar]	Karl Ford to advise when ICA decision is known regarding: <ul style="list-style-type: none"> • Multi-office firms and travel claims • Breach matters issue 	K Ford	14 May
	On agenda. Action can be closed.		

2. Forensic reporting

2.1 Update

V Burgin outlined the update which had been circulated regarding forensic reporting. Further information and a list of accredited organisations can be found on the UK Accreditation Services (UKAS) website at:

<https://www.UKAS.com/services/other-services/directory-of-accredited-organisations/>

(Search 'Testing Laboratories' for the full list, or search for the name of the organisation you are looking for.)

In response to a query on medical evidence, it was confirmed that measures were being put in place to speed up reporting.

A draft of proposed guidance will be available in the autumn. V Burgin and E Annable to provide this to CCG for discussion when available. **#AP5 [May]**

2.2 Science & Technology Committee Report and expert fees

A Mutasa referred to the recent report and asked what plans MoJ and LAA had to respond. J MacMillan confirmed that MoJ will respond to each of the recommendations within two months and the response will be published on the gov.uk website.

In response to a query regarding rates for experts, J MacMillan said he would liaise with the CPS and report back. **#AP6 [May]**

V Burgin commented that she would welcome any comments on these matters, to feed into work being undertaken for the National Strategy on niche providers. Please email comments or suggestions for further discussion to V Burgin (email address available from E Annable if required). **#AP6 [May]**

3. Operational update

3.1 Billing

N Poulter outlined the report, noting that the only red area was already down to 15 days and the team were working to reduce it further. Processing times are good overall.

3.2 Applications

Processing times are good overall.

A Cosma asked about LF1s and disc evidence, and whether it would be possible for LAA to hold on to the discs for a set number of days in case of queries. N Poulter said that this might be possible for a day, but any longer might cause delays for the provider.

A Cosma also asked about mileage, and whether firms could agree mileage to be paid by firm. A Cosma to send details to N Poulter who will investigate. **#AP7 [May]**

R Bhasin raised an issue regarding electronic evidence and images being allowed as pages. R Bhasin to send details to N Poulter who will investigate. **#AP7 [May]**

4. Defendant's Cost Order claim (DCO2) digital working brief

C Walley outlined the paper which had been circulated previously, and noted that since this was written, LAA had only received four claims on paper. She asked if members were willing to approve that digital submission should be made mandatory, giving providers a month's grace as usual. This was approved.

5. Novations

P Enright outlined the plans to update guidance in regard to novations, to take account of the new contracts. P Enright to make this available to CCG for comment once the draft is ready. **#AP8 [May]**

6. Handling removable media

K Ford outlined the paper which has been circulated. This confirms the LAA's proposed approach to handling these, to align with GDPR regulations. The new guidance will be circulated and implemented from 1 July

A Cosma commented that CDs served by CPS were often unencrypted. K Ford confirmed that these would be accepted but could not be returned via postal services. Instead, secure point to point couriers would be used. D Thomas confirmed that secure file formats were still being explored. I Kelcey to flag up the issue at Better Case Management meetings. **#AP9 [May]**

R Atkinson asked if the cost could be considered a legitimate disbursement. D Thomas to investigate and report back. **#AP9 [May]**

7. Communication of contingency approaches

M Brown outlined plans to improve LAA communications with providers regarding IT system outages. Providers are now emailed within the first hour; going forward, contingency arrangements will be outlined in the email, as well as details of where to go for support.

R Barnes (new Head of External Communications) outlined the new Communications strategy for LAA. This builds on existing systems such as emails and the LAA Bulletin. Plans are in place to improve general support for providers, as well as specific customer support communications, general information on the legal aid system and what LAA is doing more generally.

8. Provider interactions

The paper circulated prior to the meeting outlines the different types of provider interaction. It was confirmed that this applies to both civil and crime. It was also confirmed that the document regarding provider interactions can be shared with members. In response to a query, E Annable agreed to send a link to information on gov.uk regarding the number of contracts (as distinct from number of providers).

Post meeting note: this information is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/623741/2017-scc-outcome.pdf

9. Issues raised by the representative bodies

9.1 Format of rotas

R Bhasin asked whether rotas could be sent out as an Excel spreadsheet rather than PDF in the first instance. N Poulter commented that the PDFs are searchable. E Annable commented that documents are sent by PDF so they cannot be changed. The Excel spreadsheets are very large and unwieldy, and probably would be above the limit that could be safely sent. It was suggested that free software to convert PDFs to Excel should be used.

9.2 Date of new Criminal legal aid contract

R Ralph queried the date the current contract will be up for renewal. R Atkinson expressed his view that it was likely to be extended to account for the Criminal Legal Aid review ending summer 2020. G Hardy confirmed that the initial term of the contract runs to March 2020 but that providers would be informed in plenty of time if this was to change.

9.3 Closure of youth courts

R Atkinson raised the issue of closure of youth courts and its impact on travel claims. This will be discussed at the next meeting. Any members who wish to comment should email G Hardy in advance of the meeting. **#AP10 [May]**

10. Discussion of ‘forward look’ list for CCG meetings

D Thomas outlined the idea of creating a ‘forward look’ document so that future issues for discussion could be scheduled, and guests invited to present on matters of interest. It was agreed that the operational update report should be discussed by exception, rather than being a scheduled item each month. Members are welcome to comment on potential format and items to include. **#AP11 [May]**

11. AOB

11.1 Duty solicitor issues

See AP1 [Mar] above: the draft of national guidance regarding calling in extra people to court duty schemes had been circulated for discussion. Also circulated was draft guidance regarding own client representation – see AP12 [Mar] above. Members were invited to send any comments on these to G Hardy as soon as possible. Once agreed, the advice will be distributed within LAA and on LAA Bulletins. **#AP12 [May]**

11.2 Better Case Management working group

E Miller passed on a request from Alyson Sprawson of the BCM working group. The group is currently short of defence representation, and contributions from rep bodies would be welcome. E Miller to circulate details of what this involves. **#AP13 [May]**

11.3 Thanks

G Hothersall said that this was her last Crime CCG, and that going forward Eloise Wood (David Thomas’ PA) would service the meetings. Members thanked Gillian for her work on Crime CCG and she thanked members for their cooperation and hard work over the years.

Actions from this meeting			
AP1 [May]	Representative bodies to ask their members for three or four commonly occurring instances where LAA reduce claims.	All	2 July
AP2 [May]	<ul style="list-style-type: none">M Doddridge to ensure the list of which courts are in which areas is added to claim guidance.M Doddridge to arrange for LAA to publish a finalised list of codes on gov.uk with an email address to submit corrections to.	M Doddridge	2 July
AP3 [May]	E Miller to report back on access to CCDS for peer reviews	E Miller	2 July
AP4 [May]	G Hardy and R Bhasin to liaise re issue of police station closures	G Hardy R Bhasin	2 July
AP5 [May]	V Burgin and E Annable to provide draft of guidance on forensic reporting to CCG for discussion	V Burgin E Annable	3 Sep

AP6 [May]	<ul style="list-style-type: none"> • J MacMillan to liaise with the CPS re fees for experts and report back • All to email comments or suggestions for further discussion on expert fees to V Burgin (email address available from E Annable if required) 	J MacMillan All	2 July
AP7 [May]	<ul style="list-style-type: none"> • A Cosma to send details of issue re claiming for mileage by firm to N Poulter who will investigate • R Bhasin to send details of issue re electronic images to N Poulter who will investigate 	A Cosma N Poulter R Bhasin N Poulter	2 July
AP8 [May]	P Enright to make draft guidance on novations available to CCG for comment	P Enright	2 July
AP9 [May]	<ul style="list-style-type: none"> • I Kelcey to flag up at Better Case Management meetings the issue of CPS sending unencrypted disks • D Thomas to investigate whether the cost of couriers for unencrypted discs could be considered a legitimate disbursement 	I Kelcey D Thomas	2 July
AP10 [May]	All invited to comment on closure of youth courts for discussion at next meeting- email G Hardy	All	2 July
AP11 [May]	All invited to comment on potential format of 'forward look' document and items to include	All	2 July
AP12 [May]	All invited to send any comments on the guidance re the two duty solicitor issues to G Hardy as soon as possible	All	12 June
AP13 [May]	E Miller to circulate details re participation in Better Case Management working group.	E Miller	12 June

The next meeting is on Tuesday 2 July 2019 at TLS