

Civil Contracts Consultative Group (CCCG) Minutes

9 September 2013

Date:	Monday 9 September 3pm		
Where	The Law Society, 103 Chancery Lane, Fetter Room		
Chair:	Joy Merriam - TLS		
Attendees:	Alison Harvey-ILPA Andrew Tucker - MoJ Avrom Sherr-IALS Ben Chataway - HLP Carol Storer – LAPG Clare Blades –CAB David Keegan – LAA	Eleanor Druker – LAA Gillian Hothersall - LAA John Sirodcar – LAA Kathy Hartup-LAA Kevin Westall – MoJ Mark Barwick - LAA Matthew Howgate – LAPG	Nicola Jones-King – ALC Richard Busby - Resolution Sarah-Jane Bennett-BC Simon Cliff - TLS Tamsin Fendley – LAA
Apologies:	Deb Challis – LAA Elizabeth Gibby – MoJ Ian Bugg – BC Jan Luba – BC Karen Finlay – MoJ Kerry Wood – LAA	Laura Wensley – LAA Neil Lewis – LAA Nick Lewis – MHLA Rachel Rogers – Resolution Richard Miller – TLS Sara Stephens – HLP	Simone Hugo-Lake – LAA Steve Starkey – LAA Terry Davies – LAA Vicky Ling – Resolution Zoe Farrant – LAA

1. Minutes and actions from 15 July

The minutes were approved subject to three amendments: item 2, 7.2 and 8.1. The amendments suggested by A Harvey were discussed and revised wording agreed. A final version will be circulated once it is available.

Updates on actions from July were discussed as follows:

AP2 [July] C Storer reported that comments had been collated and passed on; K Hartup thanked everyone for comments and contributions regarding the website. Following the last meeting, a document responding to queries on the website was circulated by email (by G Hothersall on 22 July). Catriona Myers-Wilson was taking forward further work on the website and will provide an update in early October.

Post Meeting note: C Myers-Wilson has provided the following update:

LAA have raised with MoJ Digital Services Division all concerns raised by CCG members about gov.uk content.

MoJ DSD have responded to confirm that the Government Digital Services will only consider making changes to current content where there is a clear factual inaccuracy or as a result of feedback from citizens.

Their view is that the majority of comments shared do not relate to factual accuracy. Unless we can provide evidence that the content is confusing or misleading to citizens they will not update.

LAA will continue to liaise, particularly as content on justice.gov.uk will also be migrated to gov.uk in 2014

E Druker reported that work on the gov.uk website was progressing, with the priority being to remove statements which were now factually inaccurate. Any further comments on the gov.uk website should be sent to E Druker. It should be noted that the Government Digital Service had the final decision re content

AP1 [Sep] All to send any further comments on gov.uk website to E Druker who will raise them with MoJ.

AP7 [July] Andrew Tucker gave an update regarding the MoJ liaison with police and GPs. The exercise is being repeated and various meetings have taken place to review the first six months and address issues. MoJ are working to ensure GPs understand exactly what they need to provide and what the letters will be used for. E Druker confirmed that guidance on evidence requirements would be updated in line with this work.

AP10 [July] Post meeting note: S Starkey confirmed that the Civil Finance Electronic Handbook has been released. The FAS section starts on p23. The Handbook is available at:

<http://www.justice.gov.uk/downloads/legal-aid/funding-code/electronic-handbook.pdf?type=Finjan-Download&slot=00000343&id=00001342&location=0A64020B>

AP11 [July] Post meeting note: S Starkey confirmed that guidance on the issue regarding seals is on page 29 of the Civil Finance Electronic Handbook. A revised version of the Claim 5A checklist will be issued shortly.

AP15 [July] Post meeting note: meeting between K Wood and ILPA took place on 20 September. Action can now be closed.

Other updates on actions from July (including post-meeting notes) can be found with the actions at the end of these minutes.

AP1 [May] J Luba/D Challis were unable to attend; G Hothersall will follow up.
Post meeting note: this action can now be closed.

AP2 [May] J Sirodcar to report back on provider training later in the year.

All other actions from May were closed down.

It was requested that if members of the group were unable to attend, they brief the relevant attendee beforehand on any open actions or updates. It was also suggested that due dates for actions should usually be in advance of the next meeting.

2. IDP

2.1 Client and Cost Management System (CCMS) update

The minutes of the External Implementation Group (EIG) had been circulated for information. J Sirodcar gave a top line summary of the current position, as follows:

- 44 pilot providers and 26 more last week
- 1,743 applications and 812 bills
- 60% reduction in applications rejected
- Applications – system now stable and speed OK.
- Bills – system speed issues

We now have a finalised list of suggested changes. We are discussing with Cap Gemini and will produce by end September details of:

- Which ones we have already made
- Which we consider are critical before national roll out
- Which we consider are desirable before national roll out
- Which are desirable but we probably won't do before national roll out

- Which we don't support and don't intend to make

AP2 [Sep]: J Sirodcar to provide further update.

2.2 National roll out

Current plan for next phases:

- Migration of existing cases for pilot providers - October
- First phase (new cases) A to F and all barristers - mid January 2014
- Second phase (new cases) remaining providers - mid March 2014
- Existing cases nationally - April

There was discussion of the need to ensure the system was fit for purpose – both for providers and for LAA - before roll-out; the significant contribution of the pilot providers was acknowledged.

3. Operational update

3.1 Civil billing information

Mark Barwick gave an update on this. The guidance and rates calculator are available on the website, and there will be communication on how providers can reduce rejects via the Legal Aid Bulletin in late October. The checklist is being used more, and having a positive effect. Providers are being given priority returns, where appropriate and the fix-it email address is being used effectively.

3.2 VHCC

David Keegan updated on current work within the Family area:

Barrister/advocates: a pilot of direct contracting will run from October to December with between five and ten Chambers. Developing a FAS+ scheme where VHCC cases do not fit with the FAS scheme. Meeting with barristers this month to progress.

Solicitors: discussion has taken place about litigators, focussing on the 100 or so firms who do much of the VHCC work; working with contracting teams to develop further.

Solicitor advocates: a trial has been running for a year with approx 10 firms, offering a different form of events model; this may be expanded to open it to all firms of solicitors. D Keegan is keen to do this, but stressed that consensus needs to be reached among those involved at the July meeting as to whether this should go ahead. Resolution are discussing with their committee in September.

AP3 [Sep]: Richard Busby to ask at the next Resolution committee meeting for views on expanding the trial of the events model.

3.3 NMS data

John will continue to provide information on the telephone advice service; accurate data should be available by early October.

AP4 [Sep]: J Sirodcar to provide latest information on the telephone advice service.

The latest information on NMS was discussed. A Sherr asked for views on the drop in clients and what may have happened to them. A Harvey said that in Immigration they are not finding representation; C Blades said that it remains to be seen whether CAB can pick up those clients no longer in scope. J Merriam said that CAFCAS figures showed an increase in Private Law Children Act applications. B Chataway suggested that much of what is no longer in scope did not result in court proceedings anyway, so remains unseen. C Storer said she had heard reports of people assuming legal aid would no longer be available.

K Westall reminded the meeting that MoJ put in place a robust channels and communications strategy to support the introduction of the LASPO changes. This involved an extensive engagement exercise with partner organisations who had traditionally been the main referral routes for clients into legal aid, including some represented at the meeting, to ensure that accurate and relevant information about the LASPO changes was made available.

A key element of the strategy was the development and introduction of the new online legal aid eligibility checker, to assist people to identify whether or not a particular problem is within scope of the revised scheme and signpost them to relevant sources of information, including contracted legal aid advice providers, where appropriate. Alongside this, all communications all contained details of the assistance available from and means of contacting the CLA telephone helpline. MoJ is currently reviewing the information provided by partner organisations as it is clear that some have not understood the LASPO changes fully.

4 LAT update

E Druker gave an update regarding the recent announcement of the second consultation on Legal Aid Transformation (LAT).

K Westall Changes to civil fees family cut : April 2014 planned date.

Changes to expert fees - no specified date yet but intention is by end this calendar year.

Residence test - planned for early 2013. Evidence requirements being looked at by Ministry of Justice.

ARH requested that for the residence test the position of those given leave as stateless persons be considered. This is a new type of leave and is not addressed anywhere.

AP5 [Sep]: K Westall to discuss with David Holmes re organising pre-meetings with the rep bodies, prior to implementation.

Members were encouraged to respond to the consultation with any concerns. It was acknowledged that there were four other consultations at present (Crime, Judicial review, Joint Committee on Human Rights and Low Commission) which are all time-consuming to respond to; however, it was important that as many people as possible took the opportunity to engage with the consultation.

5. Issues raised by representative bodies

5.1 Exceptional funding

D Keegan updated on this. The volumes have risen to about 40-50 per week and the quality of applications has been improving. The majority of the applications have been in Family and Immigration. The situation will be reviewed in October as part of the review of the first six months of LASPO. Rep bodies were thanked for their contribution in feeding back information to enable good applications to be submitted. A Harvey asked if it would be possible to provide a headline summary of what types of cases were going through. D Keegan agreed to provide the information and proposed that the trends would become clearer as more cases were determined.

AP6 [Sep]: D Keegan to update on exceptional funding at future meetings, and provide information on categories of law if available.

5.2 Mandatory Telephone Gateway enquiries - face to face

Discussed under item 3.3.

5.3 LASPO scope issues

S Cliff had provided a list of issues; E Druker said that some were comments on policy, and others were outside of LAA's role to advise; however, she would respond in detail where possible, following the meeting. E Druker indicated that the only guidance is the Lord Chancellor's guidance, there is nothing else.

**AP7 [Sep]: E Druker to respond by email to queries on LASPO scope issues.
Post meeting note: response circulated on 12 September;
Specific queries raised by Sara Stevens – Simone Hugo-Lake to respond on these.**

5.4 Cases which are inappropriate for CFAs

D Keegan reported on this. A technical issue meant the App1 form question changed from 'suitable' to 'unsuitable'. A Legal Aid Bulletin article was published on 29 August – available at:

<http://www.justice.gov.uk/legal-aid/news/latest-updates/civil-news/applications-checklist-updates-to-stop-rejects>

Caseworkers were trained to ensure mistakes were not made. Existing applications are being checked during September.

S Cliff had sent a letter to J Sirodcar regarding suitability for CFAs. Concern was expressed that providers are being asked to reinvent the wheel and to get quotes from insurers in cases on all fours with ones Legal Aid Agency has accepted are not suitable for a conditional fee arrangement. It was identified that there were particular problems with immigration judicial review and clinical negligence actions against the police.

AP8 [Sep]: D Keegan to follow up the issues raised in S Cliff's letter re CFAs.

5.5 Family high cost cases – events model

Discussed under item 2.

5.6 2010 Standard Civil Contracts scheduled to terminate March 2014

E Druker said that at present the preferred approach to retendering civil categories covered by the 2010 contract would be to stagger the tender processes but further consideration was being given to how this might work.

6 AOB

6.1 MoJ information gathering exercise

A Harvey mentioned the letter from Joe Parsons of the Family and Immigration Legal Aid Policy team within MoJ, regarding an information gathering exercise (letter circulated on 5 September). She queried the purpose of this exercise, and mentioned that one particular firm has told her they were asked for 18 files. (Post meeting note: the actual figure was later confirmed as 11 files.) She asked whether anything could be done to help firms with a request for large numbers of files.

A Tucker explained that Ministers are keen to monitor the impact of the new scheme, and that details of this exercise were sent out before the scheme went live. E Druker said she would investigate.

AP9 [Sep]: E Druker to investigate what can be done to help firms with a request for large numbers of files to contribute to the information gathering exercise.

Post meeting note: it was confirmed later that those providers who were asked for higher samples have reported a larger proportion of cases where the client is shown as under 18; the sample sizes were therefore considered appropriate by the Legal Aid Agency. The three firms who have been asked for 10 or more cases have now been given an extension of two weeks to complete the exercise.

6.2 New advocacy rates for Civil non-family work

SJ Bennett asked whether the new rates for barristers would be implemented with other LAT changes later this year; K Westall confirmed that they would and that it was currently expected that the trigger date for work already in progress would follow the LASPO transitional arrangements. There is no guidance additional to the regulations and it is not certain that there will be any.

6.3 Financial eligibility and evidence of means

C Storer said she had written to Owen Mapley and Shaun McNally with concerns about financial eligibility, and would inform the group of the response.

The next meeting is on Monday 11 November.

Actions from this meeting		Owner	By when
AP1 [Sep]	All to send any further comments on gov.uk website to E Druker who will raise them with MoJ.	All	1 Nov
AP2 [Sep]	J Sirodcar to provide further update on IDP.	J Sirodcar	4 Oct
AP3 [Sep]	Richard Busby to ask at the next Resolution committee meeting for views on expanding the trial of the events model.	R Busby	4 Oct
AP4 [Sep]	J Sirodcar to provide latest information on the telephone advice service.	J Sirodcar	4 Oct
AP5 [Sep]	K Westall to discuss with David Holmes re organising pre-meetings with the rep bodies, prior to implementation.	K Westall	1 Nov
AP6 [Sep]	D Keegan to update on exceptional funding at next meeting, and provide information on categories of law if available.	D Keegan	11 Nov
AP7 [Sep]:	E Druker to respond by email to queries on LASPO scope issues. Post meeting note: response circulated on 12 September; Specific queries raised by Sara Stevens – Simone Hugo-Lake to respond on these.	E Druker	Closed
AP8 [Sep]:	D Keegan to follow up the issues raised in S Cliff's letter re CFAs.	D Keegan	4 Oct
AP9 [Sep]:	E Druker to investigate what can be done to help firms with a request for large numbers of files to contribute to the information gathering exercise. Post meeting note: can now be closed, see 6.1 above.	E Druker	Closed

Actions from July Civil CCG		Owner	By when
AP1 [July]	<p>Updated from AP4 [Mar]. Original action:</p> <ol style="list-style-type: none"> 1. Find out if monthly volume data on immigration and asylum, by procurement area can be given to A Harvey 2. add to the report the comparative figures for legal help matters for the previous two years <p>This will be produced every few months. Z Farrant to update A Harvey by end July. Post meeting note: Z Farrant has now updated A Harvey. Action can be closed.</p>	Z Farrant	Closed
AP2 [July]	<p>C Storer to contribute a written report on website issues for next meeting, to which K Hartup will contribute. Update: Verbal update given – see item 1. Closed</p>	C Storer	Closed
AP4 [July]	<p>All to send any other suggestions for encouraging wider readership of Legal Aid Bulletins to K Hartup by Monday 22 July. Update: work being taken forward on this. Action can be closed</p>	All	Closed
AP7 [July]	<p>K Finlay to consider MoJ repeating previous liaison exercise, and report back. Update: Andrew Tucker update at meeting – see item 1.</p>	K Finlay	Closed
AP8 [July]	<p>K Wood to circulate the link to the list of allocated NMS. Post meeting note: Circulated by email on 13 September</p>	K Wood	Closed
AP10 [July]	<p>S Starkey to circulate FGF/FAS information and finalised guidance. Post meeting note: action can now be closed – see item 1.</p>	S Starkey	Closed
AP11 [July]	<p>S Starkey to feed back on seal issue by early August. Update: S Starkey to feed back in advance of next meeting. Post meeting note: action can now be closed – see item 1</p>	S Starkey	Closed
AP13 [July]	<p>K Wood to circulate table of withdrawn and failed bids. Post meeting note: Circulated by email on 13 September</p>	K Wood	Closed
AP14 [July]	<p>K Wood to circulate table of redistributions. Post meeting note: Circulated by email on 13 September</p>	K Wood	Closed
AP15 [July]	<p>K Wood to feed back from meeting on immigration removal centres. Post meeting note: met with ILPA on 20 September.</p>	K Wood	Closed
AP16 [July]	<p>D Keegan to feed back any data available re exceptional cases at next meeting. Update: discussed under item 3.</p>	D Keegan	Closed

Actions from May Civil CCG		Owner	By when
AP1 [May]	Send examples of clients that could not find a provider to take on their case to D Challis Update: J Luba to follow up Post meeting note: this has been done and action can be closed.	J Luba	Closed
AP2 [May]	Think about what topics should take priority in providers' training and feedback to J Sirodcar	Rep bodies	Closed
	Collate all feedback and circulate to CCCG Update: JS to report back on provider training later in the year.	J Sirodcar	11 Nov