

Civil Contracts Consultative Group (CCCG) Minutes

12 May 2014

Date:	Monday 12 May 3pm		
Where	Room 1C, Lower Ground Floor, 102 Petty France, London SW1H 9AJ		
Chair:	Richard Miller – TLS		
Attendees:	Alison Harvey-ILPA Amelia Walker - BC Avrom Sherr – IALS Carol Storer – LAPG Chris Owens - MoJ David Keegan – LAA Eleanor Druker – LAA	Ellie Cronin – TLS John Sirodcar – LAA Julie Bishop – LCN Kathy Hartup – LAA Kerry Wood – LAA Kevin Westall – MoJ Mark Edwardes – LAA	Nicola Jones-King – ALC Paul Seddon - ACL Rabeya Begum – LAA Sarah-Jane Bennett – BC Sara Stephens – HLP Steve Starkey – LAA Tomako Uraki – guest of ILPA
Apologies:	David Emmerson – Resolution; Elspeth Thompson – Resolution; Gillian Hothersall – LAA; Ian Bugg – BC; Jan Luba – BC; Matt Howgate – LAPG; Nick Lewis – MHLA; Richard Busby – Resolution; Simon Cliff - TLS		

1. Minutes and actions from 10 March

The March minutes were agreed as final.

Action points from March:

AP5 [Mar]: S Starkey to discuss with Lucy Williams (Mental Health Unit team) the issues regarding means information where mental health issues are concerned, and ask her for a definitive response.

Post meeting note: this guidance has now gone live on the website and can be found at:

<http://www.justice.gov.uk/legal-aid/newlatest-updates/civil-news/new-guidance-for-mental-health-providers>

Action can be closed.

AP6 [Mar] S Starkey to clarify how lead means assessors can be contacted.

It was clarified that this action related to how to contact the next level up to prevent the reoccurrence of problems. It was agreed that Steve Starkey and John Sirodcar would check the best individual to approach. Steve Starkey also highlighted that the fixer service was in place, including specialist fixers who could be contacted via their Contract Manager.

Post meeting note: this action referred to vulnerable clients and means information, as detailed in the March minutes. Action can now be closed as J Sirodcar has clarified as below:

We do expect for all cases that means assessment is completed fully. We do however recognise that for particularly vulnerable clients, (some homeless and community care clients' examples were discussed at CCG), it may be difficult to provide the full set of means information needed.

In such instances, to avoid the application being rejected on multiple occasions, we will arrange for our senior means assessors to take a view based on the particular circumstances of the case.

Practitioners can contact us via email using our general civil email address of:

ContactCivil@legalaidsi.gov.uk

and putting "Vulnerable client means assessment" in the email heading

AP7 [Mar]: S Starkey to confirm whether information on the backlog in case plans being agreed can be made available.

Outstanding – update expected before next meeting.

AP8 [Mar] S Starkey to confirm whether the data regarding applications for specific authority could be broken down further.

Information provided at the bottom of the report discussed under item 5. Action can be closed.

AP14 [Mar]: E Druker to update members on the position regarding ankle testing and DNA testing.

E Druker confirmed that scam X bracelets for alcohol testing may be claimed if this has been ordered by the court and the legally aided client is not currently in therapy or a support programme. The guidance is at: <http://www.justice.gov.uk/downloads/legal-aid/funding-code/electronic-handbook.pdf>

it was confirmed that the electronic handbook is being reviewed and E Druker made a request to members to let her know if anything should be included. The point was made that there needed to be clarity on billing and the required level of detail was not provided in the guidance, i.e. clearer guidance/standard direction was needed across the board for both caseworkers and providers

AP1 [May]: All invited to send any further comments on the electronic handbook to E Druker.

AP17 [Mar]: J Sirodcar to check whether peer reviewers' guides can be replaced or retained on the system.

J Sirodcar stated that the LAA's current position was not to update the guides as it is not clear that they are used by a large number of providers. However, he would be interested to hear from individuals with strong views.

He confirmed that the current guides would be withdrawn. A Sherr stated that there were areas of work where these guides are the only practice guides available and that an update of the current guides was all that was required. He also stated that there were a good reference point for peer reviewers and expressed his worry that they wouldn't be updated. The point was also made that these guides provide a general benchmark for quality; specifically, the guides show where providers are failing. C Storer said some practitioners believed that the guides were of importance just before a peer review.

J Sirodcar confirmed that peer reviews would only be undertaken when we have concerns and that the LAA is moving away from random peer reviews. R Miller requested that peer review was put on the agenda as a stand-alone item for the next meeting.

Post meeting note: this has been added to July agenda; an LAA representative will attend to discuss.

AP2 [May]: All invited to send views on the usefulness of the peer reviewers' guides to J Sirodcar.

2. Publication of statistics

M Edwardes gave an update on this. The aim is to bring LAA in alignment with Ministry of Justice statistical standards. Data is now produced later to improve its accuracy. He apologised for the delay. Data would now be produced quarterly on a pre-published timetable.

The National Statistics pack will therefore be published on the 25 June (to coincide with the publication of annual accounts) and then in September, December and April (on a Thursday/end of month). Figures can be added and, where information is deemed to be in the public interest, it can be released earlier.

A Harvey stated that she still felt the figures were wrong and that we were double counting (immigration 11/12 & 12 /13 figures at £52k). She stressed that the figures were questionable because in year one, immigration was still in scope. M Edwardes responded that the statistics have been corrected in a more updated version and this was part of the reason why they wanted to move to more accurate, quarterly reports.

Post-meeting note: the updated version of the NMS report was circulated after the meeting.

M Edwardes confirmed that CLA telephone gateway information is under review. Gateway information will be published by the end of the financial year, maybe at the same time as the review on the first two years of operation (publication date tbc). In the interim, we will not be publishing any data apart from the data provided on 25 June. It was confirmed that the information would not be split into categories of law.

M Edwardes confirmed that we would publish workload volumes that come via the gateway, i.e. number of claims and not number of calls. It was requested that we provide information on what we intend to publish.

R Miller requested that we publish number of calls and also number of calls for specialist help. K Westall responded by stating that the information requested will be collected for review.

C Storer stated that she was interested in the access to justice issue; she also asked whether certificated cases would be published in the statistics quarterly and it was confirmed that they would be.

AP3 [May]: M Edwardes to consider whether any more statistical information can be provided on telephone advice.

3. Provider Reference Groups (PRGs)

Handouts were circulated with the dates and locations of PRGs and also a draft agenda. John Sirodcar highlighted that there was an open invitation for contract holders but the meetings were also open to the Bar and any other interested parties. There would be roughly 100-150 spaces at each event – managed on a first come first served basis.

4. CCMS update

K Hartup highlighted the Bulletin article, published two weeks previously, announcing the more gradual roll-out of CCMS. She also mentioned that checkpoint meetings would be scheduled during roll-out to ensure that the system was operating effectively throughout. She welcomed questions.

In response to a query regarding the issue of details of two clients being merged together, leading to a data breach, K Hartup said that she would clarify status on this.

AP4 [May]: K Hartup to clarify the apparent data issue with CCMS.

Post meeting note: LAA are aware of a couple of isolated incidents that occurred months ago. These specific instances were identified and resolved. Action can be closed.

In response to questions around mandating the system, it was confirmed that the present view is that the system would not be mandated until all providers had been invited to use CCMS and had had access to the system for at least three months.

In relation to scalability and voluntary use of the system, it was confirmed that scalability testing was ongoing and that providers could choose to use the system for some but not all of their cases, getting used to the system at their own pace while use was voluntary. However, once a case is on the system, the provider cannot revert back to the paper process for that particular case.

When asked about how providers were being notified, it was confirmed that providers were currently 'warmed up' for use by their Contract Manager and would also receive an invitation email 10 days prior their go-live (on a voluntary basis) date. All providers will receive an email (emails will be sent to the CCMS Administrator at each organisation) so they have a date on which they can start using the system.

When asked about current usage, K Hartup confirmed that she would provide an accurate update via email.

AP5 [May]: K Hartup to update on current CCMS usage.

Post meeting note: K Hartup has now updated as below. Action can be closed.

Initially, the LAA brought on board a mix of providers, in terms of size. As mentioned at the meeting, these were providers who had been proactive, i.e.

- they had set themselves up on the system and completed the training
- they had contacted their Contract Manager about using the system early
- they were based in three main geographical areas so we could align the instruction of counsel.

Contract Managers have been involved in scheduling which of their firms/organisations will be invited to use the system and when, balancing the need to provide support across our provider base.

In relation to the user experience, generally, larger providers have a greater number of cases that can go onto the system immediately. Smaller providers may want to use the system but may not immediately have an application to process. However, it varies totally from one organisation to another. As mentioned at the meeting, some are enthusiastic while others are more reticent although the system seems to be working well for them.

At the meeting, it was mentioned that we are keen to encourage providers to use the system early on, once they get their invitation, so that they can get used to CCMS at their own pace with LAA support. We would welcome representative body endorsement of this.

5. Operational update

5.1 Civil billing information

In relation to payments, questions on timing were asked for bills that took less than 13 days to process. It was confirmed that such bills were processed within 13 days plus 3-8 days to get picked up in the weekly payment run, therefore 21 days from end to end.

However, if bills were rejected, providers would need to resubmit a fully completed bill. S Starkey mentioned the 'email rejects pilot' in the North East that provided the potential for a quicker turnaround on rejects.

He confirmed that he got the emails addresses from the claim form and that pilot did not involve a selected number of firms, instead it is being trialled at specific processing centres, i.e. South Tyneside and Cardiff for CM1s. He also confirmed that it involved all CLAIM1s. Birmingham is being piloted for FAS.

Rep bodies made the point that the pilot sounded good as providers were rarely in the office to take phone calls so email acted as a better channel for communication

Post meeting note: this has now been publicised on the website; information can be found at:

<http://www.justice.gov.uk/legal-aid/newstlatest-updates/civil-news/new-approach-to-claims-with-missing-information>

5.2 Volume and value figures

No comments.

5.3 NMS

Discussed earlier under item 1.

5.4 VHCC

D Keegan thanked those who had provided feedback on the training modules developed for the VHCC Care Case fee scheme. As per the email of 11 April and the LA Bulletin, these can be accessed from:

<http://www.justice.gov.uk/legal-aid/newstlatest-updates/civil-news/new-name-and-training-for-family-fee-scheme>

In relation to the online survey on CFA availability, this had received 22 replies, including six from the original pilot participants. D Keegan requested feedback on next steps based on the low response rate. It was agreed that the story would be covered in the next Legal Aid Bulletin, and that the deadline would be extended. Thereafter, LAA would meet with specialist groups to get their input..

It was confirmed that the survey did not ask about specific areas of law, but that follow-up calls were made to clarify such information.

Regarding VHCC Case Plan Stats, HCC turnaround figures will be provided for next meeting. The performance figure provided is a combination of all amendments including case plans. The target is 4 weeks.

AP6 [May]: D Keegan to cover survey in next Bulletin and arrange meeting with specialist groups in June to discuss CFA.

Post meeting note: CFA survey deadline has now been extended to 6 June, and an eAlert sent out.

6. Commissioning update

Notification of the outcomes of the Community Care and Mental Health tender assessment would be provided this week. Community Care notifications will be issued first, with Mental Health notifications following later in the week.

There was significant interest in the tender process – in Community Care a total of 16,068 matter starts were bid for against advertised volumes of 4,935.

In response to a question about verification of supervisors, it was confirmed that we had received the least supervisor declaration forms in the London area. These would be requested as part of the notification letters.

Bidding was fairly evenly split between the two lots (Lot 1 being below 25 matter starts and Lot 2 being above 40 matter starts. With supplementary matter start provisions in the contract, 97% of bidders will be able to undertake either the same volume or more matter starts compared to current allocations, so most won't be disadvantaged. Any redistribution of matter starts following the verification process will occur after the contract starts.

In response to a question on where, geographically, providers were over-bidding, it was confirmed that the key areas were London and the North West. It was also confirmed that there was enough provision in all areas.

In relation to the Mental Health tender, the LAA would issue the fail letters first and then update the group.

Again, the tender had been over-subscribed and no areas would have access issues. In response to a question, it was confirmed that no large organisations had failed the tender.

Finally, in response to 'what next?', it was confirmed that the crime tenders would be a priority and that the LAA were concerned about the housing possession court duty schemes and would be undertaking a capacity review of these schemes.

7. Issues raised by representative bodies

7.1 Travel claims for 10 miles or less

It was confirmed that LAA had identified an inconsistency between processing centres, and we were re-issuing guidance to address this so that we would not pay for travel of 10 miles or less unless it was justified.

The rep bodies felt that this had never been an issue previously and that it would now lead to problems - a change in practice (with no warning) was being imposed mid contract and the previous practice had legitimised this disbursement. They confirmed that their members would not be happy with this change.

It was agreed that this issue would be discussed at the next meeting and that the LAA may need to talk to NAO who had focused on this issue. In response to the question on whether bills would be rejected based on travel claims, it was confirmed that they would not be rejected but reassessed.

Post meeting note: this will now take effect from 1 September. The updated position on local travel assessments was published on the website and in the LAA Bulletin on 22 May. It can be found at:

http://www.justice.gov.uk/legal-aid/newslatest-updates/civil-news/update-on-local-travel-claims?dm_i=4P,2HDC2,F95RV1,919MY,1

8. AOB

None.

The next meeting is on Monday 14 July.

Actions from this meeting		Owner	By when
AP1 [May]	All invited to send any further comments on the electronic handbook to E Druker. E Druker to update at meeting. Action can be closed.	All	14 July
AP2 [May]	All invited to send views on the usefulness of the peer reviewers' guides to J Sirodcar. Comments received – peer reviewers' guides on agenda for July meeting. Action can be closed.	All	Closed
AP3 [May]	M Edwardes to consider whether any more statistical information can be provided on telephone advice.	M Edwardes	14 July
AP4 [May]	K Hartup to clarify the apparent data issue with CCMS. Post meeting note: K Hartup has now updated as in item 4. Action can be closed.	K Hartup	Closed
AP5 [May]	K Hartup to update on current CCMS usage. Post meeting note: K Hartup has now updated as in item 4. Action can be closed.	K Hartup	Closed
AP6 [May]	D Keegan to cover survey in next Bulletin and arrange meeting with specialist groups in June to discuss CFA. Post meeting note: CFA survey deadline has now been extended to 6 June, and an eAlert sent out. A meeting will be organised once results have been analysed. An update will be given at the meeting. Keep action open	D Keegan	8 Sept

Actions from March meeting		Owner	By when
AP5 [Mar]	S Starkey to discuss with Lucy Williams (Mental Health Unit team) the issues regarding means information where mental health issues are concerned, and ask her for a definitive response. Post-meeting note: the guidance has now gone live on the website and can be found at: http://www.justice.gov.uk/legal-aid/news/latest-updates/civil-news/new-guidance-for-mental-health-providers Action can be closed.	S Starkey	Closed
AP6 [Mar]	S Starkey to clarify how lead means assessors can be contacted. Post-meeting note: see item 1. Action can be closed.	S Starkey	Closed
AP7 [Mar]	S Starkey to confirm whether information on the backlog in case plans being agreed can be made available. Post meeting note: D Keegan confirmed that monthly Stats pack figures for Amendments Performance can be disclosed. These will be provided in future operational updates from the next meeting onwards. Action can be closed.	S Starkey	Closed
AP8 [Mar]	S Starkey to confirm whether the data regarding applications for specific authority could be broken down further. Provided and discussed under item 5. Action can be closed.	S Starkey	Closed
AP14 [Mar]	E Druker to update members on the position regarding ankle testing and DNA testing. Discussed under item 1. Taken forward as AP1 [May]	E Druker	Taken forward as AP1 [May]
AP17 [Mar]	J Sirodcar to check whether the peer reviewers' guides can be replaced or retained on the system. Discussed under item 1. Action can be closed - now taken forward as agenda item for July meeting, with appropriate LAA person invited to discuss.	J Sirodcar	Closed – taken forward to July agenda