

Civil Contracts Consultative Group (CCCG)

V2

Date:	Wednesday, 4 December 2024, 3pm
Where	Microsoft Teams
Chair	Ellie Cronin – The Law Society [TLS]
Minutes	Grazia Trivedi – Service Development and Commissioning [LAA]
Present	<p>Allan Blake – Family Mediation Alys Cundy-Hengrung - Immigration Legal Aid Policy [MoJ] Avrom Sherr – Peer Review Brendan Lynch - Operations [LAA] Chris Walton – Shelter Danielle Watson – Legal Aid Policy [MoJ] David McLaughlin – Mental Health Lawyers Association [MHLA] David Phillips – Service Development and Commissioning [LAA] Debbie McLaughlin - Civil Applications [LAA] Eleanor Druker – Service Development [LAA] Eve McNally - Business Improvement [LAA] Holly Perkins – Communications [LAA] Helen Keith – Exceptional and Complex Cases [LAA] Jill Waring – Contract Management and Assurance [LAA] Jonny Fitzpatrick - Head of Civil Legal Aid Policy [MoJ] Karen Firth – Contract Management and Assurance [LAA] Karen Mychajlyshyn – Area Contract Manager Karl Ford – Contract Management and Assurance [LAA] Kate Pasfield – Legal Aid Practitioners Group [LAPG] Lauren Mallon – Commissioning [LAA] Louise Cowell –High-Cost Family [LAA] Natasha Stewart – Family legal aid [MoJ] Nicholas Craigen - Head of Civil Legal Aid Policy [MoJ] Nicholas Omiros – Mental Health Lawyers Association [MHLA] Nimrod Ben-Cnaan - Law Centres Network [LCN] Robert Damiao – Civil Billing [LAA] Rowan O’Neil – Bar Council Simon Cliff – The Law Society [TLS] Tim Collieu – Commissioning [LAA] Tom Fitzgerald – Civil Applications [LAA] Tracey Jack - Association of Cost Lawyers [ACL] Vicky Ling – Resolution Vicky Fewkes – Housing Law Practitioners Association [HLPAs] Zoe Bantleman – Immigration Practitioners Association [ILPA]</p>
Apologies	Richard Miller – The Law Society

E Cronin welcomed everyone.

1. **Minutes** of the September 2024 meeting were approved and would be published. All actions had been completed however K Pasfield asked for information about the Early Legal Support and Advice [ELSA] and how it raised public awareness of legal aid [AP5 Sep]. The project had evolved over time and was now part of broader legal support initiatives. E Cronin suggested that Edward Sharp, who had been involved in ELSA from the start, be invited to the next meeting to talk about it. [Action 1-Dec]

2. LAA Civil Operations updates

- 2.1 **Applications.** T Fitzgerald highlighted a dip in the usage of the Fixer service during the summer months and mentioned plans to include more detailed examples and anonymized cases in the next CCCG pack to promote the service. He also discussed a new CCMS enhancement that allows attaching documents with a case or inquiry submissions, which should reduce delays.
- 2.2 **High-Cost Family.** L Cowell highlighted the consistently good performance of the team and upcoming activities for 2025; a roundtable Q&A session was planned around the transfer of high-cost cases for Thursday 13th February. The sign-up details would be released in January's bulletin.

PMN: the is the link to book sessions [#HUSY Q&A: High cost family: Transfer of high cost cases Tickets, Thu 13 Feb 2025 at 16:00 | Eventbrite](#)

Louise also invited feedback on external activities and training for 2025. She noted a downward trend in complaints for 2024 and mentioned plans to revamp how Fixer information is collected and analysed.

- 2.3 **Billing.** R Damiao noted an upward trend in cost appeals across both certificated and escape cases. He highlighted the availability of a recorded webinar [[Getting your civil cost appeals right first time: certificated and escape cases – Legal Aid Learning](#)] on the Learning website to help providers get their appeals right the first time and avoid the need for appeals.

Bill Rejects: Robert shared positive news about the trend in civil bill rejects, which were at their lowest level ever, trending just below 12% of submissions. He attributed this to the hard work of case workers, representative bodies, and providers in improving the quality of submissions.

Payments On Account [POA] Exercise. Robert discussed the ongoing effort to address inactive cases, with a focus on helping providers bill-out completed cases. The POA exercise had a near 100% response; 13,000 cases were acknowledged by providers as having been completed and bills ready to be submitted, however 7,000 of those had not been billed out yet. The inactive case review process had been rolled within CCMS since the end of the POA exercise to help with future cases, but the LAA were looking to help providers close out the remaining 7,000 cases. He outlined the plan to prompt providers in January and April to submit bills and mentioned potential contract actions if cases remained unbilled by July 2025. Representative bodies' cooperation would be welcome to advise their members on what to expect; Robert would be available to provide further information if required and an agenda item would be in place at the Processes Efficiency Team meeting on 14th January for representative bodies to ask any questions.

2.4 Exceptional and Complex Cases. H Keith provided an update noting improved performance in handling exceptional and complex cases. The largest intake area remained immigration where ongoing training was in progress for new caseworkers to build resilience in this area. Helen noted the data on internal reviews, highlighting that many cases were fully overturned when further information was provided. She planned to include additional guidance in the operations pack for next quarter on the types of information needed, in particular for public law cases. Helen talked about high-profile cases, noting a dip in volume in September but a return to average levels in subsequent months. She mentioned that many refusals were subject to onward appeal processes.

3 Contract Management and Assurance [CMA]

K Ford provided an update on CMA activities, including the inactive case review project and immigration activity. Karl acknowledged the role of contract managers in facilitating responses to the inactive case review project covered by R Damiao above, which involved 880 providers [Action 8-Sep].

[Action 9-Sep]: Karl provided an update on immigration activity, included in the 6-monthly CMA report, mentioning that the numbers would be more useful when the full year's data was available. He planned to keep this information in the pack for the next year.

C Pasfield asked for more information on the extra assurance activity in Immigration as communicated in a recent email from John Facey. It was agreed that any questions or feedback would be addressed directly to Jill Waring outside committee. Karl also addressed a question about providers being asked how bills are drawn, in-house or by an external costs' drafter. He explained that this was a routine question asked during annual reviews to establish trends.

CLA

J Waring talked through a slides' presentation with information on specialist providers for the CLA service, listing the providers for housing, debt, education, and discrimination; Jill would share the slides after the meeting [action 2a-Dec]. Jill noted that housing had the highest case volume.

She also shared data on the number of cases funded in 2023-2024, with housing being the largest category and mentioned that the team was working on providing geographical spread data for specialist categories. Jill presented maps showing the geographical spread of CLA callers by category at the operator service level. She noted that the team was working on providing more detailed data for specialist categories. K Pasfield asked for more data on Housing such as queries raised, trends, correlation between demand and provision; Jill would endeavour to provide [action 2b-Dec]. Representative bodies were also interested to have information on the number of people that call the advice line vis numbers that are directed to specialist advice and then go on to having their case taken up. Jill to find out if the data is available and also give an overview of the current process [action 2c-Dec]

- 4. Means Pilot.** E McNally explained that the means pilot started in January 2024, focusing on giving access to a means expert and allowing LAA caseworkers to request further information directly from clients. The pilot received positive feedback from providers, leading to the rollout of access to a means expert for all providers as of October 14, 2024. Providers could contact means experts at contactmeansexperts@justice.gov.uk.

The pilot included LAA caseworkers contacting clients directly for further information, which proved effective. This service would be opened up to all providers for business means cases in March 2025. Providers would still be notified of any information requested from their clients, ensuring transparency and the LAA was working on videos to address common queries, particularly in business means and trapped capital, to be released in the new year. Providers would still be able to ask for a review of the means assessment if they were not happy with the assessment. V Ling said that this service would be very popular with Resolution members.

5. Commissioning update

L Mallon said that the Civil Tender had reopened [2024 Standard Civil Contract procurement process now open - GOV.UK](#) and would remain open throughout the contract lifecycle allowing new bidders and additional categories to be added at any time.

Current contracts were extended until 30 June 2026 to avoid the summer holiday period, which previously caused verification issues.

In response to representative bodies' feedback the LAA had made changes to the indemnity form process, supervisor forms, and handling of accreditations to streamline the bidding process and reduce administrative burdens.

Efforts were ongoing to ensure at least one provider per category of law per Procurement Area [PA]. All PAs had at least one provider in each category of law except for Housing and Debt. Twelve of the twenty Housing and Debt areas without service provision had been filled (**PMN**- as of 11/12/24 this has now been updated to 14), with eight (six now) remaining unfilled. In the PAs where it was proving impossible to have an office-based contract holder, as was the case in more geographically remote areas where providers would have to travel long distances to reach a client, remote only provision was the position to default to in the absence of any other interest. Lauren confirmed that none of the 12 PAs mentioned above had remote only provision.

In relation to the Housing Loss Prevention Advice Service (HLPAS) four gaps were identified, and Expressions of Interest [EOI] had been received for all areas (**PMN**- as of 11/12/24 three of these have now been filled). The LAA approach included considering duty rotas or mini competitions to cover these areas. Lauren expressed her gratitude to providers that engaged with the LAA on this.

Providers were encouraged to express interest in areas with gaps, and the procurement process remained open to facilitate this.

K Pasfield said that the LAA should be able to ascertain service capacity in a PA to establish how many providers were needed to satisfy clients' needs. Lauren said that efforts were ongoing to estimate demand for services and measure capacity, to capture intel about clients being refused support from legal aid providers. Work was at an early stage, working groups were set up and representative bodies/providers would be included in the discussions.

Lauren explained that one provider per PA was not a standard the LAA was aiming for, it was the minimum requirement in each category of law in each PA. Chris Walton said that an EOI for a HLPAS contract for providers within a 50 miles radius of a magistrate court, as the LAA was doing, might not appeal to some because they would not want to travel the distance for follow-up defence case work but there might be a provider based closer to the

client not wanting to do court duty but willing to pick up the case work. Would it be possible for the contract holder to liaise with such provider to arrange follow up case work? Lauren said that she would take that into consideration.

6. Supervisors

E Druker provided an update on the amendments to the supervisor guidance, which were made to provide more flexibility in demonstrating supervisor competence.

Post meeting note: Guidance and specification documents can be found here: <https://www.gov.uk/government/publications/standard-civil-contract-2024>

7. Referral Mechanism for the Detained Duty Advice Scheme [DDAS]

E Druker explained that the referral mechanism for the scheme had not been implemented yet because it was linked to the implementation of the Illegal Migration Act (IMA) and the very short timescale. It may never be implemented because clients could still request second or third appointments with a legal adviser if needed as had always been the case.

Z Bantleman highlighted concerns about providers' capacity to take on cases after the initial 30-minute advice session. Zoe raised the monitoring gap in relation to surgery records (Detention Action and Bail for Immigration Detainees share concerns), asking whether the LAA would be peer reviewing samples of firms' DDAS surgery records in order to monitor the quality of the work undertaken in the surgeries. Zoe further enquired regarding the monitoring gap mentioned in the ILPA response to the LAA consultation on changes to the 2018 Civil Contract Specification. Eleanor noted that providers were not required to report the reasons why clients were not taken on and there could be a number of reasons for this. Collecting such information would increase the administrative burden on providers.

Concerns were also raised by Zoe about the quality of advice provided under DDAS, including issues with clients not receiving written information and missing appeal deadlines. David and Eleanor emphasized the need for specific information about poor-performing providers to take targeted contract management actions. Without specific details, it was challenging to address these issues effectively.

It was agreed to have a meeting with Zoe in the new year to discuss these issues in more detail provided specific information was provided. **Action 3 [Dec]**

8. AOB

K Pasfield requested an update at the next meeting on the Means Test Review timetable for the next steps, details on the digital changes and the overall process [Actioned].

An update at the next meeting on the Early Family Legal Advice pilot was also requested [Actioned].

Vicky Ling wished to thank Danny Whittle, Business Improvement Manager at the LAA, for addressing feedback from Resolution members on the redesign of the LAA Learning and Development website and she encouraged other representative bodies to contact Danny with any further feedback. D Phillips appreciated the positive feedback provided by Vicky.

Actions from this meeting		Owner	Deadline
AP1 [Dec]	Invite Edward Sharp to the meeting in March to talk about ELSA	G Trivedi	Closed
AP2 [Dec]	CLA report a) Share the CLA slides presented at the meeting b) Provide more data on Housing c) Provide an overview of how the CLA referral process works	J Waring	Closed
AP 3 [Dec]	Set up a meeting with ILPA to discuss DDAS issues	E Druker	Closed