

**Civil Contracts Consultative Group (CCCG)  
Minutes v2**

**15 September 2021**

Date:	Wednesday, 15 September 2021, 3pm
Where	Microsoft Teams
Chair	<b>Laura Wensley</b> -Service Development and Central Commissioning [LAA]
Minutes	<b>Grazia Trivedi</b> – Service Development [LAA]
Present	<p><b>Anastasia Kostaki</b> – Bar Council  <b>Avrom Sherr</b> – Peer Review  <b>Bob Baker</b> – Association of Cost Lawyers  <b>Chinyere Okpala</b> – Shelter  <b>Christine Wright</b> – Transformation Portfolio – [LAA]  <b>David McLaughlin</b> – Mental Health Lawyers Association  <b>David Phillips</b> - Service Development and Central Commissioning [LAA]  <b>Deborah McLaughlin</b> - Civil Operations [LAA]  <b>Eleanor Druker</b> – Service Development [LAA]  <b>Ellie Cronin</b> – The Law Society  <b>Fraser Clubbe</b> - Performance/Planning and Risk [LAA]  <b>Helen Keith</b> - Exceptional Complex Cases Team [LAA]  <b>Jill Waring</b> – National Contract Manager [LAA]  <b>Jane Robey</b> – Family Mediation Council  <b>Jenna Steens</b> - Exceptional Complex Cases [LAA]  <b>Jude Lockett</b> – Application Processes - LAA Digital  <b>Kate Pasfield</b> – Legal Aid Practitioners Group  <b>Kathryn Grainger</b> - Cust Serv/Case Mgmt. [LAA]  <b>Kathy Hartup</b> – Communications [LAA]  <b>Kerry Wood</b> – Central Commissioning [LAA]  <b>Mark Edwardes</b> - Civil and Family Stats [LAA]  <b>Nimrod Ben Cnaan</b> - Law Centres Network  <b>Paul Tyrer</b> – Civil Case Mgmt. [LAA]  <b>Richard Miller</b> – Head of Justice [The Law Society]  <b>Sally Cheshire</b> – Housing Law Practitioners Association  <b>Samantha Milton</b> - Exceptional and Complex Cases [LAA]  <b>Simon Cliff</b> – The Law Society  <b>Tom Fitzgerald</b> – Business Improvement [LAA]  <b>Tim Collieu</b> – Central Commissioning [LAA]  <b>Vicky Fewkes</b> - Housing Law Practitioner Association  <b>Vicky Ling</b> – Resolution</p>
Apologies	<p><b>Chris Walton</b> – Shelter  <b>Steve Starkey</b> – Civil Operations [LAA]  <b>Kate Tyrrell</b> – Mental Health Lawyers Association</p>

Chair welcomed everyone and introduced David Phillips who joined the LAA as her new job-share partner, replacing Lynn Evans.

1. [Minutes](#) of the July meeting were approved and would be published. There was only one open action from the last meeting asking for information on inactive providers. This would be discussed at the meeting under item 6.
2. **Update on LAA systems and Apply.**

C Wright said that the Transformation team worked closely with LAA Digital. Their objectives were to streamline and improve current processes and to improve services to clients by making the system more user centred. Digital resources were prioritised to focus on key areas, to ensure any risks were mitigated on current systems, and to both policy implementation and development, such as Apply.

J Lockett explained the Apply product process through slides that would be shared after the meeting [**Action 1**]. Apply currently focussed on Domestic Violence [DV] cases, with Multiple Proceedings (connected with DV applications) functionality released on 14 September. When successful, this would be built on by expanding the same functionalities to other areas of law. This was expected to happen in 2022. Rep bodies would be kept involved at every stage and were encouraged to email the Transformation team at [LAATransformation@justice.gov.uk](mailto:LAATransformation@justice.gov.uk) to share their members' views, suggestions for improvements and anything else that could be helpful in terms of next steps. LAA Transformation and LAA Digital would keep rep bodies updated regularly through Case Management's PET [Process Efficiency Team].

### 3. LAA Commissioning Update

K Wood had circulated the Commissioning report prior to the meeting. She reiterated that these were working figures for discussion at the meeting and not official statistics so they should not be shared outside CCCG. Where members wished to quote statistics, they should request the official ones. The report showed that a number of contracts had been lost in some categories, principally in Housing and Debt. A service presence was maintained in most areas, but tender activity would have to be undertaken in areas where supply was insufficient. Some providers had chosen to consolidate services across offices so although the contracts were still in place, there might be less offices in some areas.

The LAA recognised that the loss of Housing providers might have an impact on the availability of providers for Housing Possession Court Duty Services (HPCDS) where there had been a small number of providers withdrawing from their contracts with very little notice. Tenders had been advertised to replace 5 services, but rep bodies were asked to emphasize the need for members to give advance notice to the LAA if they planned to withdraw from the HPCDS contracts scheme, as in line with the contract. One of the most cited reasons for a withdrawal was the loss of a supervisor.

Lack of volume and the pandemic were just some of the factors that had impacted on the housing services. N Ben Cnaan said that it was going to be even more difficult to sustain a Housing contract and Housing Possession in particular, if the government was going to go ahead with the Fixed Recoverable Costs proposals; he said that rep bodies had discussed the matter with MoJ policy colleagues. He also asked for an update on the housing digital contract which K Wood said had been initially performing reasonably well; K Wood would have a report for the November meeting

**Action 2 [Sep].** E Druker and K Wood reiterated that MoJ policy colleagues were considering all the issues regarding services sustainability.

K Wood said that the LAA were focusing not just on the current position but also on what the market might look like in the future; inactive providers were unlikely to stay, and this was a matter of concern.

**Next Civil Contract** K Wood said that the LAA would most likely implement the final civil contract extension, however the LAA did not have a final policy position on this and accordingly it was not yet clear if the contract would be extended to the maximum term of August 2023. E Druker planned to arrange workshops with rep bodies to discuss the design of the future contract. She asked rep bodies to start canvassing their members' views and to send anything relevant to the LAA to help structure the discussions and action things quicker. Initially there would be workshops with internal stakeholders and then, in October/November, with rep bodies and a range of providers by category of law, the larger ones. Some thought would be given on how to deal with the small/low volume categories. Rep bodies were invited to send anything that was of concern to them ahead of the workshops.

#### **4. LAA Civil Operations Update.**

**Civil Applications.** D McLaughlin talked about the main points in the Case Management Operational Performance Pack and T Fitzgerald talked about the stats for legal appeals. He said that when an appeal was received the original caseworker's decision was tracked to see whether it had been right or wrong. Figures for May/June in the July Pack highlighted no change from previous packs showing that 90% of all civil applications were granted, 5% of applications were refused with the other 5% withdrawn or rejected. Of the 5% refused [slide 14] 18.5% of decisions by a caseworker processing an initial application that was appealed were incorrect/partially incorrect. This had dropped in July/August to 14% as the LAA continued to feedback issues to caseworkers and review the data [slide 13].

D McLaughlin thanked T Fitzgerald for his work on reviewing the Emergency Cost Limits and confirmed that the increase had been communicated externally and would commence from 13<sup>th</sup> September 2021. The increase change could not be amended in CCMS until early in 2022 and the change would be completed manually by caseworkers until that time. If a provider felt that this had been incorrectly applied, they should use the email fixer service.

She also said that not many providers were using the fixer service for High Cost Family work and asked Rep bodies to urge their members to do so; messages would be picked up from there and dealt with before getting into the escalation route. D McLaughlin would communicate this on Twitter and on the document explaining how to use the fixer service **Action 3 [Sep]**

**Civil Billing** P Tyrer talked about the slides in the Civil Billing section of the Pack. He pointed out that on slide 44 the Appeal Bill Rejects volume for the month of July had gone up sharply and this had been caused by just 2 firms; contract managers had contacted the firms and had sent them an eLearning training module to explain the process. The link to the module was on slide 44 and rep bodies were asked to flag this to their members. He confirmed that rep bodies could share the Pack in its entirety with their members if they wished.

He also pointed out that disbursement vouchers were now needed for Very High Cost Cases [VHCC]; he asked rep bodies to remind their members of this and share slide 73 which covered

VHCC bills and disbursement vouchers. The link to the initial eAlert to confirm the change was on this slide.

He apologised for the inconvenience caused to providers by the issues affecting CCMS over the last few weeks; case workers had been affected too. The data in the next Pack, covering August/September, would pick up on the impact caused by the problem. Providers who found themselves in difficulties in relation to duplicated bills being rejected ought to use the Claim Fix service, email [laacivilclaimfix@Justice.gov.uk](mailto:laacivilclaimfix@Justice.gov.uk)

## 5. Exceptional and Complex Cases Team [ECCT]

H Keith introduced Jenna Steens, Operations manager in the ECCT and said that they would share attendance of CCCG meetings.

The data in the Pack [slide 37] showed that the target for urgent applications had been met in August at 94%. The ECCT applications end-to-end target was also met at 86%; target for non-urgent applications and amendments had been narrowly missed. Training was underway to boost performance by recruiting into the in-scope Immigration category, which accounted for around a quarter of all intake. ECCT had set up a process to identify and deal with, cases relating to Afghanistan.

**Family Reunion.** In August twenty-two Family Reunion applications had been received and they were all in-target except one. Half of all apps. were legal help cases and half legal representation ones. Of those granted 3 were without provider and a couple had been rejected as the CLR application had been made in the wrong name. Guidance for Family Reunion cases had been produced and would be published as soon as possible.

**Response to the Justice Select Committee report.** The report related to the coroner service but provided information about non-means testing for Exceptional Case Funding [ECF] inquests. The LAA was doing some work in the background while waiting for further information from the MoJ. More would be known by the next CCCG. **Action 5 [Sep].**

**Costs Limits** ECCT likewise was using the new standard costs limitation for emergency certificates which relied on a manual change; rep bodies were asked to flag any cases where the team overlooked this. Guidance on applying a non-standard costs limitation had been commented on by stakeholders and would be available shortly.

**Anti-Social Behaviour Injunctions [ASBIs]** Civil providers were able to do this work as 'miscellaneous' although criminal legal aid was applicable at the committal stage. Crime providers could do the work as "associated civil work" but those wishing to do the work found difficulties accessing CCMS and didn't know how to deal with civil legal aid funding tests and the payment regime.

K Pasfield had been contacted by a provider who had seven outstanding files worth several thousands of pounds each, waiting for payment; she said that clients appeared in court without a lawyer because providers didn't want to take on these cases and the client risked being imprisoned because of lack of legal advice. H Keith asked her to send in details of the seven files so that they could be looked into.

K Grainger said that PET would take on the task of putting support in place for providers. She would set up a working group with a view to producing some guidance and/or online training modules. El Druker confirmed that the LAA and MoJ would provide a combined response to the Civil Justice

Council Report after viewing all the available data to get a better picture and would share her findings with PET.

## 6. Inactive providers

J Waring had circulated a written update before the meeting and talked about the information in that paper. The inactivity figures were high level and related to the offices of live providers that had been inactive between April 2019 and September 2021. J Waring/P Enright would correct the reference in the paper [p.2] to Welfare Benefits and the Mandatory Telephone Gateway **Action 5 [Sep]**. E Cronin said that the reasons given for inactivity were duplicated and she wished to have a better understanding of how these had been collected. J Waring said that the reasons given for inactivity could not be assigned to one category; providers' feedback was also contingent on their Contract Manager's [CMs] own interpretation and categorisation of the reasons given. E Cronin observed that the report showed that 120 offices had been inactive since April 2019 and that this was an alarming number.

J Waring clarified the point that the list of inactive providers did not include offices that had opened certificated matters but had not billed for the work, nor offices that had opened a low number of legal matters. K Pasfield said that the data should include even the offices with low volumes of work so that a comprehensive picture could be obtained.

The information was for CCG only and should not be shared more widely.

## 7. LAA response to recent Justice Select Committee report on The Future of Legal Aid

L Wensley said that the LAA fed into the MoJ's response and that this would be subject to the outcome of the spending review allocations. CCG would be kept updated on progress **Action 6 [Sep]**.

## 8. AOB

**Contingency measures.** The LAA had consulted with civil consultative representative bodies on proposed changes to the current civil contract relating to offices and remote supervision. The contingency measures would be extended so that a 3-week notice could be given to providers of any changes. R Miller said that a recommendation had been made to the Law Society Board to approve the changes and were awaiting a response from them, hopefully within a day or two.

The LAA had also consulted on making an amendment to the Civil contract on the proportion of remote applications that could be allowed, and to increase that from 25% to 50%. The current Covid contingency arrangements, which put no restrictions on remote applications would be extended by three months together with the digital signatures to 31<sup>st</sup> December 2021.

Other Covid contingencies would cease at the end of September and comms would be issued to remind providers. One of these was the change to claims for housing which allowed a provider to submit an interim claim for a case that was going to be an escape case and claim a fixed fee. The other was the measure allowing 100% Payments on Account [AOP] in relation to FAS. The LAA would review the changes required to CCMS to establish if it could be made a permanent change but a time frame for this work to be done was unknown due a number of other changes being made to CCMS.

Actions from this meeting			
AP1 [Sep]	Share the Slides Presentation on Apply	G Trivedi	Closed- 20/09/21
AP2 [Sep]	Update CCCG on how digital housing and debt services have been performing	K Wood	17 Nov
AP3 [Sep]	<p>Inform providers of the fixer service for high cost family cases.</p> <p>Post meeting note: news story; <a href="#">Civil news: launch of high cost family fixer service - GOV.UK (www.gov.uk)</a></p> <p>There is info on here <a href="#">Ministry of Justice: Contact Us</a> and here <a href="#">Civil Fixer Guidance (justice.gov.uk)</a> on how the service can be used by providers</p>	D McLaughlin	Closed
AP4 [Sep]	<p>Update CCCG on the response to the Justice Select Committee report on the Future of Legal Aid</p> <p>Post meeting note: MoJ have responded to the JSC and an official response would be published in due course.</p>	E Druker	Closed
AP5 [Sep]	Correct the reference in the Inactive Providers paper to Welfare Benefits and the Mandatory Telephone Service	J Waring/P Enright	Closed 18/10/21
AP6 [Sep] Same as AP4	Update CCCG on the MoJ's response to the JSC report on The Future of Legal Aid		