

Civil Contracts Consultative Group (CCCG)
Minutes v 0.4
23 November 2022

Date:	Wednesday, 23 November 2022, 3pm
Where	Microsoft Teams
Chair	Richard Miller – Head of Justice [TLS] -
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Adrian Vincent – Bar Council Avrom Sherr – Peer Review Carol Storer – LAPG Chris Bone - MoJ Chris Minnoch – LAPG Chris Walton – Shelter David Phillips - Service Dev and Commissioning [LAA] Deborah McLaughlin - Civil Legal Means [LAA] Eleanor Druker – Service Development [LAA] Ellie Cronin – The Law Society Gemma Jordan – Commissioning [LAA] Helen Keith – Exceptional and Complex Cases Team [LAA] Ian Bickley – External Comms [LAA] Jane Robey – National Family Mediation Jennie Mirfin – Central Commissioning [LAA] Jill Waring – Contract Mgmt./Assurance [LAA] Justin Belcher – Association of Lawyers for Children [ALC] Karen Firth - Area Contract Manager [LAA] Karl Ford – Area Contract Manager [LAA] Kerenssa Kay- Eligibility, Civil/Family Legal Aid Policy [MoJ] Nicholas Omiros – Mental Health lawyers Association [MHLA] Nimrod Ben-Cnaan - Law Centres Network Paul Tyrer – civil operations [LAA] Sarah Brewster – Commissioning [LAA] Sean Wardale - Cust Serv/Case Mgmt. Improvement [LAA] Tom Fitzgerald – Civil Operations [LAA] Vicky Ling – Resolution Vicky Fewkes - Housing Law Practitioner Assoc. [HLPA] Zoe Bantleman – Immigration Law Practitioners Association [ILPA]</p>
Apologies	<p>Kathryn Grainger – Cust Serv/Case Mgmt. [LAA] Bob Baker - Association of Cost Lawyers [ACL] Sarah Telford – CAB Louise Cowell –High-Cost Family [LAA] Anastasia Kostaki – BC Sally Cheshire - Housing Law Practitioner Assoc. [HLPA]</p>

Chair welcomed everyone.

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

Action 4 [Sep] Check whether it is possible to get data for [ECF] applications in different areas of law. At the last meeting representative bodies had raised concerns about the Education data in Table 8.2. H Keith said that the raw data from which the stats were pulled was collected in a spreadsheet called ECF Tracker, which ran for a year. The Tracker was reviewed every year to streamline it where possible before starting a new one. In terms of the breakdown of categories it had mainly stayed the same since 2013 but in April 2015 Education and Inquiries/Tribunal data had been moved into "Other" because of the low volumes of cases. A 0 appeared for these categories but there was no footnote to explain that the data had been included in "Other".

During the imminent ECF Tracker annual review the Education data would be recorded separately again.

Post Meeting Note: In the latest released figures, rather than doing the above we removed the education breakdown in the tables to make it clear that we didn't hold the data separately (as they were all 0 since 2015). We continue to record Education cases presently in "Other". However, as discussed, we will amend the database from April 2023 to record Education separately so the LAA Statistics for April to June 2023 and onwards should reflect this.

Action 7 [Sep] Check whether the Exceptional Case Funding [ECF] cases in the quarterly stats are correct. H Keith had looked at the 'Other' cases from April 2022 onwards. In this category around 35% were submitted by direct applicants; around 8% of the overall intake of 'Other' were rejected for being in-scope and about the same percentage were incomplete and were submitted in such a way that the team were unable to categorise them.

Of the rest the largest cohort was Education (around 15%). The next largest (and about a quarter of the volume of Education) were Negligence/Professional Negligence cases and Criminal Injuries Compensation Authority [CICA] claims, mainly for Victims of Trafficking. The rest were very low volume types, e.g., out-of-scope Proceeds of Crime Act [POCA], Community Protection Notices, Contentious Probate, Employment, Defamation, Data Protection, Professional Disciplinary matters, and others.

As it was a manual entry database a few of them could probably have been categorized in something like Welfare Benefits so they were stats with the usual qualification about accuracy because they are manual data entry. It was agreed that Education would be pulled out of 'Other' and appear in a separate column from April 2023; representative bodies agreed not to ask for historic data on Education cases unless there was a good reason to do so.

Action 9 [Sep] Provide data on firms' activity for Family work split into 3: those doing both Public and Private Family Law and those doing one or the other.

Area of Work	Total	%	Contract Status Split		
			Active	Contingency Liability	Non contracted
Both	1,315	75%	1,118	160	37
Private	205	12%	82	67	56
Public	235	13%	155	52	28
Grand Total	1,755		1,355	279	121

Data on the numbers by Procurement Area [PA] was not currently available as it required multiple datasets which was resource intensive. E Druker would try to get the data split by PA by January.

Action 1 [Nov]

Action 12 [Sep] find out what tools are available to analyse and cut data to satisfy bespoke requests for data sets. Carried forward **Action 2 [Sep]**

Action 16 [Sep] Look into the announcement that MoJ would be running a Legal Problem Resolution survey. E Druker and MoJ colleagues had not find any information on this. Action carried over as **Action 3 [Sep]**

2. Contract Management and Assurance [CMA] Update

The six-monthly CMA report had been shared in advance and there were no questions on this. J Waring then gave an update on Immigration which continued to be an area of risk for the agency in terms of accuracy of claiming; the team had written the *Immigration and Asylum Common Errors Document* [to be circulated with the minutes] **Action 4 [Nov] Closed**. Contract Managers [CMs] would share this document with providers during their visits. The approach and frequency of visits to immigration providers had not changed, however if CMs found errors it would be common practice to go back to check that things had improved.

The agency had delivered a series of webinars in October to inform providers about what to expect from CMs visits, how they could prepare and how they could access the agency's MI and how to interpret it. The sessions had been a success and she thanked the representative bodies for their collaboration and especially V Ling who helped deliver the civil webinar. The team planned to produce a recording of the sessions, a Q&A document and were thinking about next steps to build on the feedback received from providers.

3. LAA Commissioning update.

E Druker talked about the suggested Civil contract changes which had been put forward by The Law Society. C. Minnoch raised concerns about the timing of consulting on, and implementing any changes given that the HLPAS tender was live. E Druker agreed to review the approach in the light of these comments.

HLPAS tender. R. Miller noted that the tender was live and the LAA was limited in what they could say in this forum.

C Minnoch asked questions about the allocation of Matter Starts [MS] across all the 134 schemes and G Jordan noted the comments which would be included in the Q&A document **Action 5a [Nov]**.

LCN members had asked for clarification on where the retainer ended; having picked up the early legal advice contract at what point did providers let go, especially if they had started working on a MS before the substantive hearing. This question would be included in the tender FAQ. As above **Action 5b[Nov]**

C Minnoch felt that the agency's approach was weighted towards existing providers because they were the ones currently running the 134 schemes; if these existing providers didn't bid to deliver the new service, they would go out of business because this work was central to sustainability and all the experience and knowledge of that provider would be lost His view was noted. He repeated concerns he raised in the last meeting about professional competence.

The agency planned to put Specialist Support contracts in place to support providers doing the work, however C Minnoch said that the professional and ethical responsibilities to deliver services and to ensure the quality of the advice rested with the provider. Representative bodies were keen to know more about the role of Specialist Support providers such as providing training and help with some of the competency issues. In his view more resource and preparation should have been put into the organisations to build up capacity before trying to deal with the service, as laid-out in the consultation response. His view was noted.

R Miller agreed that these views should be on record, but LAA colleagues could not be expected to respond right now because it was about professional obligations in a complex area of law and because the tender was live; there would need to be input from lawyers and other sources. He asked E Druker whether she could give any information on the Specialist Support contracts. She said that the agency was working with MoJ commercial teams who were responsible for these contracts; the aim was to have them in place before the HLPAS contracts went live.

Interim Housing Tender. J Mirfin said that the interim Housing tender to procure services in six Housing and Debt Procurement Areas [PA] and six Housing Possession Court Duty Schemes [HPCDS] had closed on 7th November; eleven bids had been received across five HPCDS and two Housing and Debt PAs. Bids were being assessed and the plan was to award contracts in time for services to go live on 1st December.

Civil Legal Aid Review K Kay said that a public announcement would be made shortly, and an update would be given at the next CCCG.

Means Test Review [MTS] MoJ planned to lay the Phase 1 Statutory Instrument [SI] in early 2023. MoJ planned to meet with representative bodies in December to give an update on MTS.

Cost of living payments disregard SI the plan was to lay it in December and would include retrospective payments.

Post meeting note: While the original policy intention was to include retrospective payments, this is not feasible because we do not have the necessary data/information to do this, which poses a significant legal risk.

Family SI would be re-laid in early December

New Immigration provisions SI would be laid in early 2023. Z Bantleman asked whether the issues that representative bodies had flagged in relation to the first SI that had consequently been

withdrawn, had been resolved and the relevant changes to the draft been made. She also asked whether representative bodies could read the draft before it was laid so that they could engage and provide feedback. K Kay explained that the current SI covered Immigration fees following the closure of the consultation on fee changes as a result of the Nationality and Borders Act; E Druker could not be sure when the response to the consultation would be published but it would be before the SI was laid.

E Cronin and R Miller reiterated that it would be beneficial if representative bodies were engaged in strictly confidential discussions before a SI was laid; they could offer a great deal of expertise and they shared the same interest in the outcome; engagement would also ensure that issues could be picked up and resolved quickly. E Druker agreed that input from representative bodies was useful but MoJ colleagues could not do this in every case as timelines did not permit.

James Wrigley had been replaced as head of civil policy by Abi Marx. C Minnoch said that the ToR for the Civil Legal Aid Review had been signed off by the previous Lord Chancellor and asked whether MoJ were now planning to include representative bodies in discussions about the scope of the terms of the review before it was published. K Kay said that the Terms of Reference had been signed off by a minister and were going round other government departments, however the terms left room to define parameters following discussions with stakeholders before the public aspect of the review commenced.

R Miller said that he would like to resume face to face meetings; some CCG members asked whether it was possible to have hybrid meetings so that people that could not travel to London could join remotely. G Trivedi would set hybrid meetings whenever a large enough room could be booked to accommodate the large number of people. **Action 6 [Nov]**

4. Processes Efficiency Team [PET]

Estimated Financial Eligibility Tool S Wardale said that the LAA/MoJ digital teams had been working to create a tool to replace the Civil Legal Aid Eligibility calculator and were close to releasing the product in a beta phase in a restricted pilot with just one firm. Initial roll-out was planned for some time in the next 2 months although this could change. The plan was to make the tool available to providers at first and then to charities and other qualified professionals, not to clients. The tool was built in-house so it should respond to changes in Means rates. Progress on this project would be followed at PET meetings.

5. AOB

In 2023 CCG would meet quarterly; if any issues arose that needed to be addressed in between meetings they could be dealt with directly.

Actions from this meeting		Owner	Deadline
AP1 [Nov]	Provide data on firms' activity for Family work split into 3: those doing both Public and Private Family Law and those doing one or the other <u>by procurement area</u>	E Druker	30/01/23
AP2 [Sep]	Find out what tools are available to analyse and cut data to satisfy bespoke requests for data sets. Post meeting note: There is a link to the web tool for analysing the data right at the bottom. Legal aid statistics England and Wales bulletin Jul to Sep 2022 - GOV.UK (www.gov.uk)	T Colliou J Mirfin	Closed
AP3 [Sep]	Look into the announcement that MoJ would be running a Legal Problem Resolution survey Post meeting note: E Druker could not find any information about this.	E Druker	Closed
AP4 [Nov]	Circulate the Immigration Common Error document with the minutes	G Trivedi	Closed
AP5[Nov]	Include clarification about 5a) the allocation of MS for HLPAS contracts and 5b) clarification on where the retainer ended, in the FAQs document	G Jordan	Closed
AP6 [Nov]	Arrange CCCG hybrid meetings when possible	G Trivedi	Closed