



Civil Contracts Consultative Group (CCCG) Minutes

**17 March 2015
V3**

Date:	Tuesday, 17 March 2015		
Where	MoJ, 102 Petty France, London, SW1H 9AJ		
Chair:	James Hood-LAA		
Attendees:	Alison Harvey-ILPA Carol Storer-LAPG Chantal Beedell-LAA David Holmes-MoJ David Keegan-LAA Eleanor Druker-LAA Grazia Trivedi – LAA	Jayne Nevitt-LAA Joe Risk-LAA John Sirodcar-LAA Julie Demeritt-BC Kathy Hartup – LAA Kerry Wood – LAA Lucy Williams-LAA	Malcolm Bryant-LAA Nicola Jones-King – ALC Nick Lewis-MHLA Paul Seddon – ACL Richard Miller – TLS Sara Stephens – HLP Vicky Ling-Resolution
Apologies:	Avrom Sherr – IALS Ian Bugg - BC Jan Luba – BC	Jon Cable-LAA Jackie White – ASA/Shelter Steve Starkey – LAA Hilda Massey - MoJ	Matthew Cunningham – ASA Joy Merriam – TLS Rachel Rogers – Resolution David Emmerson - Resolution

1. **Minutes** from January were approved.

1.1 Review of actions

Action 2 [Nov] Experts Guidance. The LAA would be meeting with the representative bodies the following week to discuss the revised draft and would send the final draft to the Bar Council soon after that. **#Action 1 [Nov]**

Action 11 [Jan] Legal Aid advice in immigration removal centres. Covered under 2.4.5.

Action 17 [Jan] the LAA Management Information analysts were trying to get the headline figures for escaped cases in 2011/12 but it was not clear whether that would be possible. The data will be provided if it is available. **#Action 2 [Jan]**

Action 18 [Jan] Resolution asked for the number of domestic violence and child abuse cases that had been refused legal aid funding to be broken down by reason for refusal **#Action 3 [Jan]**.

2. LAA update

2.2 Operations update J Nevitt talked the group through the main points of the report.

Processing times for civil applications, amendments and bills were within target. Reject levels on billing were being maintained.

The escaped cases report for January showed a fairly high level of rejects in Family [40.4%] and Immigration & Asylum [34.5%]. The LAA continued to look for ways to reduce the level of rejects on legal help escaped cases and to improve the CW3 process. To this end a new CW3 checklist was being developed and a new CW3 form would become available in April.

N Lewis said that the collaboration between MHLA and the LAA Contract Management team to draft a document to help mental health providers avoid making claiming errors had been most welcome. J Sirodcar thanked N Lewis and his members for their assistance. The finalised document would be shared with CCG just before it was sent to mental health providers.

2.3 Client and Cost Management System (CCMS) J Risk gave an update on the programme.

The LAA had received just under 30,000 applications on CCMS from 989 providers that were using the system to manage cases. This represented 61% of the firms who would eventually use the system.

- i. 44% of new applications were now being submitted to the LAA on CCMS and this figure was increasing week on week.
- ii. LAA issued notices on 26/01/2015 confirming that CCMS would be made mandatory from 1/10/2015. Feedback from users and rep bodies had been taken into account, thus a longer notice had been given to providers than the contractual minimum of 3 months
- iii. LAA had set up 3 groups of external users - providers, chambers and billing to work on enhancements to the system. The following areas were identified as priority areas for members of the groups:

From providers:

1. Improvements to application processes in particular means and merits
2. Improvements to the emergency process including greater flexibility
3. Improvements to text boxes and the volume/types of characters to be included

From chambers:

1. Alphabetise the list of advocates
2. Improvements in the process used by providers to assign counsel
3. Improvements to remittance advice – LAA had in recent months started to dispatch remittance advice through CCMS.
4. Reduction in the duplication in the billing screens.

Billing focus group to meet the following week. P Seddon had provided LAA with a number of enhancements, which would be considered with a wider group.

- iv. Some of these changes related exclusively to IT and some would require changes to the controls that were currently in place. LAA would share timelines for the delivery of enhancements as soon as possible.
- v. Technical visits to firms were taking place around the country alongside visits from contract managers to help providers deal with any issues.
- vi. External users would continue to have access to Support via WebEx master class sessions, which continued to be popular, and contract managers.

J Risk was asked to find out how many of the 989 providers using CCMS were using it 100%.

#Action 4 [Mar].

Post Meeting Note (Action 4) Numbers for February

- 634 firms issued applications on CCMS during the month
- 308 firms (Including pilot firms) used CCMS to issue 100% of their applications
- 248 firms (excluding pilot firms) used CCMS to issue 100% of their applications
- 321 firms issued 90%+ applications on CCMS
- 355 firms issued 80%+ applications on CCMS

- 389 firms issued 70%+ applications on CCMS

In response to a question J Risk said that not all enhancements would be completed by 1/10/2015 but this did not mean that the date for mandating the system would be pushed back; instead the programme would focus on the most important issues so that these would be resolved first.

There was discussion about representative bodies' concerns that CCMS would not be working sufficiently well by 1 October. Principally they were worried about the length of time it took to complete certain activities on the system and the financial impact that this could have on providers.

Providers had also identified the completion of means assessments as an additional task that they now had to complete with a number of firms having previously asked their clients to complete this activity.

The financial pressure, set against a backdrop of wider legal aid cuts, was so intense that a considerable number of firms were considering giving up legal aid work altogether.

2.4 Commissioning Update K Wood updated CCCG

2.4.1 A review of all procurement areas had shown that there was sufficient capacity in all categories under the existing contract. There were areas where some providers had not done any work while others had exceeded their allocation of work. The LAA did not intend to terminate the contracts of those providers that had not done any work because a) it was not a contractual requirement that they did so, and b) it could risk reducing the availability of services.

2.4.2 The LAA had revised the guidance on the allocation of additional matter starts; contract managers would be able to issue up to 50% more matter starts to providers that had run out irrespective of what other providers were doing in their procurement area. Any requests for more than the additional 50% matter starts provided for in the contract would be considered by the Central Commissioning team when there were exceptional circumstances to justify it. So far all requests had been settled to the satisfaction of all concerned. Representative bodies confirmed that this arrangement was working very well.

A new schedule was due to be issued shortly; providers would be receiving a transmission informing them of the work they were going to get in their schedule. Allocation would be the same as before with the exception of providers that had underperformed by 50% or less; they would receive 80% of what they had had before.

There was further discussion about the issue of firms that had done no work at all and whether the LAA ought to intervene by taking away their matter starts. K Wood was against this because a) providers that had run out matter starts could successfully apply for more, b) not enough was known about these providers' circumstances, c) the contract did not require that matter starts be used and d) no one would benefit from this type of intervention.

2.4.3 There were no discernible gaps in the provision of services but there was an issue with providers dropping out of housing possession. The LAA had been having discussions with housing rep bodies and providers to find a way to deal with this and to help identify a lasting solution.

There was a question about why housing service providers in the not for profit [NFP] area had dropped to very small numbers. The LAA had not researched this yet but would like to better understand the possible reasons for the decline.

C Beedell talked about the programme of forthcoming tender activity and would circulate a table with the schedule. **#Action 5 [March]**. Closed.

2.4.4 K Wood said that of the 65 firms that bid for the mediation contract that commenced on 01/02/2015, only 30 signed up for it. K Wood would circulate a lessons learned paper to the group **#Action 6 [Mar]**

2.4.5 Immigration Removal Centres (IRC) contracts were due to run till 31/10/2015; LAA planned to extend these by 6 months. A Harvey asked that rep bodies be involved early in any discussions about immigration advice in prisons and for LAA to consider whether they sat better with IRC work than mainstream Immigration.

LAA would consider the case for aligning extensions so that all contracts would commence and finish at the same time.

3. Issues raised by the representative bodies

3.1 Representations made by the LAA about peer review ratings J Hood confirmed that the LAA had contacted the NAO about the peer review data published in their report which informed the Public Accounts Committee (PAC) conclusions. V Ling said that Resolution had written to the Chair of the PAC on behalf of members of the CCCG to seek clarity about the issue. LAA were in the process of submitting a formal departmental response to the PAC report.

In response to a query from rep bodies about the guidance on peer review (Improving Quality Guides), J Sirodcar said that the LAA were in discussion with A Sherr about a number of matters relating to peer review; the group would be informed about the outcome of these discussions. **#Action 7[Mar]**

3.2 Misapplications by the assessment team of the Electronic Handbook P Seddon said that the LAA civil billing assessment team often rejected bills on the basis of what was cited in the electronic handbook. Claims for transcription fees were commonly being rejected even though the Costs Assessment Guidance suggested that they ought to be subject to discretion on assessment.

J Nevitt confirmed that the electronic handbook(s) did not replace the Cost Assessment Guidance and was instead a supporting point of reference for providers and caseworkers with all common queries in a single place. She said that it would be helpful if P Seddon sent her some examples of bills that had been rejected incorrectly so that she could better understand the issue. **#Action 8[Mar]**

The revised guidance on prior authority for Experts would cover transcripts and the approach taken when claims were submitted for cases dating prior to the introduction of codified rates.

D Keegan said that it was important that the LAA caseworkers correctly distinguish between rejection and assessment. The Handbook covered both information based on case law and on what the profession found useful, as with the Expert Remuneration guidance. If there were elements that were not agreed, this should be dealt with by meeting with LAA seniors. The LAA were aware of issues with court assessed bills and Experts' fees evidence pre-Codified rates.

Notice of new LAA forms The LAA agreed with rep bodies that reasonable advance notice should be given to providers about change of forms and that this should be effectively communicated in a timely manner.

In the case of forms CIVCLAIM1, 1A, 2, 5, 5A and POA1 J Nevitt confirmed that claims submitted on old forms would not be rejected if that was the only reason and they would continue to be accepted beyond 1 April and until further notice. However providers were encouraged to use the new forms which were designed to ease the process of submitting accurate claims.

4 AOB

4.1 Legal Aid Manual J Sirodcar said that the current contract required that every provider purchase a printed legal aid manual or online access to it. The LAA was reviewing the future of the paper manual and considering instead making all the information available online together with an electronic index listing where the information could be found. Providers would not have to pay for an electronic manual, which could easily be updated as and when changes occurred. The LAA would provide an update in due course and take CCCG's views into account.

3.3 Provider Reference Groups (PRGs) J Sirodcar said that the last round of PRGs in the summer 2014 had been poorly received; for this reason the LAA had decided to change the way in which these events were organised. A pilot PRG would be run on 4-5 June in Leeds and Nottingham. Providers in these areas would shortly be sent an email asking whether they would be interested in attending and if so what did they think of the proposed agenda. Based on the responses the LAA would consider a national approach.

3.4 C Storer asked for permission to send CCCG an e-mail with links to three planned LAPG events so that they could publicise them to their members/provider base:

- The Legal Aid Lawyer of the Year Award
- Launch of the Manifesto for Legal Aid
- LAPG had been selected to receive a grant from the UK Commission for Employment and Skills (UKCES). The funding would enable LAPG to create bespoke management training for legal aid firms and organizations intended to help people in practice management who were often isolated and unsupported. LAPG planned to run a pilot scheme at a much reduced cost and, when the grant funds had run out, run it as a commercial enterprise. C Storer asked members to bring the project to the attention of practice managers.

J Sirodcar congratulated LAPG for their success in securing the funding and C Storer thanked LAA for their support.

3.5 N Lewis said that a member of MHLA had received an e-mail dated 30 January from LAA informing them that they had been selected for an assurance audit because they had 200 matter starts. As the MHLA had not been informed of this policy there had been a great deal of disquiet about this.

J Sirodcar confirmed that this was not the LAA policy and wished to find out the reasons why this communication had gone out to the provider. N Lewis would give J Sirodcar a copy of the email **#Action 9 [Mar]** so that he could find out who sent it and why. **#Action 10 [Mar]**

Actions from this meeting		Owner	By when
AP1[Nov]	Share the new version of the Experts Guidance with the Bar before publication	E Druker	Closed/guidance has been published
AP2 [Jan]	Provide headline figures for escaped cases in 2011/12 if available	J Nevitt/S Starkey	 Adobe Acrobat Document
AP3 [Jan]	Share the number of domestic violence and child abuse cases that had been refused legal aid funding broken down by reason for refusal.	E Druker	 Microsoft Excel 97-2003 Worksheet
AP4 [Mar]	Find out to what extent firms were using CCMS. Post Meeting Note (Action 4) Numbers for February <ul style="list-style-type: none"> • 634 firms issued applications on CCMS during the month • 308 firms (Including pilot firms) used CCMS to issue 100% of their applications • 248 firms (excluding pilot firms) used CCMS to issue 100% of their applications • 321 firms issued 90%+ applications on CCMS • 355 firms issued 80%+ applications on CCMS • 389 firms issued 70%+ applications on CCMS 	J Risk	Closed
AP5 [Mar]	Circulate a table with the tenders schedule	C Beedell	 Microsoft Word 97 - 2003 Document
AP6 [Mar]	Circulate a lessons learned paper based on the Mediation contract gone live on 01/02/2015	K Wood	@ CCCG
AP7 [Mar]	Update CCCG on peer review guidance (Improving Quality Guides)	J Sirodcar/ J Hood	@ CCCG
AP8 [Mar]	Send examples of bills that had been assessed incorrectly to J Nevitt	P Seddon	30 Mar
AP9 [Mar]	Give J Sirodcar a copy of the email sent by the LAA assurance team to a MHLA provider	N Lewis	Closed
AP10 [Mar]	Find out who sent the email to a MHLA member to advise of an assurance audit and why.	S Sirodcar	Closed