



The Law Society



Legal Aid Agency

## Crime Contract Consultative Group (CCCG) meeting Tuesday 6 June 2023

### Minutes

When	<b>Tuesday 6 June 2023</b>
Where	<b>Via Teams</b>
Chair	Mark Newby
Minutes	Andrea Wintle
Present	<p>Alice Mutasa – TLS          Andrea Wintle – LAA          Andrew Cosma – MMS          Avrom Sherr – IALS          Bernie Lauff - HMPPS          Carol Storer – LAPG          Daniel Bonich – CLSA          David Thomas – LAA          Elaine Annable – LAA          Fadi Daoud – LCCSA          Glyn Hardy – LAA          James MacMillan – MoJ          Julie Mortlock – HGS          Karl Ford – LAA          Kathryn Grainger – LAA          Mark Newby – TLS          Matt Doddridge – LAA          Melissa Thompson – LAA          Neil Lewis – LAA          Nick Ford – LAA          Nick Poulter – LAA          Will Hayden – LAA</p>
Apologies	Kath Burdett - LAA

M Newby welcomed attendees to the meeting and confirmed that papers and minutes had been circulated in advance.

## 1. Minutes from April meeting were reviewed and approved.

Actions from the last meeting and decisions from this meeting

APDEC04	Investigate the possibility of providers submitting police station claims for lengthy bail time cases and in conjunction with the method of claiming for supplemental parking and mileage.	G Hardy	A contract consultation has now been launched; we are hoping to have a further update in respect of this in the next couple of weeks. Conversations are also taking place with digital colleagues to ensure we have a digital solution to support the change.
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Actions were discussed as follows.

**APDEC04 G Hardy & N Lewis - A contract consultation has now been launched; we are hoping to have a further update in respect of this in the next couple of weeks. Conversations are also taking place with digital colleagues to ensure we have a digital solution to support the change.**

**The subcommittee met several weeks after the last CCG meeting, and the prime objective was to discuss the pre charge bail issue, and this has now subsequently progressed. There were also some additional points raised, and it was agreed that we would have a follow up meeting to discuss these, this is currently in the process of being set up.**

## 2. Bernie Lauff – Prisoners' legal representatives.

B Lauff from HMPPS Transforming Delivery Directorate gave an overview on the prisoner pin-phone system.

The current PIN phone system used within prisons is out of date, however, there is an alternative system called the IVR solution. This system enables prisoners to set up an account, paid for by themselves, giving them the ability to make phone calls to approved personal and legal adviser numbers.

When the prisoner makes a call, it connects to an automated message, giving them options to choose from. Unfortunately, the prison telephone system does not currently allow call diversion so stops the prisoner from continuing to make the call. Discussions are taking place with BT to see if there is a work-around.

The system gives prisoners the opportunity to receive a better quality of legal advice, by allowing legal representation numbers to be unlocked, giving them greater access to phone people at appropriate times, as and when needed.

Views were requested from CCG members on the IVR system and whether they had any concerns or queries.

Members had several comments. Firms often have central numbers with automated operators and options, which may impact the system. Some firms also have mobile numbers as out of hours contacts. In some instances, it would be sensible for prisoners to have their solicitor's mobile number. But the preference would be to limit access to this during normal working hours. Another issue to be considered was around impacts on providers phone systems as there are varying degrees of complexity.

B Lauff confirmed that all comments would be considered in detail, as part of the process for developing and implementing the IVR system.

M Newby requested an update as and when a decision is made, or the project is progressed, so we have visibility over the outcome.

N Poulter raised a recent incident, which affected the LAA Customer Services team, who also use the IVR system, whereby non- authorized numbers managed to get through to the phone team.

B Lauff suggested that if they proceed then it would be useful to have a more in-depth conversation around this incident.

**APJUN01 B Lauff to update the forum, with any further developments, as they progress.**

### **3. Nick Poulter – Operational update.**

N Poulter gave an update on performance. Despite processing issues due to annual leave, KPIs are currently green with no significant issues or backlogs to report on. The manual uplifts being applied out of the CLAIR reforms could have been a challenge and there was an expectation that performance would drop, but this has not happened.

N Poulter then went on to discuss a couple of other matters.

#### **LGFS Interim Claims**

The regulations do not allow any redetermination in respect of LGFS interim claims. During Covid, redeterminations were allowed to aid cash-flow, and to reflect the fact that errors / omissions can arise as a result of caseworker activity as well as provider activity. Redeterminations have been allowed since then.

We have started to see an increase in providers asking for redeterminations for reasons other than correcting errors/omissions. To reduce resource impacts the LAA is proposing to limit redetermination requests to a maximum of 2 per interim claim. This should give ample

opportunity to correct mistakes should they arise and allow correct payment for that stage in a case to be claimed / paid.

Whilst members were broadly happy with this approach, a request was made that the facility to escalate obvious inaccuracies is made available.

#### **eForm Database Partitioning**

The eForm database has not had any data archived since it was first introduced, and the amount of data in there is now starting to cause performance issues. The contract with our third-party provider expires in Autumn 2024, and we are looking to bring all eForms in house by then.

Despite this, there is still value in trying to reduce the amount of data held to ensure that the system remains quick and stable. The LAA's proposal is that they will archive any data where the application was started over 2 years ago. If the LAA / providers need to access a case that has been archived, this will be possible, but the data will be returned in a CSV format, and so will not look like an eForm. Whilst archiving will not lead to the loss of any data, any file uploaded to support the application (e.g., wage slips) will no longer be available. The LAA is seeking views as to the impact of this on providers before progressing with any plans.

Members were concerned that this could cause difficulties, as some cases will still be ongoing after 2 years, particularly given the current delays in court. Some examples were provided where difficulties would be caused by this approach.

Providers are required to keep their files for 6 years, and members felt that this would be a better cut off point for cases where the application had actually been submitted. There are many instances in the database of applications that have been started but not submitted. The group felt that in these circumstances, archiving after 12 months would be fine, and actually help providers as this would presumably tidy up their dashboard.

#### **4. Elaine Annable – CMA Update**

It was previously agreed with CCCG that as part of a regular share of operational information, an update on Contract Management & Assurance (CMA) activity would be provided covering every 6 months of the financial year. This is covered on the agenda each June and December.

EA went through the update showing CMA activity up to May 23. Contract Notices have reduced year on year with contract breaches being minor. Activity is in a steady state with CMs taking a blended face to face or virtual approach to visits.

#### **5. DSCC Performance Update and Action Planning**

J Mortlock gave an overview of DSCC performance, complaints, and customer satisfaction, and shared the latest DSCC performance update and action planning slides.

Julie acknowledged the recent performance issues, with two key changes resulting in a sequence of events that HGS failed to identify quickly, which consequently resulted in a lack of operational

resource required to support the DSCC services, and a lack of a timely identification, which led to a delayed recovery to address the situation.

HGS have worked with the LAA to share a recovery approach, the plan includes the here and now recovery and any longer-term changes.

The recovery plan includes the following key points; -

- Additional Support has been drafted in to support recovery and stabilize Operational performance
- Dedicated focus on DSCC Operational governance and service delivery
- Dedicated focus on the rectification plan and deliverables
- Review Operational Management roles
- New Telephony service
- Additional support for training and guidance to the new telephony and agent use

## **6. Rep Body Ongoing Topics & Queries**

Daniel Bonich raised a concern over a local issue in Kent in respect of virtual court fees, whereby the use of Video Remand Hearings by HMCTS has been brought to an end. As a result, providers are unable to claim a Virtual Court fee or travel where an attendance is required at a non-local court.

Glyn Hardy responded to say from a LAA perspective, we've kept the Rota arrangements largely as they were, but we've agreed to keep all of this under review. With the conclusion of the virtual remand hearing model in Kent, the LAA no longer has a legislative basis to pay a Virtual Court fee, and the normal rules in relation to travel would apply.

Andrew Cosma raised a concern in respect of HMCTS consolidating their estate and felt that legal aid arrangements had not kept pace with those changes.

Neil Lewis responded to say that the LAA is limited by the regulatory framework but added that he will engage more closely with HMCTS on this matter and review options.

**APJUN02 G Hardy & N Lewis to arrange a meeting as part of a CCG subgroup to discuss virtual court fees and the issues around HMCTS consolidating their estate.**

## **7. SMP Update**

Karl Ford gave an overview on the SMP engagement exercise.

To ensure consistency in the payment process to providers the LAA commenced an engagement exercise with representative bodies on the proposal to remove Standard Monthly Payments (SMP) so all firms will be paid via the Variable Monthly Payment (VMP). As of 21 April 2023, 380 providers were being paid via SMP. The engagement exercise will close on the 30 June 2023.

Carol Storer requested a more detailed breakdown of figures.

**APJUN03 K Ford to provide a detailed breakdown of figures.**

**8. AOB**

No further issues raised.

The next meeting is on 8 August 2023 via Teams