



The Law Society



Legal Aid
Agency

**Crime Contract Consultative Group (CCCG) meeting
Tuesday 7 December**

Minutes

V1.0

When	Tuesday 7 December 2021
Where	By Microsoft Teams
Chair	Richard Atkinson – TLS
Minutes	Eloise Worrall - LAA
Present	<p>Alice Mutasa – TLS Andrew Cosma – MMS Avrom Sherr – IALS Daniel Bonich – CLSA David Thomas - LAA Elaine Annable – LAA Glyn Hardy – LAA Hesham Puri - LCCSA James MacMillan –MoJ Julie Parkin - HMCTS Kuljinder Howells - HMCTS Melissa Thompson – LAA Nick Ford – LAA Nick Poulter – LAA Paul Moore - LAA</p>
Apologies	<p>Adrian Vincent – BC Arron Dolan – CBA Caroline Goodwin – CBA Chris Henley – CBA Elliot Miller – LAA Helen Johnson – LAPG</p>

	Henry Hills – SAHCA Ian Kelcey – CLC Jelena Lentzos – LAA Jennifer Johnson LAA Jill Waring – LAA John Foster – MoJ Kathryn Grainger – LAA Kathy Hartup – LAA Matt Doddridge – LAA Neil Lewis - LAA Rakesh Bhasin-LCCSA Richard Miller Richard Owen - Chair of TLS A2J Cttee Roger Ralph – CILEx Stuart Nolan - TLS Will Hayden - LAA
--	---

R Atkinson started the meeting and welcomed the group to the December meeting.

R Atkinson confirmed papers and minutes were circulated in advance.

1. Minutes from October meeting were reviewed and approved.

Actions were discussed as follows.

APOCT01	N Poulter asked A Cosma to send through examples about reductions in AGF claims issue and will have a look. A Cosma stated he will send directly to N Poulter	A Cosma	Action	now closed
APOCT02	N Poulter to send the group their external guidance and for the group to send feedback as soon as possible– #AP2 [Oct]	N Poulter	Action	now closed
APOCT03	M Doddridge, G Hardy and E Annable to add an extra line to the contingency acknowledging that offices are still going to be closed in Wales.	M Doddridge/ G Hardy/ E Annable	Action	now closed

2. Nick Poulter – Operational update

N Poulter gave an LAA operation update. He confirmed they were within target in respect of application processing with 100% in September, October & November. Applications are being processed generally within 24hrs of receipt. He received feedback recently that an application had been submitted at 9:52 in the morning and processed by 10:52.

In terms of claims they are in target across the board, but the biggest pressure area remains the graduated fee claims. He confirmed that they are seeing increased intakes above pre-Covid levels. There is significant pressure on caseworkers, but they are doing an incredible job in maintaining processing levels. The only area that needs focus is in respect of CRM7 appeals where work is required, but reductions have been made.

In relation to contempt claims, he confirmed that backlogs are now at an acceptable level and the team are currently processing work within 10 days.

The LAA had received some correspondence around the ability to claim the sending fee for indictable overnight cases. Revised guidance was issued in the LAA Bulletin to address this on the 18th November and the criminal legal aid manual has been updated with some further examples there as to how backdating in a limited set of circumstances will be allowed.

In addition to fixing this issue for applications being submitted now the LAA are establishing a project team to look at the claims for cases that have been affected since 19 October 2020 (when the sending fee was introduced), but this is in its early stages and N Poulter was keen to ensure that any process set up did not swamp caseworker teams and damage existing performance.

3. Graham Hughes – Mandating of Unused and Special Preparation claim forms

G Hughes discussed his paper with the group and apologised for not attending in October to provide an update.

He confirmed that the proposal is that the claim forms are to be used from the 1 January with a 1-month grace period, meaning that the correct form should be used by the 1 February.

Messages advising providers of this will be issued through the various LAA comms channels.

R Atkinson stated that the proposal of the 1 January with a 1-month grace period seemed reasonable, but that comms should go out as soon as possible. He asked for any observations. The group had no comments.

4. Court Appointed Intermediary Scheme

J Parkin introduced herself as Senior Head of the Intelligent Client Capability team in HMCTS and that they would be implementing the new Court Appointed Intermediary scheme. J Parkin then presented to the group their presentation on how the new scheme would operate.

R Atkinson thanked J Parkin for her comprehensive presentation and asked the group for any questions.

D Bonich noted that firms would apply through the prior authority mechanism which applies to the Crown Court and queried what the process would be for the Magistrates Court. He advised there wasn't a mechanism for the Magistrates Court.

J Parkin advised that the current process of applying for prior authorities in the LAA will be applicable to this process. If there's an aspect that hasn't been considered, they will work with the LAA and D Bonich to make sure that all aspects are covered.

D Bonich queried when applying for prior authority would two quotes/invoices have to be sent in with the request? K Howells confirmed that this would not be a requirement.

K Howells and J Parkin both asked for comments, feedback and queries to be sent to the email address provided in the presentation to allow consideration to be given of any missing aspects and to allow them to update the FAQs.

5. Representative body queries

Payment for Unused Material

A Cosma raised the issue of payment for unused material. As more claims are being submitted firms are encountering issues with getting the claims processed. He stated that he had a number of issues that he wanted to raise:

1. What is the LAA classing as unused material as there appears to be different definitions being used by the LAA and firms? This is particularly relevant to the schedule.
2. Firms are having claims reduced for the number of hours claimed with reduction reasons being that the amounts claimed are not in accordance with the guidance. A Cosma made the point that this was not a set rule and only guidance and the work undertaken in considering the unused material should be taken into account.
3. Where claims are under 10 hours firms are being asked for all unused material rather than just the schedule.
4. Where firms are operating on the London margins and a Rep Order is granted for that specific office, but then due to the complexity and seriousness of the case it's allocated to be heard within London (and vice versa) only the rates as per the Rep Order can be claimed. Does the Rep Order have to be amended? Which will involve admin for both the LAA and firm when it's clear who and where the work was completed.

N Poulter advised that he would take away the queries and consider. He requested that any specific examples of the above happening would be useful for him to investigate and provide a response.

A Cosma stated that it did appear that obstacles are being put in the way of claiming for unused material when the claim amount was not substantial.

N Ford stated that unused material is defined in the regulations but as N Poulter said useful to get some more detail in order to provide a considered response. The LAA were wanting to streamline the claiming process as far as possible, including as you say not requiring too much documentation for most claims below 10 hours.

A Cosma provided an instance where a claim for considering the schedule was not allowed because it was classed as an index by the LAA.

R Atkinson urged the LAA to consider the schedule issue carefully. A schedule should contain sufficient information to determine what is contained within the unused material and it is not merely a list of documents.

D Bonich stated that there is a signed declaration at the end of the schedule so this could not be classed an index and that this issue should be considered swiftly.

A Cosma queried whether the system could automatically add this fee to the claim? It would be easier if it was auto populated.

N Ford advised that the system has been amended to prompt that this should be claimed, however, the LAA is limited in its ability to make changes to older systems without significant Digital resource. It should be considered in any future automation.

D Bonich stated that on a claim for 10 hours plus he still had to calculate this manually. Ideally the worksheet should auto-populate with the rates and calculate.

APDEC01 A Cosma to send email to N Poulter setting out the issues above along with specific examples. N Poulter will investigate and respond in due course.

Audits and Sending Fee claims

D Bonich queried the LAA approach with audits and sending fee claims. He advised that a proportion of the sending fee claims had been included in file audit samples. He asked if there was any guidance on what firms should be doing when claiming for sending fees to ensure compliance.

E Annable stated that she was not aware of any specific guidance. She advised that she would speak to N Poulter and G Hardy after the meeting to see if any sending fee guidance was available.

APDEC02 E Annable to discuss with N Poulter and G Hardy about any guidance for sending fee claims and file audits.

6. **AOB**

There was no other business. R Atkinson thanked the group for constructive questions and answers.

R Atkinson ended the meeting.

Actions from this meeting:

APDEC01	APDEC01 A Cosma to send email to N Poulter setting out the issues above along with specific examples. N Poulter will investigate and respond in due course.	A Cosma & N Poulter	
APDEC02	APDEC02 E Annable to discuss with N Poulter and G Hardy about any guidance for sending fee claims and file audits.	E Annable & N Poulter	

The next meeting is on Tuesday 8 February via Teams