

## Civil Contracts Consultative Group (CCCG) Minutes

19 January 2022

Date:	Wednesday, 19 January 2022, 3pm
Where	Microsoft Teams
Chair	Eleanor Druker – Service Development [LAA]
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Alice Muskett – Service Development [LAA]  Anastasia Kostaki - BC  Avrom Sherr – Peer Review  Chilli Reid – Advice UK  Chris Minnoch – LAPG  Chris Walton – Shelter  Christine Wright – Transformation [LAA]  David Phillips - Service Development and Central Commissioning [LAA]  Ellie Cronin – The Law Society  Eve McNally – Civil Applications [LAA]  Helen Keith - Exceptional Complex Cases Team [LAA]  Jamie Niven-Phillips ALC  Ian Bickley – Communications [LAA]  John Redfern – Civil applications [LAA]  Jill Waring – National Contract Manager [LAA]  Kathryn Grainger - Cust Serv/Case Mgmt. [LAA]  Kerry Wood – Central Commissioning [LAA]  Louise Withington – Civil applications – High Cost Family [LAA]  Mark Edwardes - Civil and Family Stats [LAA]  Matt Walker - Digital and Technology [LAA]  Nimrod Ben Cnaan - Law Centres Network [LCN]  Paul Seddon – ACL  Paul Tyrer – Civil Billing [LAA]  Richard Miller – Head of Justice [The Law Society]  Sally Cheshire – HLP  Sarah Jayne Paddock – Civil Applications [LAA]  Simon Cliff – The Law Society  Tom Fitzgerald – Business Improvement [LAA]  Tim Collieu – Central Commissioning [LAA]  Vicky Ling – Resolution</p>
Apologies	Bob Baker – Cost Lawyers Association

Chair welcomed everyone.

1. [Minutes](#) of the November meeting were approved and would be published.

Action 2: Engage with rep bodies when developing the Court Appointed Intermediary Scheme [CAIS] training material. G Trivedi would ask for an update **Action 1 [Jan]**.

Action 5: El Druker had received feedback from rep bodies following the workshops on the future civil contract.

Action 6: Rep bodies had publicised the new interactive training modules for solicitors and counsel to members.

Action 7: update on PHSO report. Under item 4

Action 10: El Druker would share the data on current costs claims in housing disrepair cases as soon as it was available. **Action 2 [Nov]**

## 2. LAA Operations update

S J Paddock Fitzgerald, L Withington and P Tyrer talked about the main points in the slides pack.

In relation to Appeal Bill Rejections, on slide 45, rep bodies were asked to flag the *Appeal Bills Interactive-eLearning Module* to their members to help reduce the number of rejects. **Action 3 [Jan]**. Rep bodies were also asked to encourage their members to flag any issues relating to CCMS with the LAA Online Support Team **Action 4 [Jan]** and to frequently save their work especially when submitting large bills. P Seddon said that some members had not been able to save their work and had lost everything due to malfunction; he asked the LAA to communicate to providers that this was happening. P Tyrer said that he would investigate and feed this issue back to Digital **Action 5 [Jan]**. He said that the system had been upgraded but was aware that users both internally and externally were still experiencing problems; he was grateful for providers' patience and resilience during this time.

Post meeting note: We know that there are some ongoing performance issues with CCMS and it's still not at the level we would like it to be and we do apologise for that, we can appreciate how frustrating it must be. We have tried the simple options of increasing CCMS processing capacity and adding on additional servers, but neither has yielded the improvements we would hope for. This means it is unfortunately not a simple fix. We've been focusing on getting some of the more operational fixes to CCMS in to place (converting interim bills to final bills and full 'copy bill' functionality, for example, as well as a number of internal facing fixes we needed to allow us to actually assess the claims) and now we're meeting with our digital colleagues on Tuesday (1 March) to discuss next steps.

In the meantime, we would actively encourage any issues of CCMS not saving work to be logged with our [Online Support Team](#). The more examples that get logged, the more data we can gather on the root causes, which makes it easier to fix.

### 3. LAA Commissioning update.

T Colliou shared the Commissioning report. He reiterated that the figures were a snapshot of what had been processed on CWA and not official data to be relied upon or shared. Providers may have notified the LAA of their intention to withdraw and these may not yet be reflected in the data. Official figures could be taken from the published quarterly statistics pack.

Data showed that more housing providers had withdrawn, and there was a small further reduction in the number of family providers. There had been no significant change in the other categories with the exception of a couple of withdrawals. All procurement areas had full coverage in all categories except the continuing issues with housing.

The report also included information on offices where there had been no activity or little activity since April 2021. Offices with no activity were defined as having not reported a single matter start or applied for a certificate in the period April 21 to November 21. Offices with low activity were defined as having reported less than 10 matter starts and/or had applied for certificates over the same period. This data related to offices and not providers. Low volume categories of law had a higher proportion of no activity given the nature of the work, for example clinical negligence. In immigration 1 in 5 offices wasn't reporting having started any work. In mental health and family about a quarter of offices were doing a low volume of work.

E Cronin said that the number of low-volume offices was high and, combined with the no-activity data, presented a worrying situation. K Wood agreed and said that the volume of providers having started work had not increased from the decline seen during lockdown.

Contract Managers [CMs] had been engaging with firms that were doing little or no work for a long time, but it was difficult to determine a pattern of reasons for this and multiple factors were cited as being the reason. CMs had previously shared an analysis of [provider inactivity](#) with CCCG. N Ben Cnaan said that providers may not be candid with CMs about their performance under the contract for fear of incurring disciplinary action; A Sherr suggested that either the LAA or rep bodies pick out the factors that could be resolved as a starting point for a more detailed analysis; C Minnoch asked for a comparison of performance pre-lockdown and now. K Wood would consider looking into historic data for a comparison but as circumstances and provider behaviour changed all the time and this would take significant resource and it would need to be clear that there was value to be gained from spending time and resource in this way. **Action 6 [Jan]**.

An update on digital contracts would be given when enough information was available.

Housing and Housing Possession tenders A tender had been undertaken in 10 Procurement Areas [PAs] where no Housing services were available. Requirements had been amended to attract more interest and bids had been received in 2 of those 10 areas. In Housing Possession bids had been received in 3 out of the 6 PAs without services. Verification of the bids was underway.

Rep bodies asked for a timetable for the Standard Civil Contract tender as this had a financial implication for their members. E Druker said that discussions were ongoing; it was unlikely that the tender process would commence in 2022. V Ling reported that some Resolution members had been told by their CM that the process would start in February with a new contract starting in September 2022. K Wood suggested that rep bodies tell their members that if they had been told that the tender process would start in the spring, they had been given the wrong information and that the LAA would inform practitioners on new developments as soon as possible.

J Waring would send a reminder to CMs about this **Action 7 [Jan]**

#### 4. LAA Exceptional and Complex Cases Team [ECCT]

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

Parliamentary and Health Service Ombudsman [PHSO] recommendations. H Keith said that the LAA had written to the PHSO and Law Centre on 15<sup>th</sup> December to report on the LAA reviews into their recommendations, of which there were two: review of the Backdating Guidance for Consistency of Operation and looking further into processing delays.

At the November CCCG rep bodies had been invited to feedback on both recommendations but nothing had been received. The updated guidance would be published by the end of February.

During February the ECCT would focus on the action plan concerning cutting out delays in processing emergency cases where providers didn't have delegated functions. Since 2017 steps had been taken that had considerably improved performance, which continued to be monitored monthly. In December 2021 the 185 emergency applications<sup>1</sup> received had been processed, on average, in 2.9 days. The primary reason for the outliers was the initial refusal of funding on the emergency application, a high proportion of which was subsequently granted. The team were looking at the reasons for the initial refusal and working with providers to get the applications right in the first place.

The second work strand was focussed on the requests for further information and the lack of controls and timescales in relation to picking the application back up and dealing with the additional information.

A screening pilot in immigration had reduced the amount of work in progress by over 50%.

ECCT operational update H Keith talked about the main points in the Case Management Operations report and highlighted the additional information concerning the random check on 5 files per month and the ECF urgent target. In January, the volume of urgent cases had increased substantially.

The change to the Inquests Means Assessment had come into effect on the 12<sup>th</sup> of January; external comms had gone out in December and January. The means assessment on pending applications on CCMS had been stopped. In relation to associated legal help, if it was not in place when an ECF determination was granted it was means-free when ECF funding was granted but importantly there was no provision to backdate this. ECCT did not expect that many applications would be made for associated legal help but may need to tweak the application form to make it clearer when this was being applied for.

Prior authorities The Cardiff Office dealt with most of the prior authorities for experts in case management except for ECCT. However, the team were working with Cardiff by way of a pilot so that they could take this work on as well. This would ensure consistency of approach and improve efficiency; clinical negligence, child abuse and inquests were not included. ECCT would be reviewing this in 3 months. If anyone had any feedback or issues about standalone prior authorities in ECCT cases, then could they let H Keith know.

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<sup>1</sup> 79% immigration; 8% public law; 7% civil; 4% claims against a public authority; 2% family and mental health

## 6. Contingency arrangements

Three contingency arrangements were due to expire at the end of February: the office and supervision temporary standard agreement, remote working and Specialist Quality Mark; these would be reviewed in accordance with the government's latest policy on working from home and providers would be notified of any changes 3 weeks in advance as a minimum. In the meantime, CMs continued to engage with providers to ascertain their current position.

The LAA guidance stated that contingency arrangements were concurred with government Covid19 isolation requirements; V Ling said that many people would choose to work remotely even after government guidance no longer asked them to do so therefore it would be helpful if the LAA remained flexible with regards to remote working and digital signatures. E Druker said that digital signature would remain to accommodate remote working. E Druker agreed to check whether the CWA system had a way of recording paper or digital applications **Action 8 [Jan]**

## 7. Removal of Non-Key Performance Indicators [KPI] Rejects from claims

Prior to April 2021 Civil providers' reject rate could not exceed 5% in order to comply with the terms of the contract and case workers separated KPI from non-KPI rejects. However, it became clear that this system masked the real extent of the rejects issue so the decision was taken to not make the distinction. A covering note was added to the Provider Activity Reports [PAR] in May explaining what the changes were and what they meant. CCG and PET were informed of this last January and April respectively.

The change was flagged in the June LAA Bulletin and by CMs during 121 discussions with providers about their performance. The CM report shared in November showed that only one contract notice had been issued for Civil Bill rejects; providers were generally interested in getting the true figures in relation to rejects. CMs continued to work with providers to drive down reject rates.

In response to a query J Waring said that practical considerations were taken into account when a practitioner wasn't able to provide the CM with all the required information for an audit; CMs knew that they could be flexible and could make adjustments based on the individual's circumstances.

C Minnoch said that rep bodies welcomed the LAA's willingness to engage with the profession and to be transparent however an undercurrent of weariness persisted amongst practitioners who feared a return to a punitive approach. For this reason, it was essential that any change of approach be clearly communicated. J Waring asked rep bodies for suggestions on how comms could be improved. P Seddon said that the change of approach in relation to KPIs had not been flagged in any of the Bulletins as far as he could see; the LAA checklists that providers used to ensure the bills were submitted correctly didn't reflect the change and neither did the Electronic Handbook. Costs professionals didn't know about the change and a lot of confusion ensued post-April.

P Tyrer would amend the Checklist and the Electronic Manual **Action 9 [Jan]**

Post meeting note: We have sent a request to publish the revised handbook and checklists on the website – I anticipate these will be published within the next couple of weeks [mid-March] depending on availability of resources. A news article has been drafted for the handbook update.

## **8. Court Assessed Bills**

P Seddon asked what the plan was to collect the necessary information ahead of a consultation in November. E Druker would update CCCG when an action plan and data set were confirmed **Action 10 [Jan]**

## **9. Separate meetings to discuss HPCDS**

E Druker said that several meetings had taken place with stakeholders and MoJ policy team to discuss the consultation due to close shortly. Rep bodies were encouraged to contribute their suggestions to improve the scheme; MoJ would issue a response to the consultation and make an impact assessment but E Druker didn't know whether there were plans to consult further.

## **10. Eligibility calculator**

E McNally said that since the tool was removed from GOV.UK, the LAA had shared their caseworkers' tool on the training website as an interim measure. Hints and Tips and FAQs would be added shortly to the website to help users. She acknowledged that the interim tool wasn't perfect or ideal for users.

M Walker said that the LAA digital team had been working since September on how the rules of eligibility were implemented. The discovery phase was due to be completed at the beginning of March; the alpha stage would follow and then the live stage. The digital team were aware of how important this was to providers and worked hard to produce a functional product as soon as possible; the format of the tool was not yet decided upon, but it seemed likely that it would be a calculator again. The long-term plan was to enhance the calculator with as much rigour as possible, however this required a lot of work, resources and changes to the other systems. The biggest aspiration was to provide as much verification of eligibility as possible at the earliest stages, before the application was opened; this would include a hook-up to a system like DWP.

C Minnoch stressed how important the tool was to providers and referring agencies and rep bodies members were struggling to cope without it. The interim tool, though welcome, was problematic because it added a new layer of risk and unviability resulting in cases going unresolved, clients not being referred or signed up. He asked whether the digital team were considering developing a tool that was aligned with digital claim forms; Resolution members had also been asking for a digital legal help form that could be completed online and could be saved to a case management system. Further feedback from Resolution members was that junior caseworkers who did all the legal help work had been unable to use the interim tool because too technically complex.

## **10.Strategic risks**

This item had been added by D Phillips who was forced to leave the meeting half-way through due to IT issues therefore it was agreed that a discussion on this topic would take place separately

11. **AOB** none

Actions from this meeting		Owner	Deadline																																			
AP1 [Nov]	Update on engagement with rep bodies when developing the Court Appointed Intermediary Scheme [CAIS] training material.	Julie Parkin	Closed																																			
AP2 [Nov]	<p>Share data on current costs claims in housing disrepair cases.</p> <table border="1"> <thead> <tr> <th>Financial Year</th> <th>Housing volume - where cost met by opponent</th> <th>Housing Spend – where cost met by opponent (£)</th> </tr> </thead> <tbody> <tr> <td>2018-19</td> <td>1,130</td> <td>11,823,354</td> </tr> <tr> <td>2019-20</td> <td>997</td> <td>10,901,887</td> </tr> <tr> <td>2020-21</td> <td>674</td> <td>8,271,572</td> </tr> </tbody> </table> <p>These figures are taken from table 6.6 &amp; 6.7 of the latest published tables spreadsheet.</p> <p>Table link:  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041144/legal-aid-statistics-tables-jul-sep-2021.ods">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041144/legal-aid-statistics-tables-jul-sep-2021.ods</a></p>	Financial Year	Housing volume - where cost met by opponent	Housing Spend – where cost met by opponent (£)	2018-19	1,130	11,823,354	2019-20	997	10,901,887	2020-21	674	8,271,572	E Druker	Closed																							
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AP4 [Jan]	Ask members to flag any issues relating to CCMS	Rep bodies	Closed																																			
AP5 [Jan]	Investigate the issue of not being able to save work on CCMS. Please refer to the PMN on page 2	P Tyrer	Closed																																			
AP6 [Jan]	Look for data on inactive/low-volume offices for the period prior to lockdown in March 2020 and compare it to now	T Colliou	Will be actioned when resources become available																																			
AP7 [Jan]	Remind CMs of the timelines for the tender of the standard civil contract were not decided  Post Meeting Note: a note was added to the CMs newsletter shortly after CCCG	J Waring	Closed																																			
AP 8 [Jan]	<p>Check whether CWA recorded paper v digital applications.</p> <p>For the 2018 civil contracts we did add a field on the bulk upload spreadsheet and providers were supposed to enter whether it was a postal application or not although it is not a mandatory field and contract managers have not used the data. The data does show, as expected an increase in the number of remote applications since covid. The housing digital contracts are record separately. In the table below – N means it was not a remote application, Y means that it was a remote application and Blank means that nothing was reported.</p> <table border="1"> <thead> <tr> <th>Sum of No. Claims</th> <th colspan="3">Column Labels</th> <th></th> </tr> <tr> <th>Row Labels</th> <th>N</th> <th>Y</th> <th>(blank)</th> <th>Grand Total</th> </tr> </thead> <tbody> <tr> <td>2018/19</td> <td>54%</td> <td>3%</td> <td>43%</td> <td>100%</td> </tr> <tr> <td>2019/20</td> <td>81%</td> <td>4%</td> <td>15%</td> <td>100%</td> </tr> <tr> <td>2020/21</td> <td>74%</td> <td>11%</td> <td>14%</td> <td>100%</td> </tr> <tr> <td>2021/22</td> <td>70%</td> <td>16%</td> <td>14%</td> <td>100%</td> </tr> <tr> <td><b>Grand Total</b></td> <td><b>72%</b></td> <td><b>9%</b></td> <td><b>20%</b></td> <td><b>100%</b></td> </tr> </tbody> </table>	Sum of No. Claims	Column Labels				Row Labels	N	Y	(blank)	Grand Total	2018/19	54%	3%	43%	100%	2019/20	81%	4%	15%	100%	2020/21	74%	11%	14%	100%	2021/22	70%	16%	14%	100%	<b>Grand Total</b>	<b>72%</b>	<b>9%</b>	<b>20%</b>	<b>100%</b>	E Druker	Closed
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AP9 [Jan]	Amend the Checklist and the Electronic Handbook for submitting bills. Please read the PMN on page 5.	P Tyrer	Closed
AP 10 [Jan]	Inform CCG of action plan for court assessment bills consultation.  MoJ intend to reconsult later this year. They are using the time before then to collect better data that will inform that consultation e.g. volumes of claims coming to LAA and assessment rates. We have requested feedback on areas for improvement in this area but so far have only received a request for making the appeals process more transparent	E Druker	Closed
AP 11 [Jan]	Meet separately to discuss strategic risks	G Trivedi	16 Mar