



## Civil Contracts Consultative Group

### Minutes

**Date:** 27<sup>th</sup> January 2009

**Chair:** Derek Hill and Ruth Wayte (Joint Chair)

**Attendees:** Sarah Kovach-Clark – LSC, Paul Newell – LSC, Michelle Leung – LSC, Natalie Pedley – LSC, Robert Wright – MoJ, Alison Harvey – ILPA, Sophie Miles – MHLA, Richard Jenner – ASA, Carol Storer – LAPG, Karen McKay – Resolution, Linda Lee – Law Society, Richard Miller - Law Society, Andrew Caplen – Law Society

**Minutes:** Jane Lindo - LSC

**Apologies:** Vivien Gambling - HLP

#### 1- Previous Minutes and Action Points

DH and RW welcomed those present and gave apologies for, Vivien.

DH explained he had taken on the position of Chair and shared information about his background as Director of Policy.

Minutes of meeting for Tuesday 24 November 2008 were discussed.

#### Action Points

**Item 2:** Communication - 14.12.08 News story on LSC website. Link to news story in LSC update.

**Item 2:** Diversity – Interim Report updated – circulated with minutes of last meeting.

**Item 2:** NMS Figures – circulated within the Additional Information document.

**Item 2:** Clinical Negligence – further information given during meeting showing that a number of cases had been misreported as tolerance work attracting a £0 fee. This had negatively impacted upon figures shown in the interim report. Further analysis into homelessness and discrimination did not show any particular impacts in terms of these areas of work.

**Item 2:** Data Validation (immigration) – it has taken some time to extract the necessary data. This has now been received from NIAT and is subject to analysis. This issue will be timetabled for discussion at the Immigration Representative Bodies meeting on 17/2/09.

**Item 3:** MH Supply in the South West – An initial report was made available at the last meeting. PN explained that the LSC regional office now needed to make a decision on whether to run a bid round in this area. This decision would be made within the next three weeks.

**Item 4:** Provider Events – attached with minutes.

**Item 5:** NP confirmed that we had been unable to set up a meeting including the SRA to take this issue forward. It was agreed that this needed to be resolved as a matter of priority. It was agreed that TLS and ASA should be included in any discussions as representatives of this group.

**Item 6:** Circulate Addendum – an addendum report containing August 2008 claims data has been circulated to the group.

### Notes on previous action points

RJ would like information on consortia to be made available to all parties. If not resolved quickly will need whole process to be re-examined. Key to resolve regulatory issues. NFP Agencies have already started talking to each other.

AH asked for clarity on how quickly we hoped to take this forward with SRA.

PN confirmed there appeared to be two issues – the consultation proposes consortia to commission joined up services in SWL categories. The issue today is consortia to meet minimum contract size.

LL queried where the impact assessment on this consultation could be found. RW advised it was on the Consultation pages of the LSC website ([www.legalservices.gov.uk](http://www.legalservices.gov.uk))

The group agreed to e-mail any additional thoughts they have on consortia within two weeks of the meeting. DH agreed we would pull out consortia issues from responses to the consultation in any event.

**Action:** DH will try to resolve consortia issues as quickly as possible and this will be an agenda item for the next meeting.

SM requested a copy of the updated report into Mental Health issues in the South West. NP explained that a report was made available for the last meeting and for this meeting PN had attended to give a verbal update.

PN confirmed it had been difficult to get evidence of any issues and information received appeared contradictory.

PN confirmed we had been in contact with MH Act Administrators. A decision now rests with the regional office as to whether a bid round is undertaken. PN agreed we would update the group in three weeks.

**Action:** PN to update the group by 17.03.09.

Asylum Legacy. PN confirmed a decision had been taken by the Executive Team to put a process in place to make an early payment of disbursements in pre October 2007 non-graduated fee cases. PN agreed that guidance would be shared with the group before being put into action. Trying to get work done ASAP and ideally within this financial year. The worst-case scenario would be that IT changes are required, as this would push the solution back into next year.

**Action:** PN guidance to group by 13.02.09.

PN - IRC Tender: decision by end of next week.

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

NP confirmed that all the data we had shared to date would be put together into one report which would include a full 12 months worth of data (9 months for Mental Health). This report would be published alongside a consultation paper on any proposed changes to the Phase 1 Fee schemes.

RM queried some of the figures in the Interim Report and the fact that these had changed. NP confirmed that this was due to data validation activity, which had for example increased the numbers of new matter starts reported since the early draft of the report.

AB asked whether the fees paid for care cases could be split between what has been claimed and paid for advocacy and what has been claimed and paid for the fixed fee element of work.

**Action:** SKC agreed that we would look into whether this was possible.

AH queried what the issue had been with disbursements in the first draft of the Interim Report. ML explained that disbursements had been included in the profit costs figure although and the biggest impact of removing them had been in the immigration category.

SKC raised the issue of the consultation timetable and advised that the date for issue of the Phase 1 Consultation would be 13<sup>th</sup> March (rather than 27<sup>th</sup> February). This would allow more time for analysis of claims data. This change was agreed by the group.

**Agenda Item 3 – Additional Information requested by CCCG –** RJ advised whilst the data did not appear to show any negative impacts, he remained concerned about homelessness cases. RJ agreed to e mail ML with a note of his concerns.

## **Agenda Item 4 - Payment for preparation of advocacy in care proceedings**

AB – questioned whether it was possible to make any amendment prior to 2010.

RW – confirmed that we had agreed that we would not make amendments to the contract before 2010 as a part of the deed of settlement. The deed had been entered into with financial issues in mind and therefore we could not simply make changes to the contract without consideration of the wider impact of this.

RM – stated that there had been issues of the LSC using the deed of settlement to say the Law Society has not allowed us to....

DH – asked that examples of this are referred to us.

## **Agenda Item 5 - Feedback from Provider Forum in Leicester on Phase 1 Fee Scheme Review**

NP explained that the Phase 1 Fee Schemes review team had met with representatives from the Midlands provider reference groups (east and west mids and eastern region). The session was very positive and had provided useful feedback. Felt fixed fees worked well in some areas eg. SWL. Areas of concern had echoed those

<p>raised by this group.</p> <p><b>Agenda Item 6 - Future working practices</b></p> <p>DH stated that this group had been set up with a specific purpose up to 2010. As these issues were resolved it would seem that there are wide ranging issues and it would be useful to continue to meet. The nature of the Agenda will be changed in due course to reflect this.</p> <p>AH asked that members of this group receive minutes from the Representative Body meetings that sit underneath so they can be clear about common issues.</p> <p><b>Agenda Item 7 - Contract Issues – discussion on any issues the group wish to raise</b></p> <p>DH – a lot of issues raised.</p> <p>AB – unclear who has responsibility for processing issues. These had been raised at the family representative bodies meeting.</p> <p>DH – advised that any issues could be raised at this meeting and we would ensure they are directed to the right people. It was agreed that information on the new structure would be circulated to this group as soon as it is available.</p> <p>SKC – confirmed that we are looking into this and that there is now a new Head of Case Management.</p> <p>RM – said it would be useful for the group to have information on processing times.</p> <p>DH – agreed this data would be useful and we would be able to produce it upon request when an issue arises.</p>	
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**Summary of Action Points**

	Action Points	By Whom	By When
1	Group members to e mail any additional comments on consortia to (Natalie.pedley@legalservices.gov.uk)	All	10.2.09
2	Update to group on Mental Health Issues in the South West	PN	17.2.09
3	Asylum WIP – circulate guidance on disbursement process.	PN	13.2.09
4	Consider whether can split care cases into advocacy and fixed fee in final Phase 1 Fee Scheme Report	ML	Before circulate final report
5	Processing backlogs – update group on how we will deal with these	NP	10.2.09

**Date of next meeting:** Tuesday 28 April 2009 at 1500-1700hrs, Abbey Orchard Street