

Civil Contracts Consultative Group (CCCG) 14 June 2023
Minutes V2

Date:	Wednesday, 14 June 2023, 3pm
Where	Hybrid/Chancery Lane and MST
Chair	Richard Miller – Head of Justice [TLS]
Minutes	Grazia Trivedi – Service Development [LAA]
Present	<p>Adrian Vincent – Bar Council Avrom Sherr – Peer Review Bernie Lauff – HM Prison/Probation Service [HMPPS] Carol Storer – LAPG Catrin Blake – Mental Health Lawyers Association Chris Bone - MoJ Chris Walton – Shelter Claire Blades - CAB Eleanor Druker – Service Development [LAA] Ellie Cronin – The Law Society Helen Keith – Exceptional and Complex Cases Team [ECCT] Jennie Mirfin – Central Commissioning [LAA] Jill Waring – Contract Mgmt./Assurance [LAA] Karl Ford – Area Contract Manager [LAA] Kate Pasfield – LAPG Kathryn Grainger – Process Efficiency Team [PET] Louise Cowell –High-Cost Family [LAA] Matt Valente – Justice Digital [MoJ] Nimrod Ben-Cnaan - Law Centres Network Paul Seddon – Association of Cost Lawyers [ACL] Paul Tyrer – Civil Operations [LAA] Raeesa Randall – Commissioning [LAA] Robert Damiao – Civil Billing [LAA] Simon Cliff – The Law Society Thomas Carr – Communications [LAA] Tim Collieu – Commissioning [LAA] Vicky Ling – Resolution Vicky Fewkes - Housing Law Practitioner Assoc. [HLPA]</p>
Apologies	<p>David Phillips - Service Dev and Commissioning [LAA] Chilli Reid – Advice UK</p>

R Miller welcomed everyone.

1. **Minutes** of the March meeting were approved.

All actions had been closed. R Miller asked a question in relation to AP6[Mar] '*find out whether a Justice Impact Test [JIT] had been done to see whether funds could be transferred to MoJ to support the Illegal Migration Bill and provision of immigration legal aid*'. He said that a similar situation had arisen in relation to the National Security Bill whereby people were required to prove that they had not had a terrorist conviction in order to qualify for legal aid; he asked whether a JIT had been done as the new requirement would impact on resources for both LAA and providers. E Druker was not aware that this had been done.

2. **Civil Case Management Operational Performance Update.**

L Cowell, R Damiao and H Keith talked about the main points in the slides pack.

V Ling welcomed the additional resources that had been put into the High-Cost Family team; she asked for some context about the seemingly low volume of High-Cost Family submissions that were right the first time, 15%. She suggested that perhaps the process was too complicated. L Cowell said that High-Cost Family cases were very complex and often the LAA and provider were unable to agree on certain points. The LAA had engaged extensively with solicitors recently to help improve the first-time success of submissions and would continue to do so. Another recurring issue raised by Resolution members was that bills had been rejected because counsel had not submitted. R Damiao acknowledged that this was a long-standing issue based on the 'point of assessment' on family cases and the need to consider all parts of a claim together; he suggested that a digital fix might be investigated whereby a prompt is sent to counsel to submit as CCMS did in non-family cases. **Post meeting note:** a timeline for a fix cannot be given at this time.

3. **Housing Loss Prevention Advice Services [HLPAS]**

the LAA had conducted 3 tenders for the HLPAS. Assessments for the first two tenders was complete and applicants would be notified of the outcome later in June. Assessments for the third tender were ongoing. The LAA were considering bespoke solutions to address the position in the 4 areas where no successful bids had been received.

The tender for the Specialist Support contract was underway. The MoJ was currently tendering for procurement of a grant management organisation to help deliver the training grant scheme which should be in place by the start of July. The grant competition was going to commence soon after. HLPAS providers would be informed of the competition process and award criteria as soon as possible. The aim was to get the funding available by September so firms could begin recruitment.

C Bone agreed to provide a written update on: a) the Specialist Support contract engagement/tender process, which many providers said had not been aware of, b) timings as the service had to be in place by August, c) quality control and what would happen if the advice given was wrong and the provider passed on this advice to the client d) timeline on the training grant scheme **Action 1 [June]** by 19 June

4. Deprivation of Liberty Safeguards [DoLS]

E Cronin said that the report that the Family Rights Group had written in relation to DoLS cases related to Childcare proceedings. The childcare proceedings were non-means tested and whilst ongoing, the Deprivation of Liberty issue was dealt with on a non-means tested basis as well. When the childcare proceedings came to an end the Deprivation of Liberty aspect then became means tested and parents may find themselves outside of financial eligibility for legal aid and left without legal representation to represent themselves on a very complex legal issue. She asked if this could be raised with MoJ policy and whether CCCG could have a response on the means test being removed from DoLS cases in these situations. E Druker agreed to ask **Action 2 [June]** and to email a written update on DoLS to CCCG **Action 3 [June]**

5. Implementation of the outcome of the Means Test Review [MTR]

Well-developed plans were in place for implementation including digital changes, guidance and training. Phase 1 would come first which covered the non-means testing elements: the under 18s, the withdrawal of life saving treatment provision and the legal help Means Free Funding Test for inquests.

E Druker was asked to share a more detailed timetable for implementation which she would do when available **Action 4 [June]**

E Cronin asked that the LAA include representative bodies in the review of the Means Test guidance and E Druker agreed.

A Vincent said that in the consultation response it was mentioned that, due to the rise in inflation, the MTR threshold might be raised prior to implementation; he asked whether this would be dealt with before the digital changes were put in place. E Druker said that he LAA were not involved in this but knew that these considerations were being discussed by policy and implementation teams.

K Grainger confirmed that the Means Assessment Tool would be in place and working when the MTR review was implemented. An update on this would be given at the next PET meeting.

K Pasfield asked what the extent of the digital changes were going to be, how they would work in relation to CCMS and Apply and what the impact was likely to be on Universal Credit and on providers' resources. E Druker said that all this was work in progress and suggested to meet separately to CCCG with digital colleagues, LAA, representative bodies and providers when plans were firmed up.

K Pasfield said that means testing was a burden for providers. It was an onerous task and could take up a great deal of time in certain cases. This was likely to get worse once the MTR changes were implemented and Universal Credit no longer a passporting benefit. She asked the LAA to consider allowing providers to claim for the time spent on conducting a means test. This issue was discussed during the MTR meetings with the MoJ but were told that it was an LAA issue to look at. E Druker said she would discuss this internally and come back to the group **Action 5 [June]**

C Storer asked whether client information would be lost when CCMS was phased out and Apply replaced it. K Grainger said that this point would be fed back to the CCMS team to ensure that it wouldn't be.

6. Immigration/Housing update

Immigration The illegal Migration Bill [IMB] was progressing through Parliament and a debate had just taken place on a Legal Aid amendment; the LAA and MoJ were discussing all the implications of the Bill on legal aid. The profession and rep bodies would be informed as soon as policies were signed off and in the public domain. The changes were being implemented at pace and it would not always be possible to share things in advance. E Druker stressed that IMB was a big focus that was moving fast and there wasn't always time to have a detailed consultation in advance.

N Ben Cnaan said that some LCN members had been contacted directly by the LAA in relation to Immigration and housing and wondered why representative bodies had been bypassed. J Waring said that MoJ policy had organised a meeting on IMB to which some providers had been invited. Also, an exercise had been organised recently by the LAA which involved a small group of providers being asked for information on translation costs, information requested by MoJ policy.

Housing inactivity, the LAA had informed rep bodies at CCCG of their intention to go out to providers to ask questions on this topic and asked rep bodies for suggestions on what questions to ask but had received no responses. J Waring asked rep bodies for their views on anything that could have been done better or differently.

7. Digital initiatives

Apply System Road Map. The plan was to add Public Family and Special Children's Act matters to the system by the end of Q2 and Housing matters by the end of 2023, the equivalent of over 80% of civil applications. Beta work on civil Decide, the system for case workers, would commence in Q2.

The digital team were prototyping a Check-if-Client-Qualifies [CCQ] and Civil Apply integration; this would allow the information entered in the Eligibility Calculator to flow into Apply. The plan was to go live at the end of Q3/ early Q4.

At the moment Apply was a front-end system for providers to access CCMS; client information was entered on the Apply interface within CCMS. Once the initial application was made on Apply the user would continue on CCMS for the life of the case. In relation to MTR, changes would have to be made to both, CCMS and Apply.

CCMS recent outages. One incident had been due to a security outage triggered by a third-party supplier's action, the second was also triggered by a third-party supplier and lessons had been learned from it. The most recent outage had been planned to happen during the bank holiday weekend, but unforeseen problems caused the system to crash and to remain unavailable for a couple of days. Now that the system had been migrated to the Amazon web services PET could start work on planned enhancements.

8. Prisoner in-cell phone service

B Lauff said that by the end of the current financial year HMPPS would have installed a PIN phone in all prisoners' cells in closed prisons to enable them to make call form their cells including those to their legal adviser. Safety measures were in place to ensure that the

prisoners could only call approved numbers however calls were automatically blocked if the receiver had an interactive Voice Response [IVR] system set up at their end which was the case for many legal companies. A solution being considered was to unblock all confirmed solicitors' numbers and to allow calls to these numbers during office hours. He asked representative bodies for their views on the service and to email him directly on bernie.lauff1@justice.gov.uk. R Miller said that as this affected mainly Family providers, he and V Ling would discuss the matter with their respective committees. If others wished to add their views, they should send them to R Miller. **Action 6 [June]**

9. Contract Management and Assurance Update

K Ford talked about the main points in the written update. V ling asked for the rationale behind the seemingly high number of civil terminations and K Ford agreed to provide a written update after the meeting **Action 7 [June]**

N Ben Cnaan asked if it was possible to a) know how many contract management interactions a provider had had in a year; b) explain what was referred to as Other as a reason for contract notice being issued; c) inform providers of who their Area Contract Manager [ACM] was. K Ford would include averages of provider interactions with their contract manager in the next update a) **Action 8 [June]** and would provide a breakdown of what was included in Other **Action 9 [June]** He would also find ways of informing providers of who their ACM was.

N Ben Cnaan asked for clarification about what seemed to be a deterioration of Peer Review scores in Housing. A Sherr explained that the difference between the figures for 21/22 and 23/24 was not statistically significant and did not constitute a trend.

Standard Monthly Payments Engagement Exercise – update

K Ford said that six responses had been received so far and fourteen providers had transferred across to VMP or started repayment of their debt balance. The agency had made it clear that they were not making a demand for immediate payment and that this was part of an engagement exercise. The deadline for responses was 30 June.

C Storer said that so far feedback indicated that for most providers VMPs were manageable except for one who said they would have to fold. Representative bodies wanted to know more about how the debt was distributed and how many providers were affected. K Ford would share an analysis after the meeting **Action 10 [June]**

After 30/6 all responses would be considered, and a final decision made based on them, a high volume of responses would help make an informed decision.

The agency had comprehensive records of payments going back to 2008 so it would be possible to reconcile old balances. Providers could email reconciliation@justice.gov.uk with queries about their balance. Providers that felt they might fall into difficulties because of VMPs should be encouraged to respond to the exercise and share their concerns so that the agency could take them into account.

10. Commissioning update

Contract extension and tender for new entrants

The Standard Civil 2018 contract had been extended to 31 August 2024. The deadline for Contract Extension responses was 28 April; there had been a 97% acceptance rate overall with 2.5% who did not respond as they were already withdrawing from the contract and 0.5% declined the extension.

Alongside this a tender was opened to allow new entrants access to the contract for its remaining term. The tender closed on 31 March, with 275 organisations submitting over 600 individual bids.

A total of 266 providers had been offered a contract after being assessed as meeting the tender requirements and had been invited to submit their outstanding verification information. To date the agency had received responses from 220. The deadline for submission of the verification information was 10 May. To date, 73 applicants had completed verification however the agency continued to work with firms that had engaged with the process to verify as many of them as possible. The normal pattern of verification was taking place and more firms were getting through every day; the agency would accept submissions up to commencement of the contract on 1 September.

No feedback had been received about firms being deterred from bidding because of the tight schedule, indeed more firms had submitted a bid than was anticipated. Over 50% of firms bidding for a new contract were new firms or firms that already had a crime contract. Representative bodies would be interested to see an analysis of the tender in due course, to ascertain what was new capacity. The information in the commissioning report that was usually shared at CCCGs would be included in the published LAA annual report at the end of June; T Collieu would share the link to it asap **Action 11 [June]**.

11. AOB

J Waring offered to arrange a visit for representative bodies to the Leeds office for the next CCCG meeting on 13 September. Several operational teams were based here: the UPOA Team who reviewed and monitored Provider Accounts, specifically dormant cases, the civil billing team, the civil applications team and a contract management team.

Meetings/engagement sessions could be arranged that representative bodies may find useful. R Miller and other representative bodies liked the idea and thanked Jill for the offer. J Waring would start making a plan and representative bodies would let her know if there was anything specific that they would be interested to do/see on a visit to Leeds. **Action 12 [June]**

Actions from this meeting		Owner	Deadline
AP1 [June]	provide a written update on the Specialist Support tender	C Bone	Closed 19/6
AP2 [June]	DoLS <ul style="list-style-type: none"> - Raise issue of means testing in cases related to Childcare proceedings with MoJ - ask MoJ for a response on the means test being removed from DoLS cases in these situations. 	E Druker	Update at September meeting
AP3 [June]	Send a written update to CCCG on DoLS	E Druker	Update at September meeting
AP 4 [June]	Share a more detailed timetable for MTR implementation with CCCG No details are available at this time	E Druker	Closed
AP 5 [June]	Consider allowing providers to claim for the time spent on conducting a means test. This was considered as part of the original consultation and given RoCLA is underway we intend to recommend to MoJ that they consider this issue as part of that work.	E Druker	Closed
AP6 [June]	Discuss the in-cell phone service with family committee and feedback to B Leuff	R Miller/V Ling	Closed
AP 7 [June]	Provide the rationale for the high number of civil terminations and check the update on Gov.uk	K Ford	Closed
AP 8 [June]	Include averages of providers' interactions with their contract manager in the next update	K Ford	Dec 23 CCCG
AP9 [June]	provide a breakdown of what was included in Other in the 6 monthly CMA update which refers to the reasons for a Contract Notice	K Ford	Closed

AP10 [June]	Share an analysis of the debt in the profession and distribution	K Ford	Closed 15/6
AP11 [June]	Share the link to the agency's annual stats report	T Collieu	Closed
AP 12 [June]	Plan a day at the Leeds office for CCCG on 13 September	J Waring	Closed