



The Law Society



Legal Aid  
Agency

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

**18 January 2016**

**V4**

Date:	Monday, 18 January 2016		
Where	The Law Society, Chancery Lane, London		
Chair:	Carol Storer – LAPG		
Attendees:	Avrom Sherr –IALS Carita Thomas-ILPA David Holmes- MoJ Eleanor Druker-LAA Grazia Trivedi-LAA Jackie White – Shelter James Hood – LAA	John Sirodcar-LAA Jon Cable-LAA Julie Demeritt-BC Malcolm Bryant-LAA Nimrod Cnaan – Law Centres Paul Seddon – ACL Sara Stephens – HLPAA	Simon Cliff- TLS Stephen Aynsley-Smith- LAA Steve Starkey – LAA Tim Collieu – LAA Tom Bainbridge-MoJ Vicky Ling – Resolution Zara Topping - LAA
Apologies:	Joe Risk-LAA Nick Lewis-MHLA Richard Miller - TLS	Kathy Hartup – LAA Nicola Jones-King – ALC Ronan Kelly - LAA	Kerry Wood –LAA Rachel Rogers-Resolution

**1. Minutes** from November CCCG were approved with P Seddon’s corrections to item 3.4. The text of the penultimate paragraph of item 3.3 [*J Luba suggested...*] was confirmed after checking the transcript of the previous meeting.

#### 1.1 Review of actions

Action 1 [Nov] would remain open to ascertain whether J Bainbridge had spoken to J Beck re: funding for emergency applications in less than 48 hours **Action 1 [Nov]**.

**Post meeting note**-LAA are processing CCMS emergencies on the day of receipt (if received before 4pm) and within 24hrs in any event.

Action 3 [Nov] would remain open to allow members to come forward with ideas about making CCCG meetings more focused. J Hood to email the group to solicit suggestions **Action 2 [Jan]- Closed**.

Action 12 [Nov] M Bryant explained that Very High Court Cases [VHCC] would be replaced by High Cost Case Group [HCCG] as a standing agenda item.

Action 14 [Nov] Representative bodies agreed that the VAT question on the revised Claim 1B form [called Claim 1C] was wrong. S Starkey had referred the issues of certification and VAT on the CLAIM 1C form to the funding team. S Starkey to keep CCCG updated **Action 3[Jan]**.

Action 16 [Nov] would be taken forward. **Action 4 [Nov]**.

## 2. LAA updates

#### 2.1 CCMS update Z Topping talked the group through the salient points in the report.

- Uptake was high in Family but low in the other categories. The programme planned to engage directly with providers in those categories in the coming weeks.

- Resolution members' response to the survey on CCMS usage indicated that: a) 90% of users were still experiencing problems, mainly with slowness and the system not being available; b) 75% believed that the system would not be ready by 1<sup>st</sup> April.

The programme had ascertained that not all providers were having issues so they planned to find out what specifically didn't work for those that did. Also, users' expectations of how fast the system should be differed and impacted on feedback.

V Ling said that there seemed to be a mismatch between users' feedback given to the LAA, which was more positive, and feedback given to representative bodies, which showed widely spread concerns and difficulties.

In response to a query Z Topping said that the LAA did publish the times when the system would be unavailable due to maintenance. Recently this information had been made available on CWA as well.

J Demeritt asked for separate stats of a) unscheduled CCMS outages and b) DOM1 server outages. **Action 5 [Jan]**

- Rep bodies were concerned about the enhancements not being ready by 1<sup>st</sup> April when the system would become mandatory for all applications; the programme did not expect to have to push the date back.

The upgraded merits test roll-out was going to be completed by early February and the enhanced means interview roll out was in Beta. Full details of the roll out plan had been included in the brief.

- A declaration document had been produced, and would become available by 1<sup>st</sup> April for the purpose of accommodating means and merit interviews when working remotely. This product had been consulted on with rep bodies. Z Topping to circulate the consultation document **Action 6 [Jan]**
- LAA finance planned to stop paper BACS remittance for civil providers from 1 April. BACS statements could already be accessed through CCMS. Shelter's members had been using this facility and had found it good, however once the information had been accessed it had proved difficult to keep track of it within CCMS.

Z Topping would get feedback from Shelter and other users and discuss with rep bodies at the teleconference scheduled for the following week. **Action 7 [Jan]**.

The Bar Council was in favour of online remittance.

**Post meeting note:** all Rep bodies have had further information on Remittance advice; following a telephone conference an option was given to also provide written feedback. This was received and has been considered.

- The Law Society had raised the issue of urgent applications incurring delays and how this could be prevented. The programme were working on this and would have an update by 22 January. **Action 8 [Jan]**
- From 1<sup>st</sup> April online support would provide contingency as necessary during outages. LAA agreed to provide CCCG with fortnightly reports of outages between 1 February and 30 March. **Action 9 [Jan]**

- 2.2 Operational update: there were no questions about the report. S Starkey said that CCMS claims were prioritised; while paper claims took 8-9 days to be processed, CCMS claims took 2-3 days.
- 2.3 Commissioning: the outcome of the civil 2015 contract would be posted on the Gov.uk website at the end of January. This would show the number of providers and the total number of offices by each category. The LAA had written to all providers that had not met the verification requirements notifying them that the offer of a contract had been withdrawn.

The upload of the new contract schedules for 2016/17 would be completed by 31 March in time for the new schedules to begin on 1 April.

T Collieu would produce a breakdown of the number of providers by procurement area for the civil categories. **Action 10 [Jan]**

In response to a query T Collieu said that there had been very few new entrants into the market; C Storer questioned what the effect the contract extensions were having on an already stagnant market and speculated that there could be firms keen to undertake legal aid work but didn't have the opportunity to tender for a contract. There was a discussion about the merits of tendering for new contracts against the stability provided by extending contracts. .

C Thomas spoke about clients finding it difficult to get an immigration provider outside London and there was discussion about how far a client was expected to travel to find a legal aid provider.

- 2.4 High Cost [Civil] Case Group [HCCG] included Exceptional Case Funding [ECF], National Immigration Team [NIT], Special Cases Unit [SPU] and the Very High Cost Cases [VHCC] team in South Tyneside [Family applications].

Following a meeting with rep bodies in December no significant issues had been raised about the recently introduced Care Case Fee Scheme but LAA were making some amendments to the web pages and flow charts to aid providers. G Trivedi to circulate the links to the pages. **Action 12 [Jan]**.

- HCCG were looking at the possibility of reducing the two stages process for case planning on CCMS to just one.
- Stats on the exceptional case funding would continue to be included in the LAA statistical pack published quarterly.
- A new, much shorter, Exceptional Case Funding [ECF] non-inquest form had been introduced and so far no issues had been raised. The ECF telephone advice line continued to be operational from 9-5 to help providers and advise clients regarding ECF procedures
- The Court of Appeal hearing in relation to the ECF litigation was scheduled for mid-March.
- Processing times for High Cost Cases [HCC] case-plans had been below LAA target in recent months and efforts were being made to improve this.
- Rep bodies were asked to refer their members to [Malcolm.bryant@legalaid.gsi.gov.uk](mailto:Malcolm.bryant@legalaid.gsi.gov.uk) if they felt that case-plans were not being processed within the LAA time standards

- 2.5 Audits the Chair asked for more time to feedback on the LAA '*Preventing Audit Issues*' document. J Sirodcar asked for feedback to be sent to him by mid-Feb. **Action 12 [Jan]**

J Sirodcar said that the audits situation in the previous couple of months had been positive; the biggest issue currently was with civil tax bills. Contract managers had been engaging with a small number of firms [10 to 12] that had been having difficulties evidencing what they had been claiming for, thus having their bills reduced by more than 15%.

Pre-payment audits took about 3-5 days to process. The files to be audited were picked at random. .

2.6 Peer review: S Aynsley-Smith [LAA operational assurance] would circulate a paper on potential changes to peer review **Action 13 [Jan]-Closed**.

- Peer reviewers would be able to conduct reviews from home or their office.
- No initial validation would be done for the higher end scores of 1 and 2
- The reviewed Crime *Improving your Quality Guide* had been published and work had started on all the civil guides
- The crime peer reviewers had met in the previous week and peer reviewers in all categories would be having a training day in February.
- Currently, contracts had a provision stipulating that firms scoring 4 or 5 [a below competence score] could be charged for the peer review. From 1<sup>st</sup> April this would be included as a rule in the new crime contracts. If a 4 or 5 score was not upheld on appeal and it was upgraded to a 1-2 or 3, then the money would be reimbursed.

S Aynsley-Smith to check whether the firm would be charged if they accepted the score and did not appeal against the decision for existing civil contracts. **Action 14{Jan}-Closed**

- Analysis of peer reviews would show the common denominators that caused a firm to score a 4 or 5; this analysis would support the *Improving your Quality Guides* and would help providers to deal with the relevant issues and avoid a low score.
- Peer reviewers had welcomed the prospect of getting together again after a number of years for training events or to just touch base with each other.
- A Sherr thanked the LAA for their efforts.

### 3. Issues raised by representative bodies

3.1 Requirement to provide evidence for £20+ disbursement to Court LAA had provided a clarification and would update the guidance. **Action 15 [Jan]**

3.2 Claim 1C form S Starkey had flagged up the issues about a) VAT and b) certification within the form to the funding team. The latter had confirmed they had found a contradiction between the 2005 guidance and the cost assessment guidance on the VAT point and would follow up; they had also been in agreement about the certification issue in the form, which would be addressed. S Starkey to update CCG on this by 18 Feb **Action 16 [Jan]**

P Seddon said that the form had already been published with the incorrect instructions to providers and case workers, i.e. VAT should not be claimed in cases when it should.

S Starkey agreed to have the form taken down asap **Action 17 [Jan]**

#### 4. AOB

- 4.1 It was agreed that the following meeting would be moved to a Wednesday or Thursday as the LAA co-Chair, Laura Wensley, was not going to be available on a Monday.

Post meeting note: this has been arranged for 30<sup>th</sup> March at MoJ.

- 4.2 The Chair raised the matter of the prime minister's comments on the Residence Test over the weekend. She saw this policy as another barrier to legal aid for everyone and possibly the end of civil legal aid, even though exceptions were going to be considered.

D Holmes confirmed the intention to implement the test by summer 2016. Work was currently underway. This included taking account of changes made to LASPO since the test had first been proposed in 2013. Providers would be expected to carry out the test, and guidance and training would be provided.

Rep bodies felt that this test would be especially detrimental to vulnerable people like the homeless and those suffering from mental health issues.

D Holmes noted that provision had been made within the previously published draft regulations and guidance to provide flexibility for those whose personal circumstances were such that it would be impracticable for the individual to provide the evidence required.

ILPA had found the draft guidance confusing. Rep bodies asked that MoJ consult with them ahead of implementation of this policy.

D Holmes advised that there was no intention to hold further formal consultation ahead of the introduction of the test.

D Holmes would circulate draft guidance once this was updated and published. **Action 18 [Jan]**

- 4.2 J Sirodcar asked rep bodies to let him know about any information they wished him to follow up when he met with the National Council for Domestic Violence in a month time. This was an organisation that referred people seeking redress on domestic violence, to legal firms.
- 4.3 Universal digitalisation meant that the time would come when it would be impossible to peer review a firm's file in its entirety. Ways had to be found to get round the problem. This was particularly pressing in crime.
- 4.4 M Bryant asked members to send their queries on High Cost Cases to G Trivedi who would then forward them to the team to deal with.
- 4.5 The Chair asked where policy issues could be raised. D Holmes asked that they be sent directly to him.
- 4.6 The Chair formally thanked James Hood for his work in co-chairing the Civil CCG during the previous 12 months.

AP1 [Nov]	Ascertain whether J Bainbridge had spoken to J Beck re: funding for emergency applications in less than 48 hours  <b>Post meeting note</b> -LAA are processing CCMS emergencies on the day of receipt (if received before 4pm) and within 24hrs in any event.	G Trivedi	Closed
AP2 [Jan]	Email CCCG to ask for suggestions to make the meetings more focused.	J Hood	Closed
AP3 [Jan]	Follow up on the VAT issue on the CLAIM 1C form and update CCCG  <b>Post meeting note:</b> The form has been withdrawn	S Starkey	Closed
AP4 [Nov]	Ask LAA stats team for data on claims split between fixed fee and payments by the hour	E Druker	To be closed
AP 5[Jan]	Provide separate stats of past unplanned downtimes of CCMS and of the DOM1 server.	Z Topping	30 Mar
AP6 [Jan]	Circulate the consultation document about conducting a means interview remotely	Z Topping	Closed
AP7 [Jan]	Discuss feedback on online remittance with rep bodies at the CCMS teleconference scheduled for w/c 25 <sup>th</sup> Jan  <b>Post meeting note:</b> all Rep bodies have had further information on Remittance advice; following a telephone conference an option was given to also provide written feedback. This was received and has been considered	Z Topping	Closed
AP8 [Jan]	Update the group on how the programme would prevent urgent applications incurring delays	Z Topping	Closed
AP9 [Jan]	Provide CCCG with fortnightly reports of outages between 1 February and 30 March	Z Topping	30 Mar
AP10 [Jan]	Produce a breakdown of the number of providers by procurement area for the civil categories.	T Collieu	Closed
AP11 [Jan]	Circulate the link to the Care Case Fee Scheme webpage	G Trivedi	To be carried forward
AP12 [Jan]	Send comments to J Sirodcar on the ' <i>Preventing Audit Issues</i> ' document	Rep bodies	15 Feb
AP13 [Jan]	Circulate a document about potential changes to peer review	S Aynsley-Smith	Closed
AP14 [Jan]	Check whether a firm would be charged when scoring a 4 or 5 at peer review and did not appeal against the decision.	S Aynsley-Smith	Closed
AP15 [Jan]	Update the guidance to clarify what evidence is needed for £20+ disbursement to Court  <b>Pot meeting note:</b> <a href="#">Link to guidance</a>	J Cable	Closed
AP16 [Jan]	Update CCCG on the changes to CLAIM 1C form  <b>Post meeting note:</b> The form has been withdrawn	S Starkey	Closed
AP17[Jan]	Have the CLAIM 1C form taken off the website asap	S Starkey	Closed
AP18 [Jan]	Circulate the draft amended guidance on the residential test  <b>Post meeting note:</b> We are aiming to publish (and we will circulate directly to CCCG members) once draft regulations which would introduce the test are laid before Parliament. I cannot circulate a draft before then.	D Holmes	Closed