



**Civil Contracts Consultative Group (CCCG)
Minutes**

9 July 2012

Date:	Monday, 9 July 15:00-17:00		
Where	MoJ, 102 Petty France, London SW1 Teleconference: Debra Challis – LSC, Alan Bean – ALC		
Chair:	John Sirodcar – LSC		
Attendees:	Adam Griffith – ASA Carol Storer– LAPG Carol Georgestone – LSC Damon Norville - LSC David Keegan – LSC Eleanor Druker – LSC Elizabeth Gibby – MoJ	Grazia Trivedi-minutes Ian Bugg – Bar Council Jan Luba – Bar Council Jackie Peirce – ILPA Jon Cable – LSC Joy Merriam - TLS Kathy Hartup – LSC Kerry Wood – LSC	Matthew Coats - LSC Neil Lewis – LSC Nick Lewis – MHLA Richard Miller – TLS Sarah Stevens - HLP Steve Starkey – LSC Vicky Ling - Resolution
Apologies:	Alison Harvey-ILPA Ann Lewis – ASA Avrom Sherr – IALS	Giles Peaker-HLPA Kevin Westall – MoJ Rachel Rogers – Resolution	Dave Emmerson – Resolution Ruth Wayte – LSC

Welcome and introductions

Actions from the previous meeting		Lead	By When
AP1	Agree a date to meet and discuss the VHCC non-family contract proposed amendments	RWayte	9 July
AP2	Share with the group the report on the 50 firms with the highest level of rejects	JSirodcar	9 July
AP3	AHarvey to send a summary of the issues relating to the fee structure for immigration to GTrivedi for the LSC to consider	AHarvey	Closed
AP4	Liaise with TLS on LSC communications for the re-introduction of a 9-5 telephone service	KHartup/ RMiller/SStarkey	Closed
AP5	Respond to RMiller’s request re data pack	NLewis	9 July
AP6	Update the group on the FOI relating to NMS data	NLewis	9 July
AP7	MH representative to meet with the LSC to discuss requirement standards	ZFarrant/ Nick Lewis	Closed
AP8	Check whether The Law Society could share a first draft of the updated Legal Aid Tool kit with the LSC	RMiller	9 July
AP9	Email contact details for individuals or organisations that providers could turn to when in need of business or pastoral advice	RMiller/ ALewis	Closed
AP10	Circulate the online link to the list of LSC audits	JSirodcar	Closed
AP11	Update AHarvey on progress of the actions relating to the Immigration Removal Centre meeting held in October	ZFarrant	9 July
AP12	Arrange a meeting in June to discuss the running down of existing contracts	Rep Bodies/ LSC/MoJ	Closed
AP13	Send any additional information and scenarios re running down of existing contracts to Ann Lewis before the June meeting	Rep bodies	Closed
AP14	Provide information on concluded disrepair cases & housing providers to MoJ/HLPA before next meeting	DKeegan	29 June
AP15	Check when the annual stats pack would be available and advise the group. Post meeting note: the pack is due for publication on 5 July	NLewis	Closed
AP16	Confirm the LSC plans/timetable for payment by firm rather than Office	JSirodcar	9 July
AP17	Provide a list of EGibby’s team, their contact details and their roles	EGibby	Closed

1. Minutes and actions from the May meeting

Minutes

J Luba asked that “*chasers should not be sent prior to this*” be added at the end of the ‘2 Counsel Cases’ paragraph on page 4. The minutes could then be published on the LSC website¹.

Actions

- AP1. A meeting to discuss the VHCC non-family contract would be set up for the first week in October.
- AP2. D Challis talked about the salient points in the ‘*Contract Management approach to reducing bill reject rates*’ report which had been circulated. This report would be updated shortly to ascertain whether there had been any improvements. K Hartup confirmed that the LSC would be working with rep bodies on getting joint communications out. The soon to be published Advocates Bulletin would show the Bar how to prevent rejects.

S Starkey said that reject levels had fallen by 4.5% in May. The LSC requested that rep bodies ask their members to read the Forms Completion guidance² (one for Solicitors and one for Barristers) and the Provider Error Guidance³. Rep bodies agreed to find ways of communicating this to their members **AP1**

D Challis would find out whether it was possible to identify the ‘*worst offenders*’ for barristers. **AP2 Post meeting note:** The LSC’s Management Information system does not at present identify the ‘worst’ chambers. **Closed**

- AP5. N Lewis confirmed that the LSC stats pack had been published – this included the details previously requested by TLS. N Lewis was working with the LSC finance team to agree the regularity with which information could be provided to the CCCG and would update by the end of the week. **Post Meeting Note:** The LSC will provide the 3 data items noted below in advance of the next Civil CCG meeting on Sept 17th. The LSC will aim to provide this information in advance of each CCCG meeting – this will depend to some degree on the timing of the meeting and whether the additional data is unavailable.
 - I. Volume of matters starts reported by category of law
 - II. Volume of bills claimed by category of law
 - III. Value of bills claims by category of law]
- AP6. As mentioned in the previous meeting, N Lewis confirmed that the outcome of the previous FOI request was that the information had not been published at that time because of the ‘intention to publish at a later date’. As noted above, the stats pack had now been published and N Lewis referred to Matthew Coats’ letter to TLS, ASA and the Bar Council which set out details of the data sets that the LSC planned to publish. **Closed**
- AP8. The Law Society’s *Legal Aid Toolkit* would not be ready till the end of August. TLS agreed to share a first draft with the LSC before then. **Closed**

¹ www.legalservices.gov.uk > CLS > Civil contracts > Agreement with The Law Society > Civil Contract Consultative Group

² www.legalservices.gov.uk > Quick links > Civil forms > Documents > Forms guidance

³ www.legalservices.gov.uk > Quick links > Civil forms > Documents > Forms information

- AP11. N Lewis said that LSC had reviewed the papers and it was unclear which actions A Harvey wished to discuss further. N Lewis agreed to take this forward directly with A Harvey outside the remit of CCCG. **Closed**
- AP14. This action was taken forward as **AP3**. The HLPAs representative stressed that this was urgent. **Post meeting note:** MoJ have confirmed that they are currently finalizing discussions on the data supplied by HLPAs and the LSC with a view to responding to HLPAs by the end of August.
- AP16. J Sirodcar said that the proposed *netting* of payments for firms that had more than one account with the LSC would not go live on 1 October because a timetable had not yet been finalised, but the group would be kept informed. **Closed**

2. Integrated Delivery Programme (IDP)

- The IDP pilot was due to commence in October 2012. It involved 47 pilot providers in the North East and any counsel which they had instructed on a case regardless of their location.
- A training website and packs had been published
- At the start of October the new LSC General Ledger Chart Account would go live
- Later in October pilot providers would run new cases on the new system and from December legacy cases would be included as well

D Norville agreed to circulate the names of 47 pilot providers to the CCCG **AP4-Closed**

3. Financial stewardship

J Cable, LSC's Financial Stewardship manager, gave feedback on the LSC's *core testing* for 2011/12. He explained how small monetary values of a billing error seriously impacted on the outcome of the annual NAO audit and thus contributed to the LSC's accounts qualifications. A 50p error on some of the schemes equated to £2k as an extrapolated error. The NAO tested a sample of the cases tested by the LSC for their annual audit and then extrapolated them on the basis of what the LSC had found.

The main issues were:

- Whether or not a level 2 fee was justified in family law. New rules and guidance had been introduced with regards the point of principle that changed the interpretation of a) what a *second meeting* was and b) what constituted a *significant negotiation* rather than a *substantive dispute*.

J Merriam said that the LSC onsite auditors assessed the case according to the old guidance. J Cable said that he would find out what guidance the auditors were using. **AP5. Post meeting note** The LSC's On-Site Audit team has received training on the approach that should be taken to Level 1 and Level 2 family fee claims and the auditors are all aware of the latest guidance. The audit reports reviewed by the Audit Managers do not suggest that any of the auditors are taking an inconsistent or out-of-date approach, but of course a provider can ask the LSC to review a decision made by an auditor if there are grounds to suggest the decision is wrong or an error has been made.

- Immigration

Providers continued to be uncertain about whether a case was immigration or asylum, and this resulted in the incorrect fee being claimed. J Sirodcar circulated a paper on Immigration's common issues and asked rep bodies for feedback within 2 weeks, after which the paper could be published. **AP6** The relevant rep bodies were then asked to direct their members to read this guidance.

- The great majority of mistakes were simple mistakes about claiming the incorrect fee and these were easily avoidable if the LSC guidance was referred to. Further guidance would be issued by J Cable about how to:
 - Handle VAT
 - Claim for Family cases
 - Claim for exceptional cases
 - Establish eligibility

Qualification of the LSC's accounts could be averted by reducing the level of extrapolated error to less than 1% of total expenditure; therefore performance had to improve further and providers with a high level of errors would undergo more audits.

R Miller said that members complained about claims having been rejected by mistake, i.e. the LSC asking for a document that the provider had already sent. He suggested that the LSC send out a message to the profession indicating their desire for joint working and joint responsibility on reducing errors. J Sirodcar agreed with R Miller on this as a way forward but made clear that the issue of rejects did not affect accounts qualification – it was about submitting accurate claims.

J Merriam asked that the LSC website be made easier to navigate so that providers could find the guidance and C Storer commented that a simplification of the fee schemes would help reduce errors.

4. Operational update

The 9 to 5 telephony service was resumed on 25 June. The average answering time had gone down but more calls were received between 10-12 and 2-4, making it difficult for providers to get through during these times. After the full service was restored non urgent calls had started again. Rep bodies were asked to inform their members to spread calls and to use the service for urgent matters only.

Providers could expect to have their billing queries, which were the reason for most non urgent calls, dealt with by the LSC within 72 hours if sent by email, and within 5 working days if sent by post. This way phone lines would be kept free for urgent calls, i.e. those pertaining to legal advice for imminent court cases.

It was believed that non urgent calls comprised 40% of the total. A strong correlation existed between providers that made the most non urgent calls and those with the highest volume of rejects.

S Starkey talked the group through the operational update:

- The level of rejects had increased steadily through May and June but was now beginning to decrease
- A reduction in reject levels of 20% would allow an extra 1,500 bills per week to be paid

- Currently, the majority of payments were made within target time
- Most counsel payments were paid in about 10 days
- Taxed bill processing was currently being prioritised given the concerns expressed over the time that had already elapsed (given that these bills had also been through the Court Assessment process)

VHCC update

Good progress was being made on the family Events Model Pilot. Documentation had been shared with solicitor rep bodies and changes made in accordance with their feedback. Another meeting with family solicitor rep bodies would take place on 26 July to review the documentation and to look at the initial information on solicitor advocates costs.

On the Bar side another meeting would take place on 27 July to discuss regulations, the Events Model, hourly rates and arrangements for working with the Bar. D Keegan invited rep bodies to send any cases that they wished to have included in the sample the LSC were looking at.

5. Commissioning update

K Wood shared with the group the latest data relating to the recent face to face and telephone civil tenders but asked rep bodies not to share the information with their members at this time. The position would be published and rep bodies would have advance sight of this publication. She confirmed that the tender pack would go out on the same day that the tender went live.

6. Contract management

J Sirodcar reiterated what had been said during the Financial Stewardship session

7. Legal Aid Reform Implementation

Retainer work post April 2013

Following discussions at the previous meeting the LSC had received helpful and detailed comments from A Griffith and A Harvey. The issues were complex and the LSC would now carefully consider the detailed scenarios and would discuss further with the Rep Bodies as soon as possible. It was noted that the SRA had not provided (nor was likely to provide), any definitive guidance in relation to interventions.

8. Issues raised by the representative bodies

Sharing of documents with the specialist practitioners groups

Rep bodies felt that policy documents, i.e. the contract specification and some of the regulations, should be shared with them in advance of publication because they had the specialist knowledge and could give valuable feedback.

E Gibby said that she and R Wayte had given careful consideration to this issue and had concluded that, as MoJ and LSC were not consulting on the policy documents, the information given to rep bodies was adequate to the level of response that was expected from them. Representative Bodies expressed disappointed at this response.

K Wood agreed to circulate the tender stats to representative bodies just before providers received notification of the outcome of their tender so that rep bodies could consider the implications. **AP7**

9. AOB

Rep bodies were interested to know whether there had been a reduction in calls to the specialist telephone service and the costs associated to this service. The LSC confirmed that no rigorous analysis had been done but said that a drop in the use of the service had occurred, which mirrored a reduction in the use of face to face advice and a drop in calls to other help lines. J Sirodcar would find out whether data was available about the cost of the telephone service **AP8**.

M Coats joined the meeting.

M Coats said that he had asked the LSC to focus on three main areas going forward:

- i. Continue to improve case working
- ii. The transition to executive agency and maximising the opportunities that this change offered
- iii. Working better with others

It was agreed that the CCCG had been a useful forum for collaborative work but C Storer felt that occasionally some specific issues needed to be addressed within a smaller, specialist group. Nick Lewis pointed out that the LSC had met with MHLA recently and M Coats agreed that the LSC should consider smaller 'specific issue' meetings where appropriate.

Rep bodies said that feedback from their members indicated that:

1. The LSC's improved statistics on bill processing times did not always mirror providers' perception – and complaints were still received about long delays and unjustified rejects.
2. Because of the amount of evidence the LSC requested to support claims providers felt that the LSC did not trust them.

M Coats said that the LSC asked for the evidence to ensure that the correct money was paid and highlighted the context of the LSC's accounts qualification as previously discussed (see section 3, above)

3. Processes were too complex (but acknowledged the merits of POAs going on line)

M Coates understood the difficulties faced by providers; he said that the implementation of IDP was designed to help simplify/speed up processes and reduce errors. He paid tribute to the LSC's considerable achievements over the previous two years and asked that the profession try to appreciate the difficulty of the work the LSC was doing.

4. Some providers remained dispirited because of the historic breakdown of relations between them and the LSC. Any positive feedback given by rep bodies to their members, i.e. about improvements in processing times, did not encourage a more positive attitude towards the LSC.
5. The LSC website was not user friendly and needed to be improved. M Coats confirmed that this was being done.
6. Cases were rejected by the LSC for no good or valid reason and every decision was overturned on appeal.

It was agreed that a sub-group would meet before 17 September to work on this issue from the profession's perspective as well as the LSC's. **AP9. Closed**

7. Professional bodies ought to be kept involved as much as possible at every stage of the decision making process.

J Sirodcar concluded by saying that the prospect of legal challenges to LSC's decision making might also cause the LSC to be over cautious and not share all of the information to a level that both sides would find advantageous.

Actions from this meeting		Lead	By When
AP1	Communicate the links re civil bill rejects to their members	Rep Bodies	Asap
AP2	Provide a list of the worst rejects offenders for counsel, if possible.	D Challis	Post meeting note: The LSC's Management Information system does not at present identify the 'worst' chambers Closed
AP3	Provide information on concluded disrepair cases & housing providers	D Keegan	Post meeting note: MoJ have confirmed that they are currently finalising discussions on the data supplied by HLPAs and the LSC with a view to responding to HLPAs by the end of August.
AP4	Circulate the list of 47 IDP pilot providers	D Norville	Closed
AP5	1. Ascertain what guidance the LSC auditors were using in relation to Level 2 fees. 2. Draft guidance re: <ul style="list-style-type: none"> • VAT • Level 1/Level 2 claims • claim for exceptional cases • establish eligibility 	J Cable	1. Post meeting note The LSC's On-Site Audit team has received training on the approach that should be taken to Level 1 and Level 2 family fee claims and the auditors are all aware of the latest guidance. The audit reports reviewed by the Audit Managers do not suggest that any of the auditors are taking an inconsistent or out-of-date approach but of course a provider can ask the LSC to review a decision made by an auditor if there are grounds to suggest the decision is wrong or an error has been made.
AP6	Send comments to J Sirodcar about the paper on Immigration common issues	Rep bodies	Closed
AP7	Circulate stats on civil tender results with CCCG	K Wood	Closed
AP8	Update the group on the cost of the telephone service	J Sirodcar	Closed
AP9	Set up a sub-group meeting in late September to discuss the reasons for bills being rejected by the LSC	J Sirodcar	Closed