



The Law Society



Legal Aid
Agency

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

30 March 2016

V4

Date:	Wednesday 30 March 2016		
Where	MoJ, 102 Petty France, London		
Chair:	Laura Wensley - LAA		
Attendees:	Avrom Sherr –IALS Carol Storer – LAPG Carita Thomas -ILPA Cate Jolley - Communications and Information [LAA] Catherine Little – Director of Finance [LAA] Chantal Beedell – Central Commissioning [LAA] Claire Blades - CAB David Holmes - Civil Legal Aid Scope & Eligibility [MoJ] Eleanor Druker – Service Development [LAA]	Gillian Hothersall -minutes [LAA] Jackie White – Shelter Jenny Beck – LAPG Joe Risk - Finance & Digital [LAA] Jon Cable -Operational Assurance [LAA] John Sirodcar – Contract Management [LAA] Julie Demeritt -BC Lawrence Lewis -Head of IT, Digital and Change [LAA] Malcolm Bryant -Head of High Cost Civil Complex Cases [LAA]	Nazmin Begum - HLPA Nick Lewis - MHLA Nicola Jones-King – ALC Nimrod Cnaan -Law Centres Paul Seddon – ACL Richard Miller – TLS Richard Busby -Resolution Ronan Kelly - Assurance [LAA] Ruth Duffin – Civil Legal Aid Scope & Eligibility [MoJ] Sara Stephens – HLPA Steve Starkey – Head of Civil Operations [LAA] Zara Topping – CCMS [LAA]
Apologies:	Stephen Aynsley-Smith - Head of Quality Assurance [LAA] Kathy Hartup -Communications and information [LAA]	Rachel Rogers -Resolution Grazia Trivedi -minutes	John Wallis - MoJ Kerry Wood – Head of Commissioning [LAA]

1. LAA Online Portal / CCMS update

C Little outlined the recent issues experienced with the LAA portal and apologised for the impact this has had on users. We are now confident that the portal is stable, and the planned upgrade to the LAA Online Portal will go ahead in due course to improve the system further. The planned enhancements to CCMS itself will also continue to take place.

She explained that prior to this incident, almost 90% of all applications were made through CCMS, and usage has now risen back to almost this level. Currently 87% of transactions are being processed at normal speed (within 5 seconds) and most of the rest within 10 seconds. L Lewis outlined some of the recent usage statistics and the tracking systems which the LAA use.

C Little confirmed that LAA would go ahead with the mandatory date for CCMS of 1 April as planned, but that there would be an extended transition period of two weeks before any action will be taken regarding applications made without using CCMS. There is a contingency route for paper applications, provided users have made reasonable endeavours to use the portal. The CCMS Training website has a page with all the information users need.

In response to a query from R Busby, J Risk confirmed that ‘reasonable endeavours’ could be defined as retrying on at least two occasions if there is something which prevents an application from being completed. If the application could still not be submitted after this, a paper contingency application would be accepted. The approval gateway would not be in place for the time being, but usage of the contingency route will be monitored and any trends tracked with

might denote abuse of the contingency route. C Little said that the LAA would not act as "Big Brother" (ie you did not have to prove you had tried twice and failed to submit an application online). However they expected sensible use of the contingency process.

An announcement of the mandatory date had been made on gov.uk that afternoon and users were being contacted as part of a package of communications being rolled out. An update to rep bodies would be circulated immediately following this meeting.

C Storer and R Busby both expressed concern at the decision to make the system mandatory. Several members also reported that queries are not always answered correctly or promptly – on occasion callers are being passed around. C Little confirmed that LAA will consider compensation for time wasted. She also asked that any issues should be reported through the provider's Contract Manager who will escalate appropriately. In addition to this, Contract Managers will be contacting their providers to ensure they have the assistance they need.

Z Topping offered to circulate a slide with contact details for the CCMS team. If members are aware of any current issues, they should let Z Topping or J Risk know the specifics.

In response to a query from C Storer, J Sirodcar confirmed that Contract Managers use out of office messages when they are unavailable for more than a day, and that these contain alternative contact details. He said that if this did not happen, he could be contacted if need be.

J Demeritt stated that there is a list of alternative contacts for chambers to use, and suggested this could be adapted for providers. Z Topping to look at this and consider what we can publish.

Action 1 [Mar].

P Seddon queried what the budget is for enhancements to CCMS. L Lewis said this was to be confirmed but that £2.7m had been requested. J Risk confirmed that a list of planned enhancements would be made available via the CCMS training website and that these built on the work done with focus groups, and would be reviewed on a regular basis. S Stephens requested that HLPAs be involved and this was agreed. S Stephens and anyone else wishing to be involved to provide contact details to Z Topping or J Risk who will extend an invite. **Action 2 [Mar]**

P Seddon expressed concern about bulk claim uploads from standalone costs software providers. J Risk confirmed that 10 different firms have been testing with the LAA and it was hoped that they would be fully upgrading their relevant software packages shortly. Billing will be one of the topics considered by the forthcoming billing focus groups.

2. Minutes from January CCG were approved.

2.1 Review of actions

Most actions had already been closed, apart from the following:

Action 4 [Nov] Ask LAA stats team for data on claims split between fixed fee and escape case payments. Members invited to send E Druker examples of specific questions they wish the data to answer. **Action 3 [Nov].**

E Druker to circulate existing table from annual report which details average hourly rate being paid. **Action 4 [Nov]**

Action 5 and 6 [Jan] provide separate stats of past unplanned downtimes of CCMS and of the DOM1 server/ circulate the consultation document about conducting a means interview remotely: Z Topping will circulate this info with the meeting minutes. **Closed**

Action 10 [Jan] There was a query regarding LAA's action where there are no Housing providers. Particular areas affected are Shropshire, Suffolk, Cornwall, Somerset, and Northumberland. C Beedell to circulate an update on the specific action LAA is taking. **Action 5 [Jan]**

Action 11 [Jan] E Druker has now circulate the link to the Care Case Fee Scheme webpage after the meeting. **Closed.**

Action 12 [Jan] J Sirodcar had received comments on 'Preventing Audit Issues' document and will take these forward. **Closed.**

3. LAA updates

- 3.1 Operations update: S Starkey talked the group through the salient points in the report. Overall no changes to trends and the overall picture is positive. However, there was a slight increase in Civil applications rejects. S Starkey to circulate link to the guide to outcomes, partial claims and other party liabilities, and also circulate the list of future enhancements LAA are seeking for CCMS. **Action 6 [March]**

Commissioning: C Beedell updated on the recent Expression of Interest for Welfare Benefits. The tender launches in May and the contract begins on 1 November. Covers North, South West and Wales areas. The existing contract continues to operate. The team are continuing to undertake capacity reviews and have identified a sole providers in Hull that had withdrawn and the provider running the duty scheme in Cambridge had withdrawn so EOIs will be issued shortly. In response to query regarding the court closure consultation, she confirmed that LAA are aware of one court which is closing, and will take into account areas where there are moves into new areas, as well as closures. C Beedell to arrange meeting with the relevant rep bodies. **Action 7 [Mar].**

E Druker reported that work was being undertaken on improving contracts, and C Storer and R Miller offered to provide input into the process of devising a more straightforward contract.

In response to a query from R Miller, C Beedell confirmed that LAA identify usage and are looking at ways to investigate dormant contracts.

- 3.2 High Cost [Civil] Case Group [HCCG]: M Bryant reported that the next statistics package would be published tomorrow.

Post meeting note: these are available at:

<https://www.gov.uk/government/statistics/legal-aid-statistics-october-to-december-2015>

The team are looking at improving the links between the Family page and CCFS page, and also the front page, to clarify.

- 3.3 Audits: J Cable updated on the prepayment audit being undertaken. Additional line by line testing on a random sample of civil tax bills is taking place. The error rate is currently just below

1.8% and the overall error rate has reduced to about 3.3%. The audit will continue into the first quarter of the new financial year.

- 3.4 Peer review: the training of peer reviewers is now complete. A Sherr's team are looking at the guides on peer review. The number of peer reviews which will be set as a target is to be confirmed.

4. Issues raised by representative bodies

- 4.1 LAA guidance re judicial review costs: P Seddon confirmed that this query was about the Lord Chancellor's guidance which does not seem to have been updated. D Holmes to check and ensure up to date version is available. **Action 8 [Mar]**
- 4.2 Independent Costs Assessors: several members asked for more information regarding how this work is allocated as some decisions were felt to be incorrect; more transparency would be helpful. E Druker responded that there is a new tracking system for this work. She undertook to liaise with Guy Barker regarding this and report back to the meeting. E Druker to present a paper at May meeting. **Action 9 [Mar]**
- 4.3 Planned changes to deal with Universal Credit: E Druker reported that this work has been put on hold until the timetable for UC is confirmed. E Druker to update at next meeting on progress regarding including UC in CCMS. **Action 10 [Mar]**
- 4.4 Making CCG meetings more productive: L Wensley asked if members could give as much notice as possible of matters for the meeting, with specific details where possible. It was agreed that the draft agenda should be circulated approximately two and a half weeks before the meeting, to allow time for rep bodies to meet and agree matters to raise; this would also allow time for clarification of the matter where necessary. G Trivedi to note timescale for circulation of draft agenda. **Action 11 [Mar]**
- 4.5 Interim domestic abuse evidence arrangements: E Druker reported that MoJ are looking to bring in amended regulations. J Wallis is in discussion with the relevant rep bodies. E Druker would take the current operation guidance off the website. Communications on this will be issued in due course; however, it was confirmed that there is no time limit in the regulations at present.
- 4.6 Judicial review costs claims: E Druker to circulate this information. **Action 12 [Mar]**
- 4.7 Experts' fees:
C Thomas highlighted concerns raised by ILPA members over decision making in the CW3 team and gave examples of a statement made about the funding of expert reports and time spent on CCMS applications. C Thomas to send the specific details of this issue to E Druker so that we can investigate. **Action 13 [Mar]**

C Thomas also highlighted the time spent on CCMS applications. M Bryant offered to look at any urgent Immigration problems with the CW3 team – C Thomas to email him specific details. **Action 14 [Mar]**

5. AOB

- 5.1 Legal Aid Lawyer of the Year Awards: C Storer asked if she could publicise the upcoming awards among the membership and encourage nominations; it was agreed she would circulate details after the meeting.

Actions from this meeting		Owner	By when
AP1 [Mar]	Z Topping to look at list of alternative contacts for chambers and consider what we can publish for providers.	Z Topping	9 May
AP2 [Mar]	Anyone else wishing to be involved in discussions regarding enhancements to CCMS to provide contact details to Z Topping or J Risk who will extend an invite.	All	Closed
AP3 [Nov]	Members invited to send E Druker examples of specific questions they wish the data on claims to answer	All	9 May
AP4 [Nov]	E Druker to circulate existing table from annual report which details average hourly rate being paid.	E Druker	Closed
AP5 [Jan]	C Beedell to circulate an update on the specific action LAA is taking where there are no Housing providers.	C Beedell	9 May
AP6 [Mar]	S Starkey to circulate link to the guide to outcomes, partial claims and other party liabilities, and also circulate the list of future enhancements LAA are seeking for CCMS.	S Starkey	Closed
AP7 [Mar]	Meet with the relevant rep bodies to discuss action following court closures	E Druker	Closed
AP8 [Mar]	D Holmes to check and ensure up to date version of Lord Chancellor's guidance on judicial review costs is available. Post meeting note-MoJ policy have checked and removed the previous guidance on judicial review remuneration, which was indeed out of date following the Ben Hoare Bell case in 2015 and introduction of fresh regulations. They are now working to provide amended and up to date guidance although this may not be available right away, given a number of other pressing priorities for the legal aid policy team at present.	D Holmes	Closed
AP9 [Mar]	E Druker to liaise with Guy Barker and present a paper at May meeting regarding Independent Costs Assessors.	E Druker	Closed
AP10 [Mar]	E Druker to update at next meeting on progress regarding including UC in CCMS.	E Druker	Closed
AP11 [Mar]	G Trivedi to note timescale for circulation of draft agenda	G Trivedi	Closed
AP12 [Mar]	E Druker to circulate the information on judicial review costs claims.	E Druker	Closed
AP13 [Mar]	C Thomas to send the specific details of the experts fees issue to M Bryant.	C Thomas	9 May
AP14 [Mar]	C Thomas to email M Bryant specific details of any urgent Immigration cases which are proving problematic on CCMS.	C Thomas	9 May