

Civil Contracts Consultative Group (CCCG)
Minutes v 0.1
8 March 2023

Date:	Wednesday, 8 March 2023, 3pm
Where	Microsoft Teams
Chair	David Phillips - Service Dev and Commissioning [LAA]
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 Chris Gore - Exceptional and Complex Cases Team [LAA] Dale Conley – Exceptional and Complex Cases [LAA] Eleanor Druker – Service Development [LAA] Ellie Cronin – The Law Society Ian Bickley – External Comms [LAA] Jennie Mirfin – Central Commissioning [LAA] Jill Waring – Contract Mgmt./Assurance [LAA] Joanne Lumsden – Digital [LAA] Karen Firth – Area Contract Manager [LAA] Karen Walton – Mental Health Lawyers Association Karl Ford – Area Contract Manager [LAA] Kate Pasfield - LAPG Louise Cowell –High-Cost Family [LAA] Nimrod Ben-Cnaan - Law Centres Network Paul Tyrer – Civil Operations [LAA] Richard Miller – Head of Justice [TLS] Robert Damiao – Civil Billing [LAA] Tim Collieu – Commissioning [LAA] Tom Fitzgerald – Civil Operations [LAA] Vicky Ling – Resolution Vicky Fewkes - Housing Law Practitioner Assoc. [HLPAA] Zoe Bantleman – Immigration Law Practitioners Association [ILPA]</p>
Apologies	<p>Kerenssa Kay- Eligibility, Civil/Family Legal Aid Policy [MoJ] Bob Baker - Association of Cost Lawyers [ACL] Nicholas Omiros - Mental Health lawyers Association [MHLA] Chilli Reid – Advice UK</p>

David Phillips welcomed everyone.

1. [Minutes](#) of the November meeting were approved.

Outstanding actions: Action 1 [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 by procurement area.* Competing priorities meant that this had not yet been actioned. The information would be shared as soon as the MI team could provide it. **Action 1 [Nov]**

2. Advice Provision Levels

E Druker said that changes to how advice provision was measured would be discussed as part of the civil legal aid sustainability review. E Druker would share the response to the 2010 civil contract consultation where the position was stated of a minimum level of service provision of 1 provider per Procurement Area [PA] for all categories except Family where there were 5 to manage the risk of conflicts of interest. These were the levels that informed additional tender activity. **Action 2 [Mar]**

3. Dormant Contracts

J Waring said that Contract Managers [CM] checked providers' compliance with the contract during their annual visit. Delivery of a minimum amount of work was not a requirement so no action was taken if a low volume or no work was undertaken, however CMs would discuss the reasons for this with providers. The agency was gathering more information on the reasons for inactivity and would bring a detailed report on housing in particular, to the next CCCG. **Action 3 [Mar]** J Waring asked representative bodies to let her know about any other information they would like to be included in the report. D Phillips reassured representative bodies that relevant intelligence was shared with MoJ/ministers to support policy discussions.

4. **Housing Loss Prevention Advice Service [HPLAS]** The latest tender was closed, and bids were being assessed.

Specialist Support Panel: Procurement for the Specialist Support Panel, a remote advice and training service for Housing Loss Prevention Advice Service providers, would start soon following a market engagement event to provide information on the panel. The service was scheduled to start on 1st August 2023. In terms of contract management, MoJ policy would regularly meet with the panel to assess performance and consult with HLPAS providers to understand their experience of interacting with the specialist legal support panel. The LAA would process payment claims; further discussions on how the service would run continued to take place. Representative bodies' contribution to the discussions would be welcome. E Druker would inform CCCG when the tender went live. **Action 4 [Mar]**

Training Grants: these would fund solicitors-to complete their training contracts with HLPAS providers. MoJ policy colleagues had had some useful conversations with stakeholders about ways of running the programme. The intention was to start the competition for grant funding as soon as

possible after the HLPAS contracts were awarded in June. The award criteria were being developed. Representative Bodies could email Chris.Bone@justice.gov.uk with any questions about the grants.

5. Capacity in the Immigration area

The 2018 Civil Contract retender had been launched on 7 March; the outcome of that would give an indication of additional capacity. Changes in the Immigration contracts had been implemented following the consultation and training webinars for providers were being run on 8 and 9 March.

E Druker was unable to update CCCG on the 12,000 responses to the Home Office questionnaire and said that the Home Office had not shared any data on the number of unrepresented people. Z Bentleman's understanding was that the current provision of legal aid services in Immigration was not sufficient to deal with demand and requested a separate meeting to discuss the matter. **Action 5 [Mar]**

E Cronin asked whether a Justice Impact Test had been done to see whether funds could be transferred to MoJ to support provision of immigration legal aid. E Druker would find out whether MoJ would share any Justice Impact. **Action 6 [Mar]**

E Druker said that Government departments worked together on large implementation programmes like the Nationality and Borders Act at formal Board level and also with more informal, regular meetings. The LAA, MoJ and Home Office had been in close contact about the various strands of immigration including the Illegal Migration Bill. The policy was owned by the Home Office. The LAA were considering the content of the Bill and would develop the approach to securing the provision of legal advice as the Bill progresses through parliament.

6. Cost of Living [CoL] Payments

E Druker had updated to CCCG before the meeting which said: *People who have received payments in the months before the SI was laid will now have these payments disregarded as part of their means assessment. "no backdating" might be better described as no retrospective effect - i.e. means assessments which took place before the SI came into force cannot benefit from the disregard. However, means assessments from the time the SI came into force can disregard COL payments, regardless of when the payment was made relative to the SI.*

Queries on this matter should be sent to Madeleine.VanOss@justice.gov.uk

7. Update on consultation regarding the Mental Health contracts regarding the Proposed Amendment for Rule 11(7)(a)

E Druker had updated CCCG before the meeting which read: *We have now worked through the consultation responses raised by the consultative bodies and will be sending out the formal response very shortly. An announcement will be made in the next two weeks' informing providers when they can claim payment.*

8. Civil Contract update.

E Druker said that the 2018 civil contracts extension notices had been sent and reminders had been sent to providers about what they needed to do. Tenders for the 2018 civil contracts had also been launched for new entrants and existing providers who wanted to offer advice in different categories of law. On tendering for new providers, C Minnoch said that in their extension notice letter the LAA stated that if providers didn't respond by the deadline the agency had discretion to accept later responses and he thought that this was a useful thing. He however had significant concerns about the verification deadline in the tender of 10th May which he said was insufficient time for providers to make an informed decision, prepare a response, gather the necessary information, obtain accreditation, secure supervision, recruit staff and undertake other necessary business processes such as securing accommodation. He asked the agency to review the timetable and to do so quickly otherwise he believed that prospective providers would be dissuaded from bidding. D Phillips said that the agency shared the same aim of getting as many providers as possible to join the tender; he agreed to take away for consideration the point raised by C Minnoch

Action 7 [Mar]

Going forward, the agency planned to give regular opportunities to providers to join a tender rather than only at the first main tender exercise. The tender for the 2024 civil contracts would take approximately 12 months. The latest tender for an extension of the 2018 civil contracts had a much-reduced timetable because there were dependencies such as the immigration work on the Nationality and Borders Act that needed to be resolved.

Post meeting note

After a review, our [the LAA] conclusion is to maintain the tender process as set out in [Procurement of Civil Leg2018 Civil Contracts from 1 September 2023 - Face to Face Invitation To Tender Information for Applicants \(publishing.service.gov.uk\)](#)

The Legal Aid Agency gave notice in November 2022 that it would be welcoming bids from new entrants and existing providers for work on the 2018 civil contracts following their extension to 31st August 2024. This tender opened on 7th March. The rules of the process are set out in the procurement documents. Under the 'This IFA' section on page 3 of the document it is stated that:

"The deadline to submit compliant verification information is 23.59 on 10 May 2023. Applicants wishing to tender to deliver Contract Work in any IRC must note that where compliant verification information is not provided by this date, Contract offers for this service will be withdrawn. This is because the LAA is required to prepare and publish rotas to all IRC providers in advance of 1 September."

"The LAA may accept compliant verification information after the deadline of 23:59 on 10 May 2023 where Applicants have tendered to deliver Contract Work in any other Category of Law (including Immigration and Asylum but not including IRC Contract Work) at its discretion and subject to the conditions outlined in Section 7 of this IFA."

Deadlines are set for operational reasons to allow sufficient time to process the information.

9. Civil Operations Update

An operations report had been circulated before the meeting and the work leads talked about the main points in the pack.

C Gore informed CCCG that the revised Non-Family High Cost Case Planning documentation had been published on gov.uk.

10. Legal Aid Eligibility Tool

J Lumsden talked through a presentation which she would share with CCCG after the meeting **Action 8 [Mar]**. The tool was in the pilot stage and representative bodies were asked to encourage their members to sign up to take part. Interested providers would have a 121 meeting with a member of the team; participants would have access to the team throughout the pilot for support and would be able to feedback suggestions to improve the service. The tool was adaptable, and changes could be made quickly, such as changes to the Means Test. J Lumsden proceeded to demonstrate the tool.

11. AOB

The following CCCG meeting on 14th June would be held online via MST for those who couldn't attend in person at The Law Society in Chancery Lane and in person in a meeting room. G Trivedi asked members intending to attend in person to log onto the call for the purpose of recording the meeting. Individuals would inform G Trivedi if they intended to attend in person, closer to the time.

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 by procurement area Post meeting note: Closing this action because it has not been possible to obtain the data	E Druker	Closed
AP2 [Mar]	Share the response to the 2010 civil contract consultation where the position on minimum provision standards was stated	E Druker	Closed
AP3 [Mar]	Share a report on inactivity in particular housing	J Waring	Closed
AP 4 [Mar]	Inform CCCG when the tender for the Specialist Support Panel is launched Post meeting note: MoJ will shortly be making an announcement on the tender award	E Druker	Closed
AP 5 [Mar]	Meet with Z Bentleman, S Cliff and K Kay to discuss immigration issues. Post meeting note there have now been several meetings with Zoe and an MoJ roundtable	E Druker	Closed

AP6 [Mar]	Ask MoJ to share the justice impact statement and state how much money had been transferred across from HO Post meeting note: ongoing discussions with the HO	E Druker	losed
AP 7 [Mar]	Consider whether it is possible to extend the deadline of 10 May for providers wishing to bid for the 2018 Civil contracts extension.	D Phillips	Closed
AP 8 [Mar]	Share the Eligibility Tool slides with CCCG	J Lumsden	Closed