



The Law Society



Legal Aid  
Agency

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

**17 September 2015  
V4**

Date:	Thursday 17 September 2015		
Where	TLS		
Chair:	Richard Miller - TLS		
Attendees:	Amelia Walker - BC Avrom Sherr –IALS Carol Storer – LAPG Claire Blades - CAB Cordelia Hamed - LAA David Holmes- MoJ Gillian Hothersall -LAA (minutes)	James Hood – LAA Jayne Nevitt-LAA Jenny Beck - LAPG John Sirodcar-LAA Julie Demeritt-BC Kathy Hartup – LAA Nicola Jones-King – ALC	Paul Seddon – ACL Ronan Kelly - LAA Steve Starkey – LAA William Ford-HLPA Zara Topping - LAA Zoe Harper – ILPA
Apologies:	Antony Leal-LAA Grazia Trivedi-LAA Jan Luba – BC Hilda Massey – MoJ Ian Bugg – BC	Kerry Wood –LAA Jackie White – Shelter Joe Risk-LAA Malcolm Bryant-LAA Nimrod Cnaan-Law Centres	Rachel Rogers-Resolution Tim Collieu – LAA Sara Stephens – HLP

The Chair asked that item 2 start with the CCMS update. There were no objections.

1. **Minutes** from July were approved. **Post meeting note:** P Seddon has provided a correction to item 2.1 point ii on page 7. A revised version will be circulated.

### 1.1 Review of actions

**Action 3** – P Seddon said he had emailed J Nevitt, who said she had not received it. P Seddon to resend to J Nevitt. **Action 1 [May]**

**Action 7** – Meeting on audit activity provisionally arranged for 14 October and invitees currently being confirmed. Action can be closed.

**Action 8** – It was agreed that whenever the electronic handbook is changed, an update highlighting the changes would be circulated to the group for information. Action can be closed.

**Action 14** – Z Topping confirmed that the CCMS issue regarding scope limitation and emergencies has been resolved. The other issue regarding emergencies and substantive limitations has also been resolved. The general issue has been identified and should not happen again. In response to a query from J Demeritt, it was confirmed that internal advice and external communications on these issues will be issued within the next two weeks. Action can be closed.

## 2. LAA updates

### 2.1 CCMS update

Z Topping outlined the review of CCMS training. She confirmed that the training currently available on the system will be updated following the beta usage as feedback is received from beta users. The focus for communications at present is on those who are not yet using the system. Separate communications are being developed to support those who have used the system for some time.

In response to a query from J Beck, it was confirmed that a detailed timetable broken down into months and weeks will be shared shortly. The most recent timeline is available online.

Z Topping also summarised provider engagement, and confirmed that 70% of providers have used the system. Over 1500 offices have now used the system (as of July). In response to a query from P Seddon, it was confirmed that the figures are organised by account numbers rather than providers. She also mentioned that feedback received is being mapped and evaluated to give a picture of provider concerns and current issues.

Z Topping to provide a further breakdown of usage figures including how many offices with contracts exist. **Action 2 [September]**

It was confirmed that the queries raised by Sara Stevens have been addressed under Action 14.

In response to a query regarding continuity of online support, it was confirmed that continuous improvement work and consistency work was being carried out. Z Topping to summarise the training activities and circulate. **Action 3 [September]**

P Seddon to provide specifics to Z Topping of an instance of someone being given wrong advice which resulted in a reject. **Action 4 [September]**

J Sirodcar commented that instances like this should be fed back to the relevant Contract Manager who can feed back to LAA colleagues. Specific details of which provider on which day will enable LAA to track back to who provided the advice. K Hartup commented that the next Legal Aid Bulletin will contain an article on training, and can stress that LAA welcome feedback on individual issues. It was clarified that although specifics are most useful, a summary of the issues can help the team know where to direct training time. P Seddon said communications on this issue would help to confirm that the LAA did wish to see such feedback. K Hartup to ensure this is included in the forthcoming article. **Action 5 [September]**

## 2.2 Operations update

S Starkey summarised the report and commented that targets have been achieved in all areas. In response to a query, he confirmed that on Table 7, resubmissions are counted as applications.

Z Harper raised a query on the handout 'Legal help – number of hours claimed'. (This was recirculated in response to AP10 from the previous meeting.) She requested that a more detailed breakdown be made available showing pre- and post-LASPO figures, and also clarifying whether it includes escape cases and whether it covers level 1 or level 2. J Hood to see whether this is possible. **Action 6 [September]**

J Beck asked whether there were any plans for LAA to reduce their timeframes for payment, particularly in emergency cases. J Sirodcar suggested this should be discussed in December following the Treasury Settlement, and asked whether a process for emergency cases would help. It was felt that a workaround was useful, but that a reduction in payment times would be the most helpful solution. R Miller stressed that processing times are of great importance to providers. P Seddon asked what prevents LAA from paying POA on emergencies, and J Sirodcar agreed to investigate whether this is a regulatory or procedural issue. **Action 7 [September]**

W Ford commented on the provision to delegate authority in relation to Judicial Review cases which (pursuant to paragraph 5.3 of the Standard Civil Contract) only allows for delegated functions to be exercised in relation to certain categories of Judicial Review proceedings.

In a housing/community care context there was often an urgent need to obtain legal aid urgently for cases involving s17 or s23C and s23CA of the Children Act 1989. However, the rules did not permit delegated functions to be exercised in these circumstances. It was instead necessary to apply under an APP6 for emergency funding.

The guidance suggested that a case should be dealt with in under 48 hours. My experience, and that of others he had spoken to regarding this issue, was that it often took considerably longer than this to receive a decision. There were also some cases where it was not possible to wait even 48 hours.

He requested that the LAA look into whether there was some way in which in such emergency cases it was possible to speak to someone at the LAA who could grant funding on an emergency basis over the telephone, having been provided with details of the case. He had been told when phoning the LAA in such urgent cases that there was no authority for them to grant funding over the phone, no matter the urgency, and that the case would have to be considered along with other APP6 applications. **Action 8 [September]**

S Starkey to investigate with the relevant team what is the best way to request a turnaround time quicker than 48 hours for appropriate emergency applications. **Action 9 [September]**

J Beck raised an issue from Resolution on work being claimed during a show cause notice period. She commented that this has changed from being 'at risk' to being 'unpaid'. S Starkey confirmed that this is one of the areas where guidance is currently being looked at and will be amended shortly. S Starkey to circulate to members. **Action 10 [September]**

P Seddon ascertained from J Beck that the issue regarding show causes arose from the guidance issued on 2 September on *Civil news: avoiding taxed billing errors* from the Assurance team. P Seddon commented that this guidance merely outlined the position on CLS Funding Certificates without distinguishing that this was not the legal position on LASPO Certificates and that the correct position was explained in the Civil Finance Electronic Handbook. P Seddon said that the misleading information on this issue had been repeatedly raised in the past, and the consequences of this could not be rectified by tackling incorrect rejections, because if providers followed the guidance then it would not result in rejects but rather providers excluding claims for payment of work that they were legally entitled to. S Starkey to investigate whether the handbook needs to be amended for pre and post LASPO cases where a show cause is issued, and whether case workers are aware of the differences. **Action 11 [September]**

### **2.3 Commissioning update**

C Hamed gave an update. The verification process is under way for the 2015 tender process for AAP, Clinical Negligence and Public Law, and the deadline for providing information is 1 October, for contracts to start on 1 November. Another headline intentions document will be issued before the next meeting covering civil categories more generally. Contract extension notices are due to go out by mid-October.

R Miller asked when firms will be notified of extensions, and C Hamed confirmed that this information should be issued very shortly. Notifications for the following three contract extensions will have been received by mid-Oct, in line with previous headline intentions

#### **HPCDS**

- Schedules will be extended this month to ensure that services continue across all Housing Possession schemes.

#### **IRCs**

- We will not be able tender for new IRC schedules until there is further clarity on services required for detained clients, following the suspension of the Detained Fast Track (DFT) in July and continuing legal action.
- Existing IRC schedules will be extended in due course.

#### **Mediation**

- Contract extension notices and schedules will be extended in due course.

### **2.4 VHCC update**

J Hood gave a brief update. Training by WebEx and face to face training have been taking place. It was noted that take-up of the WebEx option is low. P Seddon commented that he is aware of colleagues who were unable to get on as sessions were fully booked. K Hartup to find out whether there was high demand for certain sessions and whether there is a need for more.

**Action 12 [September]**

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

### **3.1 Domestic Violence Gateway.**

This issue had been raised by Ellie Cronin. C Hamed responded that TLS had met with the Legal Aid Deputy Directors and discussed these matters. R Miller commented that there had been technical problems, but also stressed the broader concern of people being unable to access the assistance required. It was confirmed that the specific case which had been provided could be redacted and treated as an example of the issue. C Hamed to redact the details and investigate.

**Action 13 [September]**

### **3.2 Request for some information involving ICAs.**

This was a request from P Seddon. J Hood confirmed that the list of ICAs will be circulated shortly. **Action 14 [September]**

J Hood confirmed that until recently there was no method of extracting the information requested from LAA systems without looking at each individual case, which would be very resource intensive, inter alia that even though ICA's are paid per case, there was not current record of how many cases were being allocated to each ICA. R Miller asked that LAA confirm what figures can be provided. S Starkey confirmed that there is a bill tracker which can provide some information; however, there would be caveats around the figures produced. It was suggested by P Seddon that the current information to hand be given and that the SPG could then make further requests accordingly.

S Starkey to pull the data to hand and circulate a report before the next meeting. **Action 15 [September]**

#### **4. Civil taxed bills**

J Sirodcar outlined the context for this item, following on from Jon Cable's previous note to the meeting. LAA are finding significant issues with civil taxed bills, and have produced an optional form which could help reduce the rate of errors. The form would not be mandatory, but it was hoped that members could strongly encourage providers to use it. Comments on the form are invited from members in the next two weeks.

S Starkey outlined the main changes to the form, and confirmed that a provider could complete it instead of Claim 1/Claim 1a forms. He also confirmed that the form has been flagged to software providers.

In response to queries, J Sirodcar confirmed that an annotated version showing the changes would be circulated, together with a note explaining the context and common errors. Feedback on both would be appreciated by end September. **Action 16 [September]**

**Post meeting note:** It has transpired that it appears this is not the case, one of the largest costs software providers who has worked closely with the LAA software team on CCMS over the last 18 months was not notified.

#### **5. Getting the most out of Civil CCG meetings**

J Hood asked for suggestions on how to ensure meetings were helpful and productive. Members felt the meetings were a useful way to focus on important issues. J Hood to circulate initial thoughts for members to comment. **Action 17 [September]**

#### **6. AOB**

J Demeritt mentioned the All-Party Parliamentary Group meeting on Civil Legal Aid which had taken place the previous day. She mentioned a comment made by Lord Carlisle that TLS and BC were not present, and it was confirmed that neither had been invited. He also felt that the Bar and providers could do more pro bono work. The BC later tweeted some information about the amount of pro bono work done by its members, and she suggested TLS might like to do the same. R Miller to liaise with the TLS Parliamentary team. **Action 18 [September]**

N Jones-King raised an issued from Resolution asking what will happen about SQM requirements for CPD accredited training. J Hood to investigate the issue. **Action 19 [September]**

She also asked about a perceived shift in how legal aid for separately represented children is assessed. She then raised a question regarding public law pre-proceedings and a perceived change in how these are being dealt with.

S Starkey confirmed there was no change in LAA's approach to either of these areas, and would liaise with the relevant team to ensure consistency. Anyone with specific examples was invited to send details to J Sirodcar or R Kelly. **Action 20 [September]**

A Sherr updated the meeting on the Peer Review Quality Guides. The Crime guide is due to be published in two weeks.

C Hamed said she would circulate the new billing disbursement voucher and response templates for comment. **Action 21 [September].**

Actions from this meeting		Owner	By when
AP1 [May]	Discuss the issue of bills that were incorrectly assessed out of committee. <b>Update:</b> P Seddon to resend email to J Nevitt	P Seddon/J Nevitt	Closed
AP2 [Sep]	Provide a further breakdown of CCMS usage figures including how many offices with contracts exist	Z Topping	9 Nov
AP3 [May]	Summarise CCMS training activities and circulate.  <b>Post meeting note:</b> We have a programme of additional training for our CST staff that covers the following areas: <ul style="list-style-type: none"> <li>• PUI functionality,</li> <li>• Secondary role training in means and merits functionality,</li> <li>• Continuous Improvement events to identify failure demand and targeted interventions to improve first time resolution.</li> </ul> <p>In addition we have introduced split lines to ensure calls go to operators with the appropriate knowledge and training.</p> <p>Our training programme is ongoing so that it can be dovetailed with operational pressures and peak call times.</p>	Z Topping	Closed
AP4 [Sep]	Provide specifics to Z Topping of an instance of someone being given wrong advice which resulted in a reject.	P Seddon	Closed
AP5 [Sep]	Ensure the forthcoming LAA Bulletin article clarifies that LAA welcomes feedback on individual issues with CCMS.	K Hartup	Closed
AP6 [Sep]	Investigate whether a more detailed breakdown can be made available showing pre- and post-LASPO figures, and also clarifying whether it includes escape cases and whether it covers level 1 or level 2.	E Druker	Closed
AP7 [Jul]	Investigate what prevents LAA from paying POA on emergencies, and whether this is a regulatory or procedural issue.	J Sirodcar	Closed
AP8 [Jul]	Investigate what criteria apply for delegating authority in emergencies to be dealt with in 48 hours.	S Starkey	9 Nov
AP9 [Sep]	Investigate with the relevant team what is the best way to request a turnaround time quicker than 48 hours for appropriate emergency applications		
AP10 [Sep]	Circulate amended guidance on work being claimed during a show cause notice period.	S Starkey	Closed

AP11 [Sep]	Investigate whether the handbook needs to be amended for pre and post LASPO cases where a show cause is issued, and whether case workers are aware of the differences.	S Starkey	Closed
AP12 [Sep]	Find out whether there was high demand for certain VHCC WebEx training sessions and whether there is a need for more.	K Hartup	9 Nov
AP13 [Sep]	Redact the details of the specific case provided and investigate the issue of people being unable to access the Domestic Violence gateway.	C Hamed	Closed
AP14 [Sep]	Ensure that the list of ICAs is circulated shortly.	E Druker	Closed
AP15 [Sep]	Pull the data requested and circulate a report with appropriate caveats before the next meeting	S Starkey	Closed
AP16 [Sep]	Circulate annotated version of guidance on Civil Taxed Bills, showing the changes, together with a note explaining the context and common errors.  All invited to feedback comments.	J Sirodcar  All	Closed
AP17 [Sep]	Circulate initial thoughts on getting the most out of Civil CCG meetings, for members to comment.	J Hood	9 Nov
AP18 [Sep]	Liaise with the TLS Parliamentary team regarding Lord Carlisle's comments on pro bono work.	R Miller	Closed
AP19 [Sep]	Investigate the issue.re SQM requirements for CPD accredited training.  <b>Post meeting note:</b> The LAA are currently in the process of reviewing the requirements of the Specialist Quality Mark (SQM) in light of the SRAs change in approach to the use of CPD accredited training. We will discuss any required amendments with the SRA.	C Hamed	Closed
AP20 [Sep]	Anyone with specific examples of a change in how legal aid for separately represented children is assessed, or in how public law pre-proceedings are dealt with, to send details to J Sirodcar or R Kelly for them to investigate.	All	Closed
AP21 [Sep]	C Hamed to circulate the new billing disbursement voucher and response templates for comment.	C Hamed	Closed