



The Law Society



Legal Aid  
Agency

## Crime Contract Consultative Group (CCCG) meeting

### Minutes

5 November 2019

V1.0

<b>When:</b>	Tuesday 5 November 2019 at 15:00 – 16:30		
<b>Where:</b>	Fetter Room, The Law Society		
<b>Chair</b> <b>Minutes</b>	Chair: Richard Atkinson/Neil Lewis Minutes: Eloise Worrall		
<b>Attendees</b>	Adrian Vincent -BC Alice Mutasa – TLS Andrew Cosma – MMS Avrom Sherr – IALS Caroline Goodwin – CBA Chris Henley – CBA Daniel Bonich – CLSA Elaine Annable – LAA Elliot Miller – LAA	Glyn Hardy – LAA Helen Johnson – LAPG Henry Hills – SAHCA Ian Kelcey – CLC James MacMillan –MoJ Jennifer Johnson - LAA John Foster – MoJ Karl Ford – LAA Matt Doddridge – LAA	Nick Ford – LAA Nick Poulter – LAA Paddy Enright - LAA Richard Atkinson – TLS Richard Miller Roger Ralph – CILEx Russell Barnes – LAA Stuart McMillan – BC Tom Payne BC Will Hayden – LAA
<b>Apologies</b>	David Thomas – LAA Carla Walley – LAA Rakesh Bhasin-LCCSA Jonathan Black – LCCSA Melissa Thompson - LAA		

Welcome and introductions.

1. **Minutes.** Minutes and actions from the October meeting were discussed as follows.

<b>Actions from the last meeting and decisions from this meeting</b>			
APOCT01	To circulate details of where this toolkit can be found to committee, to then be passed onto members.	P Cassidy	No longer applicable post Brexit. Complete
APOCT02	Answer following question in relation to the EAW: Are reciprocal arrangements going to be put in place for UK criminals overseas or are they beyond the reach of the law.	P Cassidy	Open
APOCT03	Bodies to encourage members to use the online toolkit and to encourage members to read advice on EU-exit	Rep Bodies	Open
APOCT04	To circulate the suggested form to representative bodies for comments and feedback	C Waley/LAA	Complete
APOCT05	To circulate details of the PPE workshops held this year, including reference to the Countblank formula, plus list of attendees.	J Johnson	Complete
APOCT06	To consider CCCG concerns in relation to being able to identify individual LAA case workers, and the internal processes and escalation routes in place.	N Poulter	Open
APOCT07	Members of CCCG to forward any specific instances of alleged unfairness or inconsistency to LAA for further investigation (via Nick Ford).	Group	Open
APOCT08	Work with Case Management to review previous correspondence (where possible) from LAA to providers where Countblank formula has been used to ensure necessary standards of communication have been met	N Poulter	Open
APOCT09	To provide examples, where possible, of approach of LAA contacting providers to make them aware of LAA underpayments identified through audit.	D Thomas	Open
APOCT10	Circulate documents which can be forwarded to members on status of CLAR, and provide update in November	J MacMillan	Complete
APOCT11	To forward specific instances of complaint to HGS for investigation; specifically, where providers feel they've missed cases and not had missed calls	Rep Bodies	Complete
APOCT12	All group members to remind their members to check the details on DSCC system periodically.	Rep Bodies	Complete
APOCT13	DSCC is appearing as a private number on mobile phones; HGS to investigate why this might be occurring and report back.	HGS	Complete
APOCT14	To circulate information to explain the DSCC deployment process and SLA	W Hayden	Complete

APOCT15	To confirm that handouts provided in meeting are able to be circulated to wider committees and members.	D Thomas	Complete
APOCT16	Review whether more information can be provided on the duty solicitor website in terms of the process and performance.	W Hayden/ HGS	Complete
APOCT17	To consider including Police Officer name as a contact in the SMS text	HGS	Complete

## 2. DSCC performance

The first slide is on Volume and percentage of calls answered. Through the month of October 91% of calls were answered. Performance needs to be considered in light of the extinction rebellion protests which increased volume from the 7 October onwards

The next slide is on average time for cases to be deployed. Across the month there was an average of 7.5 mins for a case to be deployed.

The last slide is Complaint volumes by week, which shows the levels are too high. This is a concern and an action plan has been put into place. Rep Bodies agreed It would be useful to have a breakdown on what type of complaints these were.

**APNOV01** W Hayden to share CAPITA data.

**APNOV02** W Hayden to share the complaints data with the group.

## 3. Operational Update

Everything is being progressed in target apart from the CDS18. There is work going on to get this back on the target turnaround time.

RB – Are there any plans to make the CRM18 digital, NP – none at the moment, did get close where there was thought to be a system that could be used, but was deemed unsuitable, the volumes are very low.

RB - When you are assessing trial the Case workers do not notify which days are being discounted, is it possible for the CW's to note which ones that aren't being paid?

**APNOV03** M Thompson/N Poulter to take away to speak to CW's on the trial dates and CCD

## 4. Self Employed Guidance

The slide provided has been put together by the National Crime Team (NCT) to help providers deal with self-employed defendants and the paper is to act as guidance. E Annable asked the group for feedback on the contents and whether it was useful.

**APNOV04** Rep bodies to look over paper B and to feedback at the next meeting.

**APNOV05** E Annable to go back to the National Crime Team to see what more they could add.

## 5. Countblank formula – update

Given that it has been used so rarely, N Poulter confirmed that it would no longer be used in the assessment of graduated fees. It will still be used (although rarely) on special preparation claims. The Crown Court Fee Guidance is currently being amended and it will be made clear about special preparation claims.

A review had been carried out of the 7 claims where countblank had been used in the last 3 months. Of the 7 cases referred to in the paper from the last CCCG, 4 have been archived by providers, and LAA are not able to “unarchive” these from our end. On review it was established that countblank had not been used at all on 1 case, it had been used on another, but the full 10k PPE had been paid on submission (at

redetermination stage) of a second disk of evidence, and had been used to remove blank columns on the third case. There was also a case mentioned where Mr Kelcey's firm had submitted for electronic evidence to be paid as PPE (ePPE). I Kelcey and N Poulter thought it would be a good idea to use this as an illustration of some of the issues that were faced, and as an illustration of how providers could help make initial determinations easier. The case in question had digital evidence served and was submitted with a covering letter which went into detail about why ePPE should be paid but didn't go into detail on the specifics as to what the disc contained. The claim was assessed down accordingly. The LAA then received a redetermination request, which came in with a second letter which was far more detailed as to what was on the disc and which specific items were essential to the prosecution case. The key that came from this was if the providers could make their letters more detailed it really helps the LAA and can also help speed up the payment of claims.

This led to a more general discussion about what can be allowed as ePPE. The LAA's view is that relevance is key – only digitally served evidence that was directly relevant to the prosecution case can be allowed in the PPE proxy calculations. All other evidence served on disks etc should be claimed as Special Prep. The Rep Bodies did not agree, and felt that such evidence, particularly in a conspiracy, should be included in the PPE proxy calculations.

**APNOV06** LAA and rep bodies to consider setting up a sub team of CCCG to discuss this issue in more detail and report back.

<b>Actions from this meeting</b>			
APNOV01	To share CAPITA data.	W Hayden	4 Feb
APNOV02	To share the complaints data with the group.	W Hayden	4 Feb
APNOV03	To take away to speak to CW's on the trial dates and CCD	MT/NP	4 Feb
APNOV04	look over paper B and to feedback at the next meet.	Rep Bodies	4 Feb
APNOV05	To go back to the National crime team to see what more they could add.	E Annable	4 Feb
APNOV06	LAA and rep bodies to consider setting up a sub team of CCCG to discuss this issue in more detail and report back.	LAA	4 Feb

The next meeting is on 4 February 2020, TLS