



The Law Society



Legal Aid  
Agency

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

**22 July 2015  
V5.1**

Date:	Wednesday, 22 July 2015		
Where	Moj		
Chair:	James Hood - LAA		
Attendees:	Alice Cudmore-LAA Andrew Leach – LAA Avrom Sherr – IALS Carita Thomas-ILPA Carol Storer – LAPG Catherine Little - LAA David Holmes – Moj Eleanor Druker-LAA	Grazia Trivedi-LAA Jayne Nevitt – LAA Joe Risk - LAA Julie Demeritt -BC Kerry Wood – LAA Laurence Lewis-LAA Malcolm Bryant – LAA Nimrod Cnaan – Law Centres	Paul Seddon - ACL Rachel Rogers - Resolution Richard Miller TLS Ronan Kelly - LAA Sara Stephens – HLP Yusuf Bhula-LAA Zara Topping-LAA Zoe Harper - ILPA
Apologies:	Alison Harvey - ILPA Hilda Massey - Moj Ian Bugg – BC Steve Starkey - LAA	Jan Luba – BC Jon Cable - LAA Joy Merriam - TLS Kathy Hartup-LAA	Kathy Hartup - LAA Nick Lewis - MHLA Nicola Jones-King - ALC Jenny Beck - LAPG

The Chair asked that the meeting start with the LAA updates on CCMS and the new CLA digital service. There were no objections.

## 1. LAA update

### 1.1 Client and Cost Management System (CCMS)

C Little, LAA Director of Finance & Performance, spoke about the programme's recent developments.

The date from when use of the system would become mandatory had been postponed to 1 Feb 2016 and contract waivers formally confirming this had been dispatched to all providers in July. In coming to this decision, the LAA had taken on board feedback from representative bodies and system users; the Programme had recognised that work was needed to enhance the system in advance of the new start date.

Rep bodies felt that the tone adopted by the LAA in the announcement to providers informing them of the postponement was patronising and implied that the reason for the delay had been the providers themselves, rather than the system's flaws. C Little had received similar feedback from other sources and apologised to CCCG; she said that it had not been the LAA's intention.

Feedback from users had been taken via a number of channels; the Programme was keen to build the common themes into the next phase of enhancements. The current phase of enhancements was focusing on three areas:

Number of pages. The number of pages within the means and merits interviews would be reduced by 50-60%. This would be achieved by:

- a) combining more questions on a page
- b) stripping out unnecessary questions
- c) Introducing dynamically loaded questions on a page which appeared depending on answers given on previous questions.

The aim of this activity would reduce the length of time it would take a provider to complete an application. The team would be looking to apply this functionality to billing screens where possible.

Navigation was also going to be enhanced to help users move through means and merits interviews more efficiently. Users would be able to track progress via a side bar which showed the sections of the interview they had completed and those they still had to complete. In addition, users would be able to step back and forth to different screens already completed if they needed to change anything. Again, it was hoped this would improve the time spent in these interviews.

Upload documents. One of the key enhancements being made was to give users the ability to upload documents during the means, merits and billing process rather than wait for an automated action to come back following the submission of an application or bill. It was hoped that this would reduce the end to end time of submitting work.

Further enhancements would be made to the system on an ongoing basis over the following year.

C Little had responded to a letter from the Association of Cost Lawyers [ACL] containing a list of concerns about CCMS. She said that some issues could not be fixed immediately but would be considered as part of the ongoing enhancements programme. The LAA was open to discussion about any of the points made in the letter to ACL.

The latest stats on system uptake were:

- Just under 70% of providers had used the system in one way or another
- 53% of all applications were submitted via CCMS each week
- Just under 50,000 live cases had been submitted on the system to date
- On average 1,700 amendments and 2,500 bills had been submitted each week in July
- Bulk bill uploading facilities had been implemented for those software suppliers that had worked with LAA. Whilst the functionality was now available to all CCMS users, firms would need to check with their software suppliers as to whether their billing software was compatible with the upload functionality of the system.

The LAA remained committed to addressing providers' feedback and responding to users' concerns. J Risk gave a live demonstration of the system's improved functionality. Enhancements would be introduced as per the overview provided by C Little. The new features would initially be released through the *Beta* version system to a small group of providers; this would allow the LAA to review and address these selected users' feedback where possible, before releasing to everyone else.

S Stephens said that in Housing it was common to have two types of proceedings within one case; specifically a possession matter might also include a counterclaim within the same proceedings – perhaps linked to benefits. Previously this would have been dealt with on a single App1 on CIS but now CCMS effectively required two separate submissions duplicating the same data and possibly doubling the time taken to handle the case. The Programme had been made aware of this and it was suggested that the problem could be addressed by using the copy & paste function. Further work was needed to ensure the recent training material addressed this issue.

**1.1.1 Training.** There was discussion about the masterclasses. Providers had complained about some of the people running the sessions because they lacked the knowledge to answer most of their questions; they did not understand the civil billing process which was exceedingly complex. C Little said that legal aid was a complex area with layer upon layer of complexity which increased with every new legislation, regulations and fee schemes.

Z Topping asked for specific training issues to be raised with her so that they could be addressed more effectively. **Action 1 [July]**

S Stephens said that certificates had been issued without scope limitations. Z Topping would look into this if they could have details of each certificate. **Action 2 [July].**

**Post meeting note:** The examples of scope limitations not been issued on the certificate was tracked back (on the specific cases) to an error in the entry to CCMS by the Provider; a one stage application had been made including both the emergency and substantive. The provider had not entered any substantive limitations – only those applicable to the emergency. This was corrected by submitting an amendment.

The Case Management team were able to confirm that there were rare circumstances when it would be acceptable to issue an emergency without full limitations being included.

CCMS/Case Management were aware of a previous problem with limitations being “missing” in CCMS; this is historical and there examples passed over for review did not fall into this period or specific known problem but related to provider issues.

The *Control Optimisation Group* had been set up to help simplify the billing process as much as possible. Equally, the LAA are responsible for the accuracy of all payments and assessments; they had to ensure that CCMS had in-built controls which had previously been done manually by assessors to safeguard taxpayers’ funds. J Risk added that the training was primarily focused on how to use the system.

Access to online training had been improved:

- All content had been put on a single site
- On-demand training sessions had been launched
- A [case study page](#) had been published which featured users’ experiences, tips on how to use the system and how to solve problems. More content would be added in the coming weeks.

Q&A sessions, which brought together both system trainers and process experts, had proved popular so the LAA was planning to extend the availability of these.

Feedback had been received following the initial session in Jan/Feb 15 and steps had immediately been taken to improve them by:

- Enhancing the training materials
- Specifically enhancing the team with a trainer from a ‘cost’ background
- Widening the knowledge of all trainers in processes and billing
- Having a billing case worker to support the session.

## 1.2 CLA update

A Cudmore presented a live demonstration of the CLA digital tool. A number of improvements had been made since the previous update in January:

- I. An extensive *scope checker* had been developed to check if the users' problem was in scope of legal aid in a CLA category of law. This had been developed based on the Case Handling System used by Civil Legal Advice Operators, and iterated based on feedback from LAA subject matter experts, MoJ lawyers and CLA specialist Providers.
- II. The content of the tool had been changed to reflect a wider 'can I get legal aid' check, meaning the old *legacy checker* could be turned off.
- III. The tool now linked to family mediation from the start page and other relevant places throughout.
- IV. If users were eligible for advice through CLA, they would be able to have a third party enter the information and speak to CLA on their behalf if required.
- V. Users could review their answers and make changes after completing the means test section of the tool.
- VI. The start page informed users that the tool did not actually give legal advice but checked their eligibility for legal aid. This was intended to help manage users' expectations as feedback had flagged up that they were not clear on what the tool might do for them.
- VII. A list of all categories of law with a straight forward description of each one had been added to help users identify the area where they needed help.
- VIII. Users could give their e-mail address in order to e-mail their reference number to themselves.
- IX. Users that did not qualify for legal aid were directed to other sources of help, including national help organisations, local charities or paid for advice services. The system also still offered the *find a legal advisor* functionality for those who were eligible for legal aid in a non-CLA category of law.
- X. A messaging functionality had been added to alert Domestic Violence users that the information they entered would not be stored on their device. An option had been added to request 'no' to leaving voicemail on the CLA contact page. DV users and other vulnerable users were offered to contact CLA straight away without filling out the means test if they said they were at immediate risk of harm. A link to the page on gov.uk was provided outlining the evidence requirements for DV users.
- XI. The enhanced tool was being assessed by the Cabinet office

Rep bodies raised a number of points:

- I. Telephone calls to CLA ought to be free of charge; the option of requesting a call back was not necessarily good for someone that could not wait.
- II. The request for users' email details should clearly be flagged as optional
- III. LAA should ask members of the profession to try the tool and feedback

IV. The base page ought to give users an indication of how long it would take to complete the process [approx. 10 minutes]

V. **Q.** How did the tool fit in to the wider picture of legal aid? How would a member of the public find or search for the tool?

**A.** A Google search would take users to pages on gov.uk relating to their query. There were also links from relevant pages on gov.uk linking straight to the tool. The links would continue to be monitored.

LAA were carefully considering how to best advertise the tool to members of the public and would involve rep bodies into the discussions.

## 2. Minutes from May were approved.

### 2.1 Review of actions

**Action 1** – Review of published data. To be discussed under operations update

**Action 4** - Peer review guidance. A review of the *Crime - Improving your Quality* guide was underway. The peer reviewers undertaking this work would be reporting back to the LAA shortly to give an indication of time needed, costs, and any issues. Their feedback would inform any decision about reviewing the civil guides.

A Sherr said that the crime guide was the most complex. As each guide was based on peer reviewers' reports, the peer reviewers updating the guide had to go through all the reports since the last update to pick out the new topics. He didn't think it was possible to predict how long it would take to review the civil guides. The LAA would keep CCCG updated on progress.

**Action 5** – J Nevitt would speak to P Seddon out of committee. **Action 3 [May]**

**Actions 9/10/11** – covered in item 1 above and closed.

**Actions 13/14** – error rate in civil tax bills. R Kelly had circulated a paper<sup>1</sup> outlining the LAA's views on errors identified in the initial assessment process and to provide guidance to reduce the number of errors. A version of this paper would be sent to the courts too. There had been an exchange of correspondence between P Seddon and J Cable about this; a response from J Cable was expected shortly. **Action 4 [May]**

Rep bodies asked some questions relating to the paper:

- I. Why was the Civil Finance Electronic Handbook 2014 quoted as the authority on the Process Server fees claimed for without justification? P Seddon had not found any reference to Process Server fees needing a specific justification on the bill or on the file in any of the contractual documents, including the electronic handbook. This requirement was devolved to the courts' discretion unless otherwise stated in LAA guidance, which up to this point had not been produced. R Kelly to check this point. **Action 5 [Jul]**



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Document

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- II. The Costs Assessments Guidance stated that disbursement vouchers had to be given to the courts if exceeding £20; this contradicted what was written in the Practice Directions under Part 47 of the Civil Procedure Rules (Part 47 PD 17.2(1) (e) accompanying CPR47.18), which stated that other than counsels' fee notes and experts' invoices only vouchers exceeding £500 had to be filed with the courts. The LAA had not communicated to the courts that they were required to refer to the Cost Assessment Guidance. R Kelly to look into this and update **CCCG Action 6 [Jul]**

**Action 15** – Reinstatement of the *Civil Contract Compliance Improvement Working Group*. It was proposed that a one off meeting be set up in Sep/Oct to discuss the LAA approach to audits. Rep bodies expected the default position to be one audit a year and, if no issues were found, the provider did not have to be subject to any more interventions. **Action 7 [Jul]**

**Action 16** – Changes to the electronic handbook. This had been discussed and resolved. J Nevitt to ask S Starkey to send an update to J Hood. **Action 8 [Jul]**

P Seddon reminded J Hood that he had as yet not had any response to his request to see the NAO 'management letter' containing advice about civil taxed bills. J Hood said that he had discussed this prior to the meeting with P Seddon. The response from J Cable to P Seddon's previous letter should address the substance of his concern but any remaining questions should be taken up with J Cable or R Kelly.

### 3. Operations update

It was agreed that J Nevitt did not need to go through the report or charts in detail but should speak about anything of interest that wasn't included in the charts. She said:

- I. An electronic version of the CW3 form relating to immigration work had been introduced. This would speed up processing times. Any queries about this should be sent to [Jayne.Nevitt@legalaid.gsi.gov.uk](mailto:Jayne.Nevitt@legalaid.gsi.gov.uk)
- II. A CW3 checklist had been published to help reduce rejects. These would not be made mandatory but case workers would start using them from 1<sup>st</sup> August.

### 4. Commissioning Update

K Wood gave an update on contract tenders and agreed to circulate the stats. **Action 9 [Jul]- Closed.** K Wood asked the group not to circulate this information outside CCCG because some of the proposals within the document were still subject to ministerial agreement.

- 4.1 **Housing Possession scheme.** The LAA were concerned about the number of providers in the Housing Possession scheme that had decided to give up their contract; the LAA were considering how to increase the sustainability of this service. Options were being appraised which would be put out for consultation. The central commissioning team had been considering whether larger contracts would increase sustainability.

S Stephens suggested that it might be preferable to wait for the outcome of the courts' closure consultation before launching a Housing Possession scheme consultation. K Wood agreed that the outcome of the courts' closure consultation would have to be taken into account but said that the outlook was not as disruptive as one might expect. The LAA would continue to keep the issue under review.

- 4.2 Standard Civil Contracts.** If a decision was taken to extend the standard civil contracts (due to expire in March 2016, providers would be notified in the autumn. LAA were considering a number of ideas to make contracts sustainable; one of these was to bind some of the categories together, another was to reduce the bureaucracy of running a contract where volumes were low by allowing (a) large firms to sub-contract services or (b) a network of small providers to deliver a larger contract.
- 4.3 AAP / Clinical Negligence / Public Law** Providers that had successfully bid for a civil contract in these categories would know the outcome of the verification process in October. K Wood asked rep bodies to remind their members to read their e-mails and check for messages on Bravo whenever there was a tender running so that they did not miss important communications from LAA asking for further clarification/information in support of their tender. It was not unknown for providers to miss deadlines and so lose the contract.
- 4.4 Welfare Benefits.** Two contracts were running simultaneously. LAA planned to extend the 2014 contract and retender in the areas where there was no service provider. The 2013 contract would also be extended so that both would end at the same time. LAA would publish a Headline Intentions update shortly so that everyone would be clear about future tenders.

## **5. Issues raised by representative bodies**

- 5.1 Figures on number of hours recorded on legal help submission.** The data would become available shortly, once it had been quality assured and signed off by LAA Finance. **Action 10 [Jul]**
- S Stephens had asked for this data in order to challenge the £200 per hour figure quoted by Lord Faulks in a PQ. MoJ's response had been that it was possible for a provider to earn an hourly rate of £200 if a case concluded in less than an hour. S Stephens said that it was very unlikely that a case would conclude in less than 1 or even 2 hours given the extensive means testing. There was further discussion about this. Concern was raised by several representative bodies about the Minister's comments and how these portrayed legal aid providers to the public.
- 5.2 Between 1 April 2013 and 31 March 2015 the Legal Aid Agency received 14,327 private family applications where evidence is required (see Figure 26). During this same period 9,379 such applications were granted (Figure 27). Please can the LAA provide the reason for the almost 5,000 refusals of private family applications where evidence is required?** This information had been provided.<sup>[1]</sup>
- 5.2 Small number of discrimination certificates approved.** The data would become available shortly, once it had been quality assured and signed off by LAA Finance. **Action11 [Jul]**
- 5.3 Education law providers haven't brought any discrimination cases – are they out of scope?** E Druker said that this did fall within education; the issue might be with the way the caller identified the problem when calling the helpline. If they identified it as discrimination the case would be sent to a discrimination provider.
- 5.4 The new system of removal by the Border Agency.** J Demeritt read a case that had been passed to her. She said that the timespan to get an application for funding to include counsel had been reduced so much that it had become impossible to ensure that funding was in place in time.



Microsoft Word 97  
- 2003 Document

[1]

**Post meeting note.** E Druker requested details of the case and J Demeritt said she would check whether it was possible to do so.

C Thomas had come across a similar case; she said that the LAA had responded very quickly and emergency funding had been given within the deadline. Rep bodies said that the Home Office created unnecessary extra work for the LAA, which caused delays and put funding at risk.

E Druker confirmed that as these cases were urgent they were dealt with quickly with an out-of-office-hours service in place.

R Miller suggested that the Home Office created unnecessary extra work for the LAA, which caused delays and put funding at risk.

**5.5 Exceptional Case Funding [ECF] applications.** M Bryant said that the LAA were in discussion with MoJ to understand the implications of the recent judgment; CCCG would be kept in the loop and would be involved in the discussions going forward.

**5.6 Disbursements.** A response had been given out of committee to specific questions. Z Harper said this clarified that the guidance in the Escape Cases Electronic Handbook did not restrict pre-decision expert reports, but there remained concerns about the text of the relevant sections of the handbook and about disbursements generally. E Druker would organise a separate meeting with ILPA to discuss these immigration issues. **Action 12[July]**

P Seddon asked what the status of the electronic handbook was in relation to the contract and regulations. E Druker confirmed that the handbook had the same status as the Civil Finance Electronic Handbook and was therefore just a guidance with no contractual authority. P Seddon said that it was important that that information in E Druker's response to ILPA be included in the document.

C Thomas said that there were discrepancies between the requirements in the electronic handbook, checklists and the contract specification and this was causing difficulties in the way that Legal Aid Agency case workers were interpreting the regulations.

**Post meeting note:** All of the above was discussed at a subsequent meeting between ILPA and LAA.

**5.7 Civil Contract Compliance Working Group.** Discussed under Item 2, Action 15.

## **6. AOB**

**6.1 Legal Aid Manual.** The hard copy of the Legal Aid manual was to be phased out. Providers would be informed about the changes in the following Legal Aid bulletin and by the publishers, Thompson Reuters, who would also separately notify subscribers that their subscription fees would be refunded.

The intention was to publish the manual as links on *gov.uk* and to make access much more user friendly. There was agreement that the manual on *gov.uk* had to be regularly updated in tandem with changes in legislation. The LAA would seek representative bodies' views and cooperation while developing the links.

**6.2 VHCC.** Changes to the Family Care fixed fee were going to come into effect on 1 October. Providers would be notified of this by email on 5 August, in September and in October to ensure

that everyone was aware. M Bryant thanked everyone that had contributed to bring this project to completion. VHCC would be an item on the next CCCG agenda. **Action 13 [Jul]**.

**6.3 CCMS** The certification that clients were required to sign included a reference to the two information leaflets that they should have received from the provider; this reference had previously been on the App1. The two leaflets (Statutory Charge and Legal Aid information) had since been combined into one but this had not been correctly reflected on the CCMS application. The link on CCMS had taken one provider to a 120 page technical document. It was not clear whether this declaration or the links were correct and therefore it wasn't clear what was being certified.

Could LAA clarify this point? S Stephens would email the information to J Hood and J Risk and they would respond **Action 14 [Jul]**.

**6.4 CCCG meetings.** J Hood thanked everyone for contributing to make this a constructive meeting. He asked members to give some thought to how the meetings could be further improved; he would canvas their views before the next meeting in Sep. **Action 15 [Jul]**

Actions from this meeting		Owner	By when
AP1[Jul]	Rep bodies to send specific examples of unsatisfactory CCMS training sessions to <a href="mailto:zara.topping@legalaid.gsi.gov.uk">zara.topping@legalaid.gsi.gov.uk</a>	Rep bodies	Closed
AP2 [Jul]	Inform <a href="mailto:zara.topping@legalaid.gsi.gov.uk">zara.topping@legalaid.gsi.gov.uk</a> of the certificates issued without scope limitations	S Stephens	closed
	Look into the certificates issued without scope limitations and update CCCG  <b>Post meeting note:</b> The examples of scope limitations not been issued on the certificate was tracked back (on the specific cases) to an error in the entry to CCMS by the Provider; a one stage application had been made including both the emergency and substantive. The provider had not entered any substantive limitations – only those applicable to the emergency. This was corrected by submitting an amendment.  The Case Management team were able to confirm that there were rare circumstances when it would be acceptable to issue an emergency without full limitations being included.	Z Topping	closed
AP3 [May]	Discuss the issue of bills that were incorrectly assessed out of committee	P Seddon/J Nevitt	30 Aug
AP4 [May]	Respond to P Seddon's letter about civil taxed bills	J Cable	Closed

AP5 [Jul]	<p>Check where the LAA state that a specific justification is needed for Process Server fees, and update CCCG.</p> <p><b>Post meeting note:</b> The general position is that all work must be justified, and the point about the Process Server fee and the disbursement was that these were specific examples of a disbursement which had not been justified.</p>	R Kelly	Closed
AP6 [Jul]	<p>Look into the disbursements vouchers guidance and update CCCG</p> <p><b>Post meeting note:</b> In relation to enforcement of guidance, the contracts provide that:</p> <ul style="list-style-type: none"> <li>a) Claims must be true, accurate and reasonable (Clause 14.3)</li> <li>b) In making a claim you must have regard to the relevant Costs Assessment Manual (Clause 14.4)</li> </ul>	R Kelly	Closed
AP7 [Jul]	Set up a meeting in Sep/Oct to discuss audit activity	J Hood	28 Aug
AP8 [Jul]	Send an update about changes to the electronic handbook to J Hood	J Nevitt/S Starkey	10 Aug
AP9 [Jul]	Circulate the contract tenders update	K Wood	Closed
AP10 [Jul]	Circulate the data on the number of hours recorded on legal help submissions	E Druker	Closed
AP11 [Jul]	Circulate a report on number of discrimination certificates approved	E Druker	Closed
AP12 [Jul]	Arrange a meeting with ILPA to discuss immigration issues	E Druker	Closed
AP13 [Jul]	Add VHCC update to Sep CCCG agenda	G Trivedi	Closed
AP14 [Jul]	Email CCMS query to J Hood and J Risk	S Stephens	Closed
	Respond to S Stephens and CCCG	J Risk	30 Aug
AP15 [Jul]	Gather views from CCCG on how to improve meetings further	J Hood	Closed