

Civil Contracts Consultative Group (CCCG) Minutes

11 November 2013

Date:	Monday 11 November 3pm		
Where	Lower Ground 1A, MoJ, 102 Petty France, London SW1H 9AJ		
Chair:	John Sirodcar - LAA		
Attendees:	Alison Harvey-ILPA Amelia Walker - BC Carol Storer – LAPG Carole Georgestone - LAA David Keegan – LAA Gillian Hothersall - LAA Jacky White – Shelter Jon Cable – LAA	Joy Merriam – TLS Kathy Hartup-LAA Kerry Wood - LAA Kevin Westall – MoJ Matt Howgate – LAPG Neil Lewis – LAA Nick Lewis – MHLA Nick Stocker - LAA	Nicola Jones-King – ALC Rachel Rogers - Resolution Sarah-Jane Bennett-BC Sara Stephens - HLP Simon Cliff – TLS Simone Hugo-Lake – LAA Steve Starkey – LAA (by phone) Stuart Hollands – LAA
Apologies:	Avrom Sherr - IALS Claire Blades – CAB Eleanor Druker – LAA Dave Emmerson – Resolution Elizabeth Gibby – MoJ Ian Bugg – BC	Jan Luba – BC Jenny Beck - LAPG Jenny Robson – LAA Joe Risk – LAA Laura Wensley - LAA Mathew Cunningham – Shelter	Noeleen Adams - LCN Richard Charlton – MHLA Richard Miller – TLS Zoe Farrant – LAA Diane Burleigh – CILEx

1. Minutes and actions from 9 September

The minutes were approved. A final version will be circulated shortly.

AP9 [Sep] MoJ information gathering exercise:

In response to a comment from A Harvey, J Sirodcar confirmed that the maximum number of files requested was 11, and that the vast majority of providers were only asked for a few files; any provider who was asked for a larger sample conducted a higher proportion of this type of work. The point was accepted that any request needs to be proportionate.

Open actions from September (and the only remaining open action from May) were discussed under their relevant agenda items and either closed or taken forward. All actions from July had already been closed.

2. Core testing update

Jon Cable gave an update (as outlined in the 'Common Legal Help Claiming Errors' presentation which had been circulated). He noted that improvements had been seen in the way providers assess eligibility. He also reminded the meeting that, post LASPO, at least one client referred for mediation under a funding code has to be eligible in order for the fee to be paid; members were asked to reinforce this message with their members, and also to feed back to them that the overall picture is improving.

In response to a query from A Harvey, J Cable confirmed that under claiming was not offset against over claiming in these figures. J Sirodcar confirmed that the LAA's focus is to ensure that claims are appropriate and correct.

3. Update re Civil bill rejects

JS reiterated the reasons for LAA's focus on reducing rejects: they waste time, increase members' admin costs and impair their cash flow. LAA's own error rate has been reduced from roughly 20% to 3% after significant work has been undertaken to reduce it. Checklists for providers have been updated and republished, and the email address for queries has been publicised. Colleagues from TLS and LAPG have been very helpful in feeding in to this work. Provider error rate has dropped significantly from the initial 30% to 19% and is expected to continue. This is largely due to increased use of the checklists, combined with senior awareness of the issue. Further work is being done, and the few providers who need further help will be contacted shortly to discuss what can be done to improve their reject rate. If necessary, contract action will be taken against the few providers who do not improve. This may include only allowing them to bill us monthly; a sample of the bills may be scrutinised and if a higher reject rate than 20% is found, the sample may be returned for resubmission the following month. It was stressed that this is not desirable, and would not be needed in the vast majority of cases. Five firms who have previously been on the 'worst list' for rejects had achieved zero rejects last month, and most are very positive about the work being done to help them achieve this. Alison Harvey confirmed her view that the LAA should be taking swift contract action against those providers who have not improved.

In response to a query, J Sirodcar confirmed that payments on account (POA) are not included in this – purely Claim 1 civil certificated bills.

4. IDP - Client and Cost Management System (CCMS) update

The minutes of the External Implementation Group (EIG) had been circulated for information. J Sirodcar confirmed that system changes were on target for 20 January. A large provider had been involved in helping to feed back on the system and on training. External training sessions have now been launched and begin on 18 November; providers who are A-F and counsel can book on an event at <http://ccmslegalaid.eventbrite.co.uk>

**AP1 [Nov]: JS to circulate link to external training sessions separately to members this week.
Post meeting note: circulated – action can be closed.**

SJ Bennet commented that she had met with the IDP group the previous week, and asked whether there has been any further communication with counsel from the large provider, as there could be implications if more people are involved at an earlier point than anticipated.

**AP2 [Nov]: JS to explore what communication has been circulated regarding the large provider's involvement.
Post meeting note: K Hartup has now confirmed this with SJ Bennet. Action can be closed.**

K Hartup confirmed that, as mentioned in the recent LA Bulletin, the window for voluntary use has been extended to three months.

C Storer queried whether a provider called 'The Family ...' would be listed under T or F. K Hartup will confirm.

**AP3 [Nov]: K Hartup to confirm convention re alphabetical listing of providers.
Post meeting note: K Hartup has now confirmed this to C Storer. Providers whose name begins with 'The' are listed under T and fall into Tranche 2. Action can be closed.**

S Cliff asked whether LAA were looking at the Scottish Legal Aid Board's system (primarily used for Crime) as it could prove helpful. J Sirodcar confirmed that LAA are liaising with SLAB on this.

In response to a comment from R Rogers, J Sirodcar confirmed that LAA were considering carefully what action to take if some enhancements were not available on 20 January; obviously this would vary depending on the impact of any particular enhancement.

5. Civil CCG membership/distribution lists

Amendments to the list were agreed, and members were invited to advise G Hothersall if anyone they felt should be added to/removed from the membership or circulation lists.

**AP4 [Nov]: all to advise G Hothersall of any additions, deletions or amendments needed to the membership and circulation lists.
Post meeting note: no further changes received – action can be closed.**

6. Provider training

S Holland outlined the work he has been doing on provider training. He confirmed that Legal Aid Transformation (LAT) and CCMS already have training plans which sit with their individual project boards. His work has been on the contract management aspect – hot issues such as civil bill rejects and core testing.

An online training module has been developed for immigration core testing errors, and went live in September on the training website. Webex sessions have also been organised on civil bill rejects, and the slides have been made into an online training module. Sessions on rejects from FAS have been organised, and the next topic for Webex sessions is means assessment and civil applications. All these will become online training modules also.

C Storer suggested looking at JRS consultants' Webex training sessions on Fridays; also to explore webchats such as the MoJ ones – announcing a topic a few weeks in advance, asking for questions to be emailed and inviting people to log in and participate on the day. The Webex sessions LAA is already running are a micro version of this.

K Hartup confirmed that the first phase of the LAT training has just gone live –she will circulate a link.

**AP5 [Nov]: K Hartup to circulate link to LA training this week.
Post meeting note: now circulated – action can be closed.**

K Westall confirmed that SIs are going through Parliament for the changes being brought in by 2 December. Announcements will be made once these are laid.

7. Operational update

7.1 Civil billing information

S Starkey gave an update on this, and invited feedback on the new checklists which were released in last week's Legal Aid Bulletin details of which can be found here: <http://www.justice.gov.uk/legal-aid/news/latest-updates/civil-news/new-checklists-to-help-with-your-claims>. The first five questions on each of these new style checklists are the ones that tend to lead to most rejects (or repeat rejects) Undertaking these checks will be mandatory in future regardless of the number of defects we find which we do expect will help to reduce secondary rejects. Can you please encourage your members to use these new versions please?

We have also received positive feedback regarding the use of the Civil Billing Electronic Handbook. You can find this handbook here: <http://www.justice.gov.uk/downloads/legal-aid/funding-code/electronic-handbook.pdf>

Again we would really encourage both the use of the handbook by your members and would ask for feedback on the contents as well as any additions that you would like to see included.

7.2 VHCC

D Keegan gave an update on the following:

ECF. It was confirmed that the rate has stabilised through October. LAA is looking to publish monthly information. K Westall confirmed that Ministers' intention was that the test should be a high threshold test designed for exceptional cases only.

VHCC Family – LAA is running a direct contracting pilot for self-employed advocates in 9 chambers. A pilot is also planned for FAS+ additional payments.

7.3 CFA suitability

D Keegan gave an update on this and sought input from representative bodies.. LAA plans to meet with Richard Busby to discuss.

C Storer suggested LAA developing a brief surveymonkey survey in an LA Bulletin so that recipients can feed into the work on CFA suitability.

AP6 [Nov]: D Keegan to consider how best to obtain the information sought

Post meeting note: D Keegan confirmed the following action has been taken:

1. As suggested at the last meeting we have developed a Surveymonkey questionnaire to send out to providers. We will want to test it with a small group first – if there are some individuals at CCCG who would like to be involved, please let D Keegan know.
2. LAA will be contacting the main ATE providers on their offerings.
3. LAA will then come back to rep bodies with its views on suitability.

In the interim the LAA will continue to determine 'case by case'.

8. Commissioning update – Civil 2010 replacement contracts

K Wood provided an update.

A Walker asked about Welfare Benefits contracts; there is only interim coverage by the LCN for North Wales and South West. K Wood confirmed that existing telephone WB contracts are being extended until February. She also commented that information on law centres does not seem readily available on the internet. LAA is working with LCN to provide a link to an appropriate page on their website. J Sirodcar confirmed that for the time being the best advice is to phone the CLA service on 0845 345 4345.

AP7 [Nov]: K Wood to liaise with S Hugo-Lake regarding the information to be provided on Civil 2010 replacement contracts. S Hugo-Lake to circulate link to the information on Welfare Benefits providers, when it is available.

9. Issues raised by representative bodies

9.1 Volume and value figures

There were no queries on these.

9.2 Telephone gateway service

J Sirodcar had received requests from Ellie Cronin regarding information on the telephone gateway service. He stressed that this level of detail has not been provided previously, and some of it will not readily be available. Also it may not be appropriate, given the MoJ's review of the service. However, he will respond with some top level information shortly.

AP8 [Nov]: J Sirodcar to provide top level information regarding the telephone gateway service. Post meeting note: information circulated - action can be closed.

AP9 [Nov]: K Westall to circulate the email confirming the timing and extent of the MoJ's review. Post meeting note: meeting held on 16 December. Email circulated for reference. Action closed.

A query on civil bill rejects had already been covered earlier in the meeting.

9.3 Mediation take-up

S Hugo-Lake responded to the request for the latest data on mediation take-up. She will circulate a table of figures for circulation. She confirmed that MoJ are continuing to consider a range options for encouraging take-up of mediation.

AP10 [Nov]: S Hugo-Lake to provide latest data on mediation take-up for circulation. Post meeting note: circulated – action can be closed.

9.4 Universal Credit

S Hugo-Lake confirmed that LAA is currently passporting people on Universal Credit, which DWP has rolled out to 5 job centres to date. The roll out is slower than anticipated and therefore any possible consultation has been postponed pending further consideration of the impact of Universal Credit on the legal aid system as it is rolled out. MoJ will decide on whether to consult on the impact of Universal Credit and the legal aid system once detailed roll out plans for Universal Credit become available from DWP.

C Storer mentioned that the website is not up to date regarding Universal Credit. K Hartup asked if she could provide the relevant link so we can update.

AP11 [Nov]: C Storer to email K Hartup with the out of date link regarding Universal Credit.

Post meeting note: this referred to a news update from July which had been superseded by one from October. Previous news updates remain on the website for information. Action closed.

Up to date information on UC can be found here on the website:

<http://www.justice.gov.uk/legal-aid/assess-your-clients-eligibility>

9.5 JR consultation

K Westall confirmed that the consultation has closed and responses are currently being considered. There is no currently firm date for response to be published.

9.6 Timetable for LAT

This was covered earlier – MoJ can confirm once regulations are laid.

AP12 [Nov]: K Westall to consider how best to publicise the laying of SIs.

Post meeting note: K Westall confirmed the following:

A number of the Statutory Instruments (SI) implementing the LAT reforms announced in the Legal Aid Transformation - Next Steps paper published in September 2013 have already been laid. These can be viewed at www.legislation.gov.uk/ and a list will be circulated to Civil CCG members for reference.

MoJ will advise the CCCG secretariat when any further SIs implementing reforms arising out of the Legal Aid Transformation programme are laid to allow them to alert group members.

The query re civil contract extensions was covered earlier.

9.7 LASPO scope queries

S Stephens asked for further clarity on scope in cases of ambiguity. K Westall responded that the MoJ's position is that no further guidance can be given, as decisions need to be on a case to case basis. It was agreed J Sirodcar will discuss with S Hugo-Lake what the appropriate action should be.

AP13 [Nov]: J Sirodcar to consider best response to requests from S Stephens for additional guidance.

Post meeting note: responded by email on 16 December. Action can be closed.

9.8 Gov.uk website issues

S Stephens commented that the 'Find a legal aid provider' page is difficult to find and does not seem to work well. The advice to upgrade to Google Chrome may cause problems. Many providers have instructed their staff not to use Google Chrome because of data protection concerns.

AP14 [Nov]: all invited to provide website queries for the Government Digital Service team to respond to.

Post meeting note – action can be closed.

AP15 [Nov]: G Hothersall to invite someone from Government Digital Team to the January meeting.

Post meeting note: Brooke Stevens attending next meeting – action can be closed.

10. LAA Narrative and Performance Measures

J Sirodcar outlined these. They are an internal LAA document, but the values and themes will be woven into LAA communications. Members may circulate more widely if desired.

J Merriam queried why the figures do not add up. K Hartup will respond on this – clearly not all figures are included in this document.

AP16 [Nov]: K Hartup to confirm the rationale for the figures included in the LAA Performance Measures.

11 AOB

11.1 Mediation statistics

R Rogers asked whether the mediation statistics could be broken down further. S Hugo-Lake will investigate.

AP17 [Nov]: S Hugo-Lake to explore whether mediation statistics can be broken down further.

The next meeting is on Tuesday 14 January.

Actions from this meeting		Owner	By when
AP1 [Nov]	JS to circulate link to external training sessions separately to members this week. Post meeting note: circulated – action can be closed.	J Sirodcar	Closed
AP2 [Nov]	JS to explore what communication has been circulated regarding the large provider’s involvement. Post meeting note: K Hartup has now confirmed this with SJ Bennet. Action can be closed.	J Sirodcar	Closed
AP3 [Nov]	K Hartup to confirm convention re alphabetical listing of providers. Post meeting note: K Hartup has now confirmed this to C Storer. Providers whose name begins with ‘The’ are listed under T and fall into Tranche 2.	K Hartup	Closed
AP4 [Nov]	All to advise G Hothersall of any additions, deletions or amendments needed to the membership and circulation lists. Post meeting note: no further changes received – action can be closed.	All	Closed
AP5 [Nov]	K Hartup to circulate link to LA training this week. Post meeting note: now circulated – action can be closed.	K Hartup	Closed
AP6 [Nov]	D Keegan to consider how best to obtain the information sought Post meeting note: closed – see 7.3	D Keegan	Closed
AP7 [Nov]	K Wood to liaise with S Hugo-Lake regarding the information to be provided on Civil 2010 replacement contracts. S Hugo-Lake to circulate link to the information on Welfare Benefits providers, when it is available.	K Wood / S Hugo-Lake	14 Jan
AP8 [Nov]	J Sirodcar to provide top level information regarding the telephone gateway service. Post meeting note: information circulated - action can be closed.	J Sirodcar	Closed
AP9 [Nov]	K Westall to circulate the email confirming the timing and extent of the MoJ’s review. Post meeting note: meeting held on 16 December. Email circulated for reference. Action closed.	K Westall	Closed
AP10 [Nov]	S Hugo-Lake to provide latest data on mediation take-up for circulation. Post meeting note: circulated – action can be closed.	S Hugo-Lake	Closed

AP11 [Nov]	C Storer to email K Hartup with the out of date link regarding Universal Credit. Post meeting note: closed – see 9.4	C Storer	Closed
AP12 [Nov]	K Westall to consider how best to publicise the laying of SIs. Post meeting note: closed – see 9.6	K Westall	Closed
AP13 [Nov]	J Sirodcar to consider best response to requests from S Stephens for additional guidance Post meeting note: responded by email on 16 December. Action can be closed.	J Sirodcar	Closed
AP14 [Nov]	All invited to provide website queries for the Government Digital Service team to respond to. Action can be closed.	All	Closed
AP15 [Nov]	G Hothersall to invite someone from Government Digital Team to the January meeting. Brooke Stevens attending 14 January meeting. Action can be closed.	G Hothersall	Closed
AP16 [Nov]	K Hartup to confirm the rationale for the figures included in the LAA Performance Measures.	K Hartup	29 Nov
AP17 [Nov]	S Hugo-Lake to explore whether mediation statistics can be broken down further.	S Hugo-Lake	14 Jan

Actions from September Civil CCG		Owner	By when
AP1 [Sep]	All to send any further comments on gov.uk website to E Druker who will raise them with MoJ. Discussed under item 1 and 9.3. Action can be closed. Taken forward as AP14 [Nov]	All	Taken forward as AP14 [Nov]
AP2 [Sep]	J Sirodcar to provide further update on IDP. Discussed under item 4. Action can be closed.	J Sirodcar	Closed
AP3 [Sep]	Richard Busby to ask at next Resolution committee meeting for views on expanding the trial of the events model. Discussed under item 7.3. Action can be closed.	R Busby	Closed
AP4 [Sep]	J Sirodcar to provide latest information on the telephone advice service. Discussed under item 9.2. Action can be closed.	J Sirodcar	Closed
AP5 [Sep]	K Westall to discuss with David Holmes re organising pre-meetings with the rep bodies, prior to implementation.	K Westall	Closed

	Discussed under item 6. Action can be closed.		
AP6 [Sep]	D Keegan to update on exceptional funding at next meeting, and provide information on categories of law if available. Discussed under item 7.2. Action can be closed.	D Keegan	Closed
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. Discussed under item 9.7. Action can be closed. Taken forward as AP13 [Nov].	S Hugo-Lake	Taken forward as AP13 [Nov]
AP8 [Sep]	D Keegan to follow up the issues raised in S Cliff's letter re CFAs. Discussed under item 7.3. Action can be closed. Taken forward as AP6 [Nov]	D Keegan	Taken forward as AP6 [Nov]
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. Discussed under item 1. Action can be closed.	E Druker	Closed

Actions from May Civil CCG		Owner	By when
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. Discussed under item 6. Action can be closed.	J Sirodcar	Closed