

## Civil Contracts Consultative Group (CCCG)

Date:	Wednesday, 12 June 2024, 3pm
Where	Microsoft Teams
Chair	Ellie Cronin – The Law Society [TLS]
Minutes	Grazia Trivedi – Service Development and Commissioning [LAA]
Present	<p>Bernadette Cuddy – Commissioning [LAA]          Brendan Lynch – Civil Operations [LAA]          Chris Walton – Shelter          Clint Nichols – Association of Cost Lawyers [ACL]          David Phillips – Service Development and Commissioning [LAA]          Deborah McLaughlin – Civil Applications [LAA]          Eleanor Druker – Service Development [LAA]          Holly Perkins – External Affairs [LAA]          John Redfern - Exceptional and Complex Cases [LAA]          Karen Firth – Area Contract Manger [LAA]          Karl Ford – Area Contract Manager [LAA]          Kate Pasfield – Legal Aid Practitioners Group [LAPG]          Louise Cowell –High-Cost Family [LAA]          Niamh Fegan – Immigration Law Practitioners Association [ILPA]          Nimrod Ben-Cnaan - Law Centres Network [LCN]          Paul Seddon - Association of Cost Lawyers [ACL]          Robert Damiao – Civil Billing [LAA]          Rowan O’Neil – Bar Council          Simon Cliff – The Law Society [TLS]          Tom Fitzgerald – Civil Applications [LAA]          Tracey Jack - Association of Cost Lawyers [ACL]          Vicky Ling – Resolution</p>
Apologies	<p>Zoe Bantleman – [ILPA]          Chris Minnoch – Legal Aid Practitioners Group [LAPG]          Helen Keith – Exceptional and Complex Cases [LAA]          Lauren Mallon – Commissioning [LAA]          Richard Miller – The Law Society [TLS]</p>

E Cronin welcomed everyone.

1. [Minutes](#) of the March 2024 meeting were approved and would be published. All actions had been completed and closed except:

*Action 8: Share the results of the analysis of the inactive cases review.* R Damiao said that the analysis was progressing and would be taken forward by the Process Efficiency Team [PET]. It was agreed that this action would be closed.

*Action 11: Explain the correct procedure of how to apply for Deprivation of Liberty [DOL] cases.* E Druker was in contact with the MoJ policy team and would be able to update CCCG once the policy team was able to communicate externally Action 1 [March].

*Action 13: Ask for volunteers to meet with El Druker and T Fitzgerald to discuss how the Domestic Abuse Protection Orders and the Domestic Abuse Protection Notices would operate.* El Druker said that discussions had taken place between representative bodies, Agency, and Domestic Abuse policy colleagues to try and make the process clearer. In the meantime, work was continuing on producing flow charts and the amended guidance. CCCG would be updated as soon as a date for implementation of DAPOs was confirmed.

V Ling asked whether the election was going to have an impact on the additional civil tender and whether the Agency was informing providers whether they had been awarded a contract or not. D Phillips said that the Agency were following internal processes and would advise providers as soon as they could.

## 2. LAA Civil Operations update

### 2.1 Civil applications

T Fitzgerald gave an overview of the Domestic Abuse Gateway evidence analysis that the team had carried out over the last couple of months and spoke about the data in slides 17-21 of the Case Management report. The Agency recognized that providers were experiencing problems when submitting Domestic Abuse applications and accepted that the requirements were quite prescriptive. T Fitzgerald assured CCCG that the Agency had not changed their approach to how the regulations and the guidance were interpreted; case workers needed to be satisfied that the evidence met the requirements.

E Cronin, V Ling and K Pasfield said that the analysis was very useful; they suggested that a working group with the Agency, MoJ policy and representatives of domestic abuse support services be set up to review the regulations; to look at the definition of the Domestic Abuse Act; to consider the coercive control aspect. Action 2 [June]

T Fitzgerald would share the analysis with PET Action 3 [June].

### 2.2 High-Cost Family.

L Cowell talked about the main points in the Case Management Operational Performance Pack; a number of clinics (one to one sessions for providers to discuss case-specific issues) were planned over the summer, and she would share the links to access this e-learning Action 4 [June]. The last webinar which had been planned before the summer was a joint effort with billing, aimed at counsel and she asked representative bodies to flag this e-learning opportunity to their members Action 5 [June]. This had since been pushed back to September 10<sup>th</sup>. Louise asked representative bodies to flag any gaps in providers' knowledge or anything they

would be interested to know about so that targeted e-learning activities could be set up.

**Post meeting note:**

Link to sign up to clinics:

[#HUSY Clinic: High cost family: 26 June 2024 | Eventbrite](#)

Link to sign up to webinar:

[#Help Us Say Yes Webinar: HCF & civil finance: Counsel Tickets, Tue 10 Sep 2024 at 16:00 | Eventbrite](#)

### 2.3. Billing.

R Damiao talked about the main points in the Performance Pack.

**Family Advocacy Scheme [FAS]** There had been a spike in rejects and challenges to the Claim Fix team in relation to FAS fees that had been calculated incorrectly; two webinars were available to help providers get submissions right the first time [links on slide 2]. To further help providers in this area the team would also undertake an overhauling of the online civil rates calculator.

**Escaped Cases.** There had also been an increase in the number of escaped cases appeals that had been rejected because the necessary information had not been provided; K Pasfield asked whether caseworkers sent a checklist of what providers needed to send back with the assessment letter. R Damiao would check if this was done Action 6 [June]

**Online Support Team [OST].** Slide 80 described the work done by the OST and included hints and tips on how best to get queries answered. This team of just 6 individuals provided solutions to software problems, helped providers to manage legal aid administration and to get things right the first time round. V Ling was very complimentary of the online support team; she said that many providers praised the service and pointed out how helpful and brilliant the advisers were.

**Exceptional Complex Cases Team [ECCT] update.** J Redfern talked about the main points in the Case Management Operations Report.

N Ben Cnaan asked whether trends could be picked up in High Profile cases; J Redfern would find out and if possible, would include the information in the pack for next time Action 7 [June].

#### **AOB**

- K Pasfield said that LAPG members would be very interested in the update on domestic abuse and wanted to know how much she could tell them at this time. D Phillips that any communications should make clear that policy-related decisions would be taken by the next Parliament.
- E Druker asked representative bodies to remind Family practitioners that CAFCAS had increased the hourly rate for independent social workers to a national rate of £35. Any queries from ISW in relation to past invoices where Practitioners had claimed the lower rate could be addressed by submitting a revised claim at the higher rate. E Druker would send an email out explaining the process Action 8 [June]

- E Cronin asked that topics relating to the operational side could be discussed at the next meeting such as audits.

Actions from this meeting		Owner	Deadline
AP1 [Mar]	<p>Explain the correct procedure of how to apply for Deprivation of Liberty [DOL] cases.</p> <p>PMN: We are not yet able to provide this information.</p>	E Druker	Taken forward
AP2 [June]	<p>Set up a working group to review the Domestic Abuse regulations.</p> <p>PMN: policy colleagues will follow up this month to arrange a date for a working group / roundtable discussion</p>	E Druker	Closed
AP3 [June]	<p>Share the Domestic Abuse gateway analysis with PET.</p> <p>PMN: Tom will share the analysis with the Processes Efficiency Team</p>	T Fitzgerald	Closed
AP4 [June]	<p>Share the links to e-learning activity</p> <p><a href="#">#HUSY Clinic: High cost family: 26 June 2024   Eventbrite</a></p>	L Cowell	Closed
AP5 [June]	<p>Flag e-learning webinar in high-cost family to members</p> <p><a href="#">#Help Us Say Yes Webinar: HCF &amp; civil finance: Counsel Tickets, Tue 10 Sep 2024 at 16:00   Eventbrite</a></p>	Rep bodies	Closed
AP 6 [June]	<p>Find out if a checklist was sent to providers with an assessment letter in escaped cases appeals.</p> <p>PMN: the Agency don't currently send out a checklist, but Rob has asked the civil billing improvement group to pick it up as a question as to how we might be able to signpost guidance and support for providers to get it right first time.</p>	R Damiao	Closed
AP 7 [June]	<p>Find out if trends in high profile cases are available and include them in the slides pack.</p> <p>PMN: we'll be able to some extra information in the next pack to cover the question asked</p>	J Redfern	Closed

AP8 [June]	<p>Email CCCG explaining the process of submitting a revised invoice with the new CAFCAS rate of £35.</p> <p>PMN: Any instructions received by an ISW received after 1 May 2022 not yet invoiced at £35 should be invoiced at £35 per hour.</p> <p>If instructions to ISW have been invoiced and paid at £33 per hour but the certificate is still open will the LAA reimburse the instructing solicitor if a revised invoice of £35 per hour is submitted. In these circumstances, if the final bill from the legal aid provider has not been submitted, the provider should request recoupment of the original payment on account (POA) and then submit a new one at the higher rate. The provider can then pay the ISW the difference. The provider should submit the amended invoice when they submit their final bill for payment. If the provider is ready to bill the case, there is no need to adjust any payment made on account, instead the amended invoice can be submitted with the final bill and a covering note of explanation provided.</p> <p>Where a certificate has been closed providers can submit a general enquiry on CCMS requesting that the certificate is reopened. The LAA will then review this on a case-by-case basis to see if it's reasonable to reopen the case. Once this has been done a provider can submit an adjustment bill.</p>	E Druker	Closed
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