



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

9 May 2016

V3

Date:	Monday, 9 May 2016	
Where	The Law Society, Chancery Lane, London	
Chair:	Richard Miller – TLS	
Attendees:	Avrom Sherr –IALS Carita Thomas -ILPA Carol Storer – LAPG David Holmes - Civil Legal Aid Scope & Eligibility [MoJ] Eleanor Druker – Service Development [LAA] Grazia Trivedi -minutes Jackie White – Shelter Joe Risk - Finance & Digital [LAA] John Baker - High Cost Civil Team - LAA John Sirodcar – Contract Management [LAA]	John Wallis – Head of family legal aid - MoJ Kathy Hartup -Communications [LAA] Lynn Evans – Head of Service Development-Commissioning Nicola Jones-King – ALC Paul Seddon – ACL Ronan Kelly - Assurance [LAA] Sara Stephens – HLP Steve Starkey – Head of Civil Operations [LAA] Tim Collieu -Commissioning [LAA] Zara Topping – CCMS [LAA] Vicky Ling - Resolution
Apologies	Kerry Wood – Head of Commissioning [LAA] Malcolm Bryant -Head of High Cost Civil [LAA] Stephen Aynsley-Smith - Head of Quality Assurance [LAA] Martin Westgate - BC	

1. Minutes and Actions

March minutes were approved with two minor amendments requested by P Seddon and C Thomas.

Action 1 [Mar] the LAA had amended the contact pages on the CCMS website to include contact details, by region, for advocates not allocated a Contract Manager. The LAA recommended that case specific queries of an urgent nature be directed to the Customer Services Team in the first instance. K Hartup suggested that an update be included in the Advocates' Bulletin. **Action 1 [May]**.

Action 5 [Jan] update on the specific action LAA were taking where there were no Housing providers.

- There was 1 procurement area that didn't have one single housing provider, Surrey. An Expression of Interest [EoI] had been published on 28th April and would close on 12th May.
- 12 Procurement Areas had a single contract holder with the Housing & Debt Category of Law.

Rep bodies expressed concerns about this as there was the risk of a conflict of interest and the need to travel long distances to get to the provider. A meeting was scheduled at LAA to discuss the issue of housing provision.

- 3 other areas had seen the number of providers delivering the services reduce since award in 2013.

- All procurement areas had coverage at the moment (with the exception of Surrey which was currently subject to an ongoing Eol).
- Service in Suffolk was delivered through arrangements with organisations in nearby Procurement Areas [PA] through outreach arrangements.

J White said that clients in the Suffolk PA were able to find a housing provider through a CAB.

Rep bodies asked T Collieu to find out how many PAs had only one housing provider.

Action 2 [May]

Action 9 [Mar] The recruitment process for independent costs assessors was ongoing

Action 10 [Mar] – There was no new information on Universal Credit [UC]. V Ling reiterated Resolution’s concerns about the difficulties and confusion the introduction of UC was causing to providers; the LAA were aware of this and were working to resolve the issues.

Action 12 [Mar] Only three judicial review costs claims had been submitted since March 2015.

2. LAA Updates

2.1 CCMS

A slides pack¹ had been circulated before the meeting. J Risk talked the group through the main points.

- 2.1.1 Applications. Resolution had received feedback from providers that had experienced difficulties accessing contingency arrangements. Providers had been told by case management advisers that in order to submit a paper application a contingency reference number was needed or the application would be rejected. J Risk confirmed that this was not the case and asked Resolution to forward to him their members’ cases. LAA to provide a clarification on the contingency arrangement that Resolution could send to their members
- Action 3 [May].**

Rep bodies talked about the issue of providers trying unsuccessfully to submit an application on the system and, after two attempts, having to try again within 48 hours, causing them to have to recall the client and possibly the interpreter for the next attempt. The LAA advised that these cases were rare and most applications were submitted successfully; they also advised that case management would accept contingency applications in these cases to avoid having to recall the client, but guidelines would have to be applied. For instance if a hearing was scheduled after 2-3 weeks, the application did not meet the emergency criteria.

LAA confirmed that no applications that had been submitted via the contingency route had been rejected, however case management had a criteria in relation to what was defined as



Microsoft

1 PowerPoint 97-2003

an emergency. When an application did not fully meet the criteria the LAA investigated whether additional training or technical support could help the provider. Rep bodies were asked to send J Risk and Z Topping a couple of examples relating to the difficulties caused by the emergency clause and examples of applications rejected when submitted via the contingency arrangements. **Action 4 [May]**

R Miller stressed that it was not acceptable to have any clauses in place that could cause additional costs to providers and clients, irrespective of whether examples could be found and shown to the LAA right now. This was a serious issue with the potential to cause considerable additional costs to providers and clients. J Risk reaffirmed the LAA's commitment to work with providers to review the contingency arrangements if there were issues. J Risk/Z Topping to look at the issue of case workers requesting a contingency reference number for paper applications **Action 5 [May]**

A final point was raised about providers getting compensation from the LAA for additional costs incurred due to glitches with the system, i.e. an application that had to be submitted on paper because the area of law [human trafficking] was not listed on the system and the provider spent a lot of time on the process before discovering they could not put through the application. J Risk said that the LAA had an *ex-gratia* payments process in place. K Hartup would ensure that details of the LAA Customer Service team, the first point of contact for providers that needed urgent help, were uploaded on the CCMS page under 'Contacts'. **Action 6 [May]**

2.1.2 **Billing.** The LAA online support team could provide assistance if any user had cause to submit a bill via the contingency process. The programme were reviewing the information on the website and considering whether to include details of contingency arrangements. Z Topping to update CCGG by the end of May **Action 7 [May]**

2.1.3 **Enhancements** P Seddon asked how much money had been made available by the Treasury for CCMS enhancements. **Action 8 [May]**

There was discussion about the various versions of the system and whether firms knew if they had access to the latest version on their account. Firms' administrators had to ensure every user has access to the new 'upgraded' version so that they could benefit from the enhancements. Z Topping said that the programme informed providers of the available upgraded version but would share the communications with rep bodies again to disseminate to their members. **Action 9 [May]**

2.2 **Operational Update.**

S Starkey talked about the main points of interest in the report. Performance had remained strong throughout the period with the exception of escape cases; case workers were focussing on bringing down the process time back to within target.

2.3 **Commissioning Update**

T Colliou went through the latest Expression of Interest [EoI] activity

- Cambridge Housing Possession Court Duty Scheme – resulted in two responses. The service had been offered to the organisation giving the most detailed response. Coverage now in place.

- Hull Housing and Debt – 5 responses received, 4 of which met the mandatory requirement to hold a current civil contract. All 4 would be awarded the contract subject to confirmation that they had the necessary arrangements in place and that they could provide the verification information. One organisation was likely to be able to start immediately; the others would follow once training/offices were in place.
- Surrey Housing & Debt – The previous provider had their contract terminated. An EOI for replacement services was opened on 28 April and would close on 12 May.
- 2016 Standard Civil Contract (Welfare Benefits)
 - EOI responses received in both
 1. South West and Wales Procurement Area
 2. North Procurement Area
 - Applicants would be invited to participate in the tender shortly
 - The new contract would commence on 1 November 2016

3 High Cost Cases

These were dealt with on a case by case basis. There were no questions.

4 Assurance

The error rate on pre-payment audits had come down from 10% to 2% but, though a very positive result, the target was 1%. The statistical core testing error rate [or post payments] was 3%. Globally, the LAA error rate was below the 1% level required by the NAO. Rep bodies were keen to get more information and/or suggest changes to some of the points in the *Preventing Audit Issues* document circulated by J Sirodcar.² J Sirodcar offered to consider any proposed changes or answer any questions. P Seddon to liaise with J Sirodcar on what additional information to add to this document **Action 10 [May]**

5 Issues raised by Representative Bodies

5.1 Telephone Gateway

Out of 140k calls dealt with by telephone operators 24% of clients were referred to a CLA specialist, 15% to a face to face provider and 61% were closed by the operator.

There was anecdotal evidence of clients seeking advice on mortgage debt that had been incorrectly informed that this service was not provided; rep bodies asked what assurances were in place relating to operators' quality of advice and whether they had sufficient training to deal with clients; they expressed concern at what they felt was a very low number of face to face referrals.



J Sirodcar said the 15% figure was obtained via a test question in the client's feedback form and it was not certain that it was accurate. With regards the mortgage debt advice, J Sirodcar asked for the client's name so he could listen to the telephone conversation and take the matter forward. He said that every call was recorded and a sample of these calls was listened to by contract managers and the telephone specialist service who had a vested interest to have the maximum number of cases referred to them. Telephone specialists were peer reviewed for their face to face advice and occasionally for telephone advice as well.

Rep bodies asked the LAA to share the data on how many calls were checked by the telephone specialists. **Action 11 [May]**.

Everyone agreed that a mystery shopping exercise would be a good way to ascertain the quality of advice; the Law Society would consider doing this.

J Sirodcar invited the rep bodies to visit the CLA centre to see for themselves how it worked and rep bodies agreed. **Action 12 [May]**

5.2 Publicising to providers the 'Standard Operating Procedure [SOP] for Reporting and Referral of High Profile Cases in Civil Case Management' policy

C Storer asked whether the High Cost Cases Standard Operating Practice [SOP] was published on the LAA website or anywhere else and, if so, could the LAPG have a link. If it wasn't published could it be made public? She said that it would be in the client's interest to understand how the system of referrals worked.

J Baker said that the SOP had been provided in response to an FOI by LAPG and it appeared on their website; generally the LAA wouldn't publish SOPs as they were internal documents. J Baker to discuss LAPG request with colleagues in the LAA. **Action 13 [May]**.

C Storer said that transparency would reduce the prospect of litigation and offered that LAPG and some practitioners that were involved with the issue could meet with the LAA to discuss.

Post meeting note: In light of the ongoing litigation, Ruth Wayte, Principal Legal Adviser for the LAA, will pick this up with Carole in the first instance.

6 AOB

6.1 E Druker to check whether the LAA eligibility Key Card had changed **Action 14 [May]**

6.2 L Evans to check when the LAA Annual Report and stats pack would be published **Action 15 [May]**

Post meeting note: The Annual Report and Accounts for 2015-16 will be published in late June/early July, exact date to be confirmed. The Director of Legal Aid Casework Report 2015-16 will be published at the same time.

Legal aid statistics are published at quarterly intervals at 9:30am on a date which has been pre-announced a year in advance. The statistics for 2015-16 will be published on 30 June at:

<https://www.gov.uk/government/collections/legal-aid-statistics>

Actions from this meeting	Owner	By when	
AP1 [May]	<p>Update in the Advocates' Bulletin to say that case specific queries of an urgent nature relating to CCMS ought to be directed to the Customer Services Team in the first instance.</p> <p>Post meeting note:</p> <ul style="list-style-type: none"> • Article drafted and published for that advocates bulletin giving contact details. • https://www.gov.uk/government/news/civil-news-ccms-and-bar-contract-manager-contacts • CCMS Contract page is updated • Contact page on Gov.uk takes you to this link. http://ccmstraining.justice.gov.uk/contact-use 	Z Topping	Closed
AP2 [May]	<p>Find out how many PAs had only one housing provider.</p> <p>Post meeting note: There are 30 Procurement Areas with a single Housing & Debt provider</p>	1T Collieu	Closed
AP3 [May]	<p>Produce guidance on submission of emergency applications on paper</p> <p>Post meeting note: Out of hours service is the only service that accepts paper applications. How this is done is agreed with each individual provider and is dependent on the circumstances. This teams approach is digital by default.</p> <p>This team are now looking at how they manage CCMS applications requiring a decision in less than 4 hours. Any change to the process or contact details will be amended on the web pages.</p> <p>Guidance on the submission of emergency applications by contingency is posted here http://ccmstraining.justice.gov.uk/contact-use/when-ccms-isnt-working</p>	Z Topping	Closed
AP4 [May]	<p>Send examples to J Risk/Z Topping of applications that had been rejected because of the emergency clause and/or had been submitted via the contingency route.</p> <p>Post meeting note: None were received</p>	Rep Bodies	11 July
AP5 [May]	<p>look at the issue of case workers requesting a contingency reference number for paper applications</p> <p>Post meeting note: A review of the process was conducted immediately after the last CCG and we have no evidence of contingency numbers being requested to accept urgent applications.</p> <p>No evidence of provider complaints in this area.</p>	Z Topping	Closed

AP6 [May]	<p>Publish details of the LAA customer service team on the CCMS page plus information on the applications contingency process; publish the compensation process on the GOV.uk website.</p> <p>Post meeting note: Contingency process is published on the CCMS website. Each page is linked to the other.</p> <p>Details for the CST are published under the Contract Us sections of the CCMS training website and also the LAA site on Gov.uk</p> <p>The compensation process is part of or associated with the complaints process. This process is posted on Gov.uk at https://www.gov.uk/government/organisations/legal-aid-agency</p>	Z topping	Closed
AP7 [May]	<p>Update CCCG on the review of billing support for providers</p> <p>Post meeting note: Full review of the contingency process for billing has been conducted.</p> <p>Process requires a call to the Online Support Team – OST will authorise contingency reference number if they can't resolve on the call.</p> <p>There is no plan to change this process, the benefits are:</p> <p>OST raise each call as an incident and log it with our partner organisations for investigation.</p> <p>OST follow the incident until it is resolved. If there is any action required following issue resolution OST will do this or they will contact the provider and advise them of the action.</p> <p>This process and the route for contingency has not been set out previously on the CCMS training site. This revision has been agreed by our colleagues in Case Management and the site has been amended. http://ccmstraining.justice.gov.uk/contact-use/when-ccms-isnt-working</p>	Z Topping	Closed
AP 8 [May]	<p>Find out how much money the Treasury had made available for CCMS enhancements and share with CCCG</p>	Z Topping	9 July
AP9 {May]	<p>The programme informed providers of the available upgraded version of CCMS, but would share the communications with rep bodies again to disseminate to their members.</p> <p>Post meeting note: Following feedback from our larger providers we revisited our approach and developed an IT solution to direct providers to the Upgraded version of the system. This was released into production on July 3rd.</p> <p>All providers with compatible browsers will be directed to the</p>	Z Topping	Closed

	Upgraded version. Any user not on a compatible browser will be directed to guidance on how to upgrade their browser and will be given access to the classic version to complete their work.		
AP10 [May]	Liaise with J Sirodcar on what additional information to add to the <i>Preventing Audit Issues</i> document	P Seddon/V Ling	Closed
AP 11 [May]	Share data on how many calls are checked by the telephone specialists Post meeting note: Quality checks are undertaken by specialists on Agilisys for 30 calls per category – as a minimum be every 6 months.	S Sirodcar	Closed
AP 12 [May]	Make arrangements for a visit to the CLA centre	S Sirodcar	Closed
AP13 [May]	Discuss possibility of publishing SOP for Reporting and Referral of High Profile Cases in Civil Case Management’ policy and update CCCG Post meeting note: In light of the ongoing litigation, Ruth Wayte, Principal Legal Adviser for the LAA, will pick this up with Carole in the first instance	J Baker/M Bryant	Closed
AP14 [May]	Check whether the LAA eligibility Key Card has changed Post meeting note: It has not changed. The new Key Card is now available although there are no changes to the figures: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528095/eligibility-keycard.pdf	E Druker	Closed
AP 15 [May]	Check when the LAA Annual Report and stats pack would be published Post meeting note: The Annual Report and Accounts for 2015-16 will be published in late June/early July, exact date to be confirmed. The Director of Legal Aid Casework Report 2015-16 will be published at the same time. Legal aid statistics are published at quarterly intervals at 9:30am on a date which has been pre-announced a year in advance. The statistics for 2015-16 will be published on 30 June at: https://www.gov.uk/government/collections/legal-aid-statistics	L Evans	Closed