



Civil Contracts Consultative Group

Minutes

Date: 24th November 2008

Chair: Crispin Passmore

Attendees: Richard Miller, Linda Lee, Andrew Caplen - The Law Society, Richard Jenner - ASA, Jackie Pearce - ILPA, Carol Storer – LAPG, Robert Wright - MoJ, Patrick Reeve, Ruth Wayte, Sara Kovach-Clark Natalie Pedley and Michelle Leung – LSC

Minutes: Natalie Pedley – LSC

Apologies: Richard Charlton – MHLA, David Emmerson – Resolution, Caroline Little and Alan Bean – ALC, Vivienne Gambling – HLP

1- Previous Minutes and Action Points

The minutes of the meeting of 30th July were agreed. Emphasis was placed on the need for the LSC to look carefully timetables of tendering process (example of Immigration Detention Centre Contracts) and to ensure lessons were learnt from issues that arise. PR confirmed that this would be taken into account.

JP confirmed that the timetable for the recent immigration bid rounds had been tight and the LSC had not announced decisions when expected. RW confirmed this was due to the number of applications received and the subsequent number of appeals being higher than we anticipated. Following the meeting the LSC has published clarification of the process (attached) which will also be posted on the website.

Action Points

- Terms of Reference to be circulated with future agendas – completed.
- Work with GIS team to include maps where possible with NMS information – completed.
- Check reasons for inconsistent advice in respect of opening NMS – clarification to guidance produced for Mental Health. Immigration policy team will continue to work with ILPA where unclear, Clinical Negligence – specific examples to be referred to policy team.
- Examine reductions for reduction in NMS in areas of London – covered in NMS report.
- Examine reasons for fall in Mental Health NMS in Bristol and Birmingham – report provided.
- Tenders for NMS in childcare – confirmed not defined geographically.
- Views on how many staff a supervisor should supervise – completed.
- Bar Council invited to sit on category specific representative body meetings.
- Immigration Bid rounds – tight deadlines – comments passed on to Immigration policy team.
- Stats on number of certificates issued in childcare cases – available in annual report.

Agenda Item 2- Interim New Matter Starts and Closed Case Analysis Report

PR confirmed that there would be an addendum to the report including data from August 2008. This would be circulated to members of the group shortly. This report shows an increase in the number of exceptional cases, however, there is still an issue in terms of cases being reported but claims not being made. CS felt that some of this was down to a fear of rejections and previous experiences of assessment. RM reported an example of a provider who thought the process was still that they could only claim once a year for this work. CS, RM and RJ confirmed that they had sent information out to their members. LSC have already sent a reminder to providers in the fortnightly update. CP agreed that the LSC would undertake some additional communication activity.

A discussion took place as to the information on diversity and in particular client ethnicity. The report appeared to show a decrease in the number of BME clients which was not the LSC's understanding of the actual position. ML agreed further work needed to be done to clarify the figures in Table 7 of the report. It was agreed that this would form part of the addendum to be circulated. CS asked for this data to specifically cover impacts in London.

Post Meeting Note: Following the meeting, the LSC has updated Table 7, page 14 from the Interim Report regarding Client Ethnicity. The updated statistics show that there has been no negative impact on BME clients and in fact there has been a slight increase in BME proportion. Please see the Review of Phase 1 Fee Schemes – Interim report December 2008 for further details.

AC asked whether the matter starts report could include NMS figures to date for individual CLACs. ML confirmed that we did not want to break the report down to individual provider level but these figures would be provided separately.

The feeling generally was that it was early to assess the impacts of the fee schemes to date. It was agreed that further work would be done to look at impacts on homelessness in the housing category, discrimination in employment cases and also clinical negligence at Legal Help.

RM reported that The Law Society's view was that the fee schemes were not sufficiently sophisticated for the work that they cover.

LL commented that the fee paid for clinical negligence at legal help would not be sustainable in the long term. Policy dictates that more of the investigative work is done under Legal Help, however, fees were modelled at a time when this was not the case. CP agreed there was a need to look at this in more detail.

JP raised concern about the lack of data on asylum due to longer average case lengths. PR and CP accepted that the report can only flag at this stage where there may potentially be issues. RM asked that consideration be given to a clause in the 2010 contract to allow for some increase to the fee (within a % range) where data starts to show the fee may not be sustainable in the long term. CP agreed this should be given consideration but explained the LSC view that this would need to work both ways in terms of reductions as well as increases. LL and RM said that this was not appropriate in The Law Societies view and that there should be a move to a more commercial contract.

JP agreed that someone from ILPA would work with the Immigration Policy Team on data validation issues.

Agenda item 3 – Report into MH Supp

Richard Charlton had forwarded his apologies but provided comments from the MHLA to CS on this point.

The MHLA reported that they remain concerned about firms withdrawing and client access. They have also tried to raise the profile of the exceptional case process. PR referred to the LSC contacting Mental Health Act Administrators in addition to seeking views from tribunal services. Response levels from administrators had been low so far but feedback did not indicate any access problems. CP accepted that the report into supply prepared for this meeting indicated potential problems in the South West. CP agreed this would be taken away to be looked at and a report on progress would be provided for the next CCCG meeting.

Agenda item 4 – Update on proposals for September consultation on family fees and contracts for 2010

PR confirmed that a consultation paper for the 2010 contracts had now been published. Representative bodies should approach PR if they wish to have specific discussions around this paper. PR agreed to circulate a list of provider events amongst the group following the meeting. CS questioned the timeline in civil generally. RM asked whether it would be possible to update the Civil Route Map. CP confirmed this could not be done until the minister had made decisions relating to the family consultation papers.

Agenda item 5 – Contract Issues

RW confirmed that the legal team are working on crime and civil standard terms so that from 2010 there will be one document covering both. RW asked people to start thinking about amendment (fees / new matter starts) and feed in their views. The other big issue to be resolved is around consortia. It was agreed we needed to have an outline of how this would look by the end of the calendar year. A meeting will be arranged to take place between LSC, TLS, ASA and SRA on this issue.

RW asked for feedback on the payment on account process. RM confirmed he felt it worked generally, the only concern was some reports that it can take time to process these applications.

Agenda item 6 – AOB

ML confirmed that the report into the review of the fee schemes (October 2007 and January 2008) would be published at the end of February 2009 at the same time as a consultation paper on any changes to the fees. This was agreed as sensible by the meeting as it would allow more time for data to be collated.

ML confirmed that LSC will circulate the addendum to the report for comments. Following this they will look to publish the report and make a copy available to the Association of Young Legal Aid Lawyers who have asked for one.

SKC provided an update on the experts pilot in family. LSC hope to sign some contracts at the end of December.

RM asked what the impact of changes to VAT would be. CP confirmed LSC were awaiting the announcement and would then work this through.

AP raised the report into Immigration Legacy Work. CP confirmed this would be available within the next few weeks.

Summary of Action Points

	Action Points	By Whom	By When
Item 2	Communication activity around exceptional cases	Natalie Pedley	End December
Item 2	Further work on diversity – client ethnicity	Michelle Leung	In addendum report
Item 2	NMS figures for CLACs	Michelle Leung	In addendum report
Item 2	Further work on impact on homelessness, discrimination and clinical negligence cases	Michelle Leung	Next meeting
Item 2	ILPA to be involved in data validation for immigration	Natalie Pedley	End December
Item 3	Work to deal with potential access issues in the South West	Patrick Reeve	Report back at next meeting
Item 4	Circulate list of provider events	Natalie Pedley	Attached
Item 5	Meeting on consortia to be arranged for December	Natalie Pedley	End December
Item 6	Circulate Addendum to the report on claims and new matter starts	Michelle Leung	End December

Date of next meeting:

27th January 2009 – 3pm

Legal Services Commission, 4 Abbey Orchard Street, London SW1P 2BS