

Civil Contracts Consultative Group – 29 April 2008

Present: Crispin Passmore (LSC, Chair), Ruth Wayte (LSC), Caroline Little (ALC), Richard Jenner (ASA), Carol Storer (LAPG), Simon Gledhill (MHLA), Alison Harvey (ILPA), Dave Emmerson (Resolution), Anne Graham (The Law Society), Linda Lee (The Law Society) and Lucy Scott-Moncrief (The Law Society), Frances Joyce (LSC, minutes)

Apologies: Karen Mackay (Resolution), Richard Miller and Mark Stobbs (The Law Society) and Richard Charlton (MHLA)

| Action Points | | |
|-----------------------------------|--|----------------|
| ITEM | ACTION | BY WHOM |
| Draft Terms of Reference | The draft ToR circulated at the meeting will be looked at in more detail by Ruth and Crispin. | RW/CP |
| Circulation of agenda and minutes | Agenda to be sent out 14 days in advance of the meeting and the minutes within 14 days after the meeting. | LSC |
| Fee Schemes | Members to email Rob Cross (robert.cross@legalservices.gov.uk) details of what data they would like to have available by end of May. | All |
| Delivery Transformation | Interested organisations are to be encouraged to respond to the DT consultation http://www.legalservices.gov.uk/aboutus/whats_new_8006.asp?page=1 | All |

1. Terms of Reference and Ways of Working

Following brief introductions Crispin thanked everyone for attending this meeting but stressed that this would not replace any formal consultation process or the need for on-going dialogue with individual organisations.

This Group was set up as part of the agreement between the LSC and The Law Society (further information can be found in Appendix 9 of the Deed which was circulated to this group on 10 April). There will also be a series of Representative Body and Stakeholder meetings covering the Family, Social Welfare Law, Immigration and Mental Health categories of law and details of these will be circulated later this week. It was agreed that where appropriate some issues discussed at this meeting would remain confidential to the group so as to allow full and frank discussion and that these issues would be identified on an individual basis, but generally members would be able to report back/liase with their membership on matters of interest. Lucy Scott-Moncrieff circulated draft Terms of Reference which the LSC will look at and report back to the Group. Timings on circulation of the agendas and minutes were also

discussed as were the draft Terms of Reference circulated by Lucy Scott-Moncrieff.

2. Review of Fee Schemes

Rob Cross circulated a paper giving an overview of the Phase 1 fee scheme introduced in October 2007, key dates for the coming year and highlighting some of the risks in collating and analysing data. A review of NMS pre and post the fee scheme introduction will be available for the next meeting of this group in July and a full review report of the Phase 1 scheme will be published for consultation in January 2009. The Group requested early sight of the consultation if possible.

There was a lengthy discussion about the problems with the current IT system and how data is collected and used though it is expected that there will be a full data set available (of all the data received so far) by mid May, the LSC will also produce regular reports once the IT system is operating fully. The data should be far more accurate than previously. When interpreting the case data it was agreed that key assumptions around change in NMS would need to be applied, particularly in respect of mental health, to assess any possible distortion of the data. Some key information that the Group would find useful to have available is: data on geographical spread; areas of under supply; which suppliers have not provided data (though it may be possible to say why); identification of provider type, ie NfP; examination of exceptional case data including the number of cases close to the exceptional case threshold. All of these requests will be assessed when looking at what information can be pulled from the data provided, to ensure the review looks at all relevant areas. The Deed sets out the areas that the Review will consider suggestions about any additional areas for the review should be sent to Rob Cross as soon as possible but certainly by the end of May.

3 Delivery Transformation

Richard Walker, Head of Delivery Transformation, delivered a presentation on the Delivery Transformation consultation which will close on 3 July, a series of provider briefing events and workshops are also planned for mid May. The earliest mandatory implementation date is April 2010 and Richard assured the group that to avoid similar problems to the roll out of SMS an advanced pilot and/or phased introduction of the scheme is under consideration. The main issues highlighted by the group were:

- Possible risk to the fund if users input incorrect information, either by mistake or deliberately
- How robust will the system be given the large number of people of all IT skill levels who will use it?

- What if the system does not work properly?
- Who will be responsible for mistakes arising from misinterpretation of incorrect/incomplete data submitted – the LSC or the person who input the data?
- Security of confidential information (such as that held on children) and remote working (ie, when practitioners visits clients in hospital or detention centres)
- Some organisations appear not to be aware of the consultation even though it has been highlighted in email alerts and is on the LSC website.
- What will happen where firms do not have suitable IT hardware, will there be grants available to assist firms to upgrade?

Richard explained that most of these concerns will be addressed through rigorous testing of the system and the contract rules to be developed for 2010 but there will also be a business continuity system in place. The Group was asked to encourage their members to respond to the consultation so that all ideas and concerns can be taken into consideration or to notify Richard of any organisations that may be interested in the consultation and should receive a personal invitation to respond.

4. Civil Route Map

Proposed items for the next meeting in July are: Fee schemes, September consultation outline and Contracts. Other agenda items should be notified at least three weeks in advance of the meeting.

5. AOB

Crispin informed the Group that he will be away from the Commission for a few months and therefore the next meeting will be chaired by Ruth Wayte or Patrick Reeve.

Next meeting – Wednesday, 30 July at 3.30pm