

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

**20<sup>th</sup> July 2022**

Date:	Wednesday, 20 July 2022, 3pm
Where	Microsoft Teams
Chair	Carol Storer - LAPG
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Anastasi Kostaki – Bar Council  Aneela Malik – Customer Services [LAA]  Anthony Evans – Case Management [LAA]  Avrom Sherr – Peer Review  Bob Baker - ACL  Chris Minnoch - LAPG  Chilli Reid – Advice UK - until 4pm  Chris Walton – Shelter  David McLaughlin – MHLA  David Phillips - Service Dev and Commissioning [LAA]  Deborah McLaughlin - Civil Legal Means [LAA]  Eleanor Druker – Service Development [LAA]  Ellie Cronin – The Law Society  Helen Keith – Exceptional Complex Cases [LAA]  Ian Bickley – External Comms [LAA]  James Wrigley - Head of Civil and Family Legal Aid [MoJ]  Jenna Steens - Exceptional Complex Cases [LAA]  Jill Waring – Contract Mgmt./Assurance [LAA]  Karen Firth – Area Contract Manager [LAA]  Kathryn Grainger – Cust Serv/Case Mgmt. [LAA]  Nicholas Omiros – Mental Health lawyers Association  Nimrod Ben-Cnaan Law Centres Network  Paul Tyrer – civil operations [LAA]  Richard Miller – Head of Justice [TLS] -  Sally Cheshire - Housing Law Practitioner Assoc. [HLPAA]  Simon Cliff - The Law Society  Tim Collieu – Commissioning [LAA]  Vicky Ling – Resolution  Zoe Bantleman – Immigration Law Practitioners Association [ILPA]</p>
Apologies	<p>Sarah Telford – CAB  Chilli Reid – Advice UK</p>

Chair welcomed everyone.

1. **Minutes** of the May meeting were approved and would be published.

**Action 1 [May]** a meeting had taken place with LAA and Representative Bodies [BDs] to discuss and develop a training module for providers on Contract Managers [CMs] visits; it was agreed that there would be a civil generic presentation and a separate one on Mediation. The plan is to launch a webinar in the autumn and publish a recorded version.

**Action 2 [May]** RBs were again invited to answer the 5 questions in the survey on the Civil Management Operational Performance [CMOP] slides pack; the link was included on page 3.

**Actions 4 and 5 [May]** T Colliou would share the reports after the meeting. **Action 1 [July] closed**

2. **Review of the Terms of Reference [ToR]**

The ToRs for the Process Efficiency Team [PET] and Civil CCG had been shared in advance to prepare for a discussion about how best to ensure members got best value from the CCCG PET's membership included more providers than RPs and the reverse applied to CCCG.

K Grainger said that when the ToRs for PET had been written, the function of the two groups had been similar, but this had changed over time. Right now, PET's remit was to do deep dives into the LAA processes from an external and internal perspective to ensure that they were the best they could be. Work was undertaken between each PET meeting to dissect processes into the smallest detail, and this involved a variety of colleagues from different parts of the Legal Aid Agency. K Grainger and RBs agreed that 1) the LAA should publicise PET's work so that providers could become more involved/aware, and 2) that CCCG should be kept up to date with what they were doing to encourage discussion. Further points were raised:

- Recording Civil CCG meetings was fine. Individuals could air their views and discuss ideas, however it should be made clearer that these **debates did not equate to a consultation** as the group's name suggested.
- The Case Management Operational Performance [CMOP] report was excellent, the information very useful and regularly perused.
  - Parts of the report were included in newsletters to members, particularly the Hints and Tips from case workers and some of the overall figures.
  - A general discussion about the information in the report was preferable to someone going through it.
  - It would be helpful if 1) the report could be clearer about key messages and headlines and 2) RBs flagged their interest in a part of the report ahead of the meeting.

- **CCCG could meet quarterly**, this would help to keep track of the large volume of emails/documents relating to it; if issues arose in between, then a shorter, focussed meeting could be arranged. The CMOP report was so comprehensive and detailed that a quarterly release would be sufficient.
- **IT solutions:** If meetings were to be less frequent, a template featuring recurring themes could be used to help categorise emails/documents that were sent in-between meetings. Alternatively, an online depository of information such as minutes/reports and an online forum for emails that would enable users to keep track of issues/events/actions as they progressed.
- PET's function was to deep dive into specific processes to improve them [problem solving], while CCCG was all about high level overview [problem preventing]
- RBs would like to have a **PET update at CCCG** on a regular basis
- **Ad hoc requests for data-analysis** such as those relating to contract performance, required extensive use of scarce resources so it would be helpful to have clear parameters from the beginning and an explanation as to why they were needed.
- **Open lines of communications** in between meetings: Representative Bodies [RBs] often received queries from members that could promptly be dealt with by having a conversation with a LAA colleague, however these matters were put on the agenda for discussion at the meeting.
- The agenda items should be about matters that need a proper conversation and feedback rather than just delivering information that could be given in an email.
- Attendance of MOJ policy was discussed. Although challenges on future policy were not in CCCG remit with their focus being on operational matters, there were differing views about the benefits of a regular MOJ presence:
  - Service Development [SD] colleagues who attended CCCG acted as the link between policy and implementation; SD gave feedback to policy colleagues on operational issues and provided a clear engagement route.
  - RBs and A Sherr felt that **policy colleagues** would benefit from listening to the issues discussed at CCCG.
  - MOJ policy were under considerable pressure on their time and resources. They already attended CCCG occasionally (James Wrigley attended this meeting) and engaged/met with stakeholders in different fora on a variety of policy proposals like Immigration fees and the Early Legal Advice Pilot.
- It would be useful to be reminded of open consultations, whether they were online and accessible to all or just for statutory bodies.

SD would redraft the ToR for CCCG based on the discussion including consideration of the points raised around MOJ policy attendance **Action 2 [July]** and K Grainger would do the same for PET **Action 3 [July]**. Drafts would be circulated for comments **Action 4 [July]**.

RBs to feedback on the proposed ToR changes **Action 5 [July]**

CCCG formally wished to thank the team that produced the excellent Civil Case Management Operations report.

### 3. Civil Operations Update

**Applications. Return Rate Tool.** The team were seeking volunteer providers to work with them to review current return rate of applications, amendments, and assessments. This new tool enabled the team to identify a percentage return rate, review cases and highlight any areas of training and development. An individual report could be created including links to guidance, processes and training videos (if available). Overall, this would reduce the return rate for the provider saving both time and money for the provider and the agency. RBs would ask members for volunteers **Action 6 [July]**

**Billing.** Good performance with bills processed within 5-6 working days. The appeal bill rejection rate for May was at its lowest for 12 months. There had been a steady increase in the number of providers challenging bills that had been rejected because of missing disbursement vouchers. An e-learn module on this was available with the link on slide 74.

**ECCT** A new version of the ECF1 form was available online; the old one could be used until 15 October 2022. H Keith thanked those organisations that provided feedback to develop the new form. Processing times for Exceptional Case Funding [ECF] applications had dropped since April. The highest volume of intake was immigration controlled work cases where resource had reduced. The team were addressing this and expected to see performance improve. H Keith would review communications to providers in relation to ECF performance **Action 7 [July]**.

**Post meeting note:** the Gov.uk page on civil processing dates [Civil processing dates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/civil-processing-dates) has been checked to make sure it shows ECCT performance as intended. In the summary we have added that ECCT performance (which includes ECF information about applications) is updated monthly. We have also added information about the average days to complete applications, which we thought would be useful to providers as well. On reviewing the information, we noticed that the page had not been updated. This has now been addressed.

### 4. Trapped Capital-Update

The LAA had set up an operational working group to look into the internal issues raised in the Public Law Project [PLP] report three cases had been submitted by PLP and more were going to come through. The working group would look into these and produce guidance for providers on how to highlight such cases and for case workers on how to deal with them. In May, 26 cases had been submitted and flagged as trapped capital, all were granted; in June 18 cases, 16 granted and 2 awaiting further information; in July 13 cases so far, 10 granted and 3 awaiting further information.

A second meeting with PLP was scheduled for 2<sup>nd</sup> September when the action plan would be reviewed. It was agreed that this work strand would be passed onto PET.

#### **5. LAA Commissioning update.**

T Collieu said that the upload of the fourth civil schedule was planned for the following week, with a news story going out to providers to let them know. He then talked about the civil providers' office report. Since May, most categories had lost 1-2 providers with the exception of Immigration and Asylum whose numbers had gone up. There was a request for the report to be laid out as a heat map to show local availability of legal aid advisers across the country; it would also and show the volume of work done by providers, which was very low in some cases. T Collieu said that he would look into doing this **Action 8 [July]**

T Collieu then showed a report on the active providers volume of work from 2019 to 2022; it was agreed that this was a good starting point for further analysis. This report and the earlier version shown at the last meeting would be circulated – **Action Closed**

C Minnoch said that this was an example of why MoJ colleagues ought to attend CCG meetings, to hear first-hand what the profession's concerns were and the intelligence behind that. He said that this type of analysis helped to put into perspective the official data on provider/service availability which he said was misleading. Client access to services and sustainability were a great concern and he asked what policy colleagues were going to do with it. N Omiros said that the current cost-of-living crisis combined with the increase in National Insurance would have an impact on providers.

#### **6. Housing Loss Prevention Advice Service [HLPAS] Latest position on future tender**

E Druker said that the existing Housing Possession Court Duty Scheme [HPCDS] contract had been extended to 30<sup>th</sup> April; consultation on the new contracts had commenced and the Statutory Instrument [SI] would be laid after Recess. Following that, a competitive tender would be launched. S Cliff asked about the training contracts timescale and the proposals to set up a specialist support service for Welfare Benefits and Debt. E Druker said that the specialist support service would be in place when the HPCDS contract went live and the training contracts would be the next step. The HLPAS contracts would be open to providers that planned to bid for a Housing and Debt contract. RBs should contact E Druker if they felt that a meeting would be helpful to speed the process along smoothly.

#### **7. Cost of Living Payments – how they would be considered in Means Assessments**

E Druker said that the regulations did not permit for the payments to be disregarded. J Wrigley said that proposals to change the finance regulations were with ministers and every effort was being made to speed up the process. C Minnoch said that in the case of Grenfell Tower and Windrush the regulations were changed very quickly and hoped that the Means Assessment Review wasn't going to slow down a change on this occasion. J Wrigley said that the individuals receiving the cost-of-living payments were already on Universal Credit [UC] and therefore they were already passported through means testing. E Cronin pointed out that individuals on UC were passported for income and not capital and if they received the cost-of-living payments in a lump sum they could be excluded from being passported.

## 8. AOB

E Druker said that from the following day cross examination provisions were going live in the civil and family courts; judges would be able to appoint advocates to avoid people being cross-examined by their abusers. Guidance and forms had been published.

Actions from this meeting		Owner	Deadline
AP1 [July]	Share the Commissioning reports	T Collieu	Closed 26/07/22
AP2 [July]	Review the ToR for CCCG	E Druker	Closed
AP 3 [July]	Review the ToR for PET	K Grainger	Closed
AP4 [July]	Circulate drafts of ToRs to CCCG for comment	G Trivedi	Closed
AP 5 [July]	View the ToR drafts and respond to G Trivedi	RBs	Closed
AP 6 [July]	Ask members to volunteer to collaborate with LAA to review current return rate of applications, amendments, and assessments.	RBs	Carried forward
AP 7 [July]	<p>Review communications to providers in relation to ECF performance</p> <p><b>Post meeting note:</b> the Gov.uk page on civil processing dates <a href="http://www.gov.uk">Civil processing dates - GOV.UK (www.gov.uk)</a> has been checked to make sure it shows ECCT performance as intended. In the summary we have added that ECCT performance (which includes ECF information about applications) is updated monthly. We have also added information about the average days to complete applications, which we thought would be useful to providers as well. On reviewing the information, we noticed that the page had not been updated. This has now been addressed.</p>	H Keith	Closed
AP 8 [July]	Produce the commissioning report in heat map	T Collieu	Closed