

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

12 September 2016

V5

Date:	Monday, 12 September 2016	
Where	The Law Society, Chancery Lane, London	
Chair:	Richard Miller – TLS	
Attendees	Carita Thomas -ILPA Carol Storer – LAPG Claire Green - ACL Eleanor Solomon – HLP Grazia Trivedi -minutes [LAA] Helen Keith - High Cost Civil [LAA] Helen Perkins – Service Development [LAA] Jayne Nevitt – Civil Operations [LAA]	Jon Cable – Operational Assurance [LAA] Lynn Evans –Service Development-Commissioning Nicola Jones-King – ALC Richard Busby -Resolution Steve Starkey – Civil Operations [LAA] Tim Collieu - Commissioning [LAA] Zara Topping – CCMS [LAA]
Apologies	Avrom Sherr –IALS Jackie White – Shelter John Sirodcar – Contract Management [LAA] Malcolm Bryant - High Cost Civil Complex Cases [LAA] Paul Seddon – ACL Nick Lewis - MHLA	Dominique Smith – BC James Martin – Civil Legal Aid [MoJ] Kerry Wood – Commissioning [LAA] Nimrod Ben-Cnaan – Law Centres Eleanor Druker – Service Development [LAA]

1. **Minutes** from the July meeting were approved. All actions were closed except **Action 1**, to be taken forward to the next meeting.

It was noted with regret that the MoJ policy representative had sent apologies at the last minute.

2. **LAA Updates**

- 2.1. **Client and Cost Management System [CCMS]** Z Topping gave an update

- 100% usage in August, 55% of that relating to Special Children Act; 9,400 applications received.
- A revised contingency process had been drafted with a) providers required to get a reference before submitting their application and b) clear instructions about providers with delegated functions not required to use the contingency process. Revised process to be published within 2-3 weeks.
- Providers that did not have a compatible browser had been identified [149 of them] and CCMS team would be contacting them to bring this to their attention.
- The programme would be publishing a cut-off date for usage of the original (Classic) version of CCMS.
- Two amendments had been made recently:
 - Special Children Act applications: three new questions had been added and one revised to reduce rejects and requests for further information, thus speeding up decision process.
 - New cost limitations on substantive certificates had been introduced in some categories – this would reduce the number of amendments required and would give more certainty to providers. Chair asked by how much the number of applications would be reduced following this amendment **Action 2 [Sep]** and whether it was possible to put a system in place for providers seeking an amendment to an existing certificate to a cost that was within the new default limit. **Action 3 [Sep]**

C Storer said that in housing cases the limit was reached even before any work had been done due to counterclaims and court fees. Z Topping to check what the position was on housing. **Action 4 [Sep]**
- Providers' feedback indicated their belief that not all case management staff were sufficiently trained to recognise urgent cases; Z Topping was aware that the different views on the definition of urgency had been a cause of frustration on both sides and that training was one of the ways forward. She was also aware of providers' frustration with not being able to request an amendment when one was pending; solutions were being sought and trialled. A workshop with providers was planned to consider the urgent application process.
- Rep bodies were going to meet with the LAA's director of finance to discuss the remaining problems concerning CCMS. When reporting a problem to the LAA, providers were often told that they were the only ones to experience it, only to find the very

same issue on the list of most common glitches compiled by LAPG. More transparency about the reality of the situation was needed so that providers would feel confident enough to give their name when making a complaint and to allow contract managers, who were aware of the problems, to speak about them openly. Having contributed to the construction of CCMS by feeding back to the LAA on its functionality, providers wanted it to be a success, however they continued to feel demoralised by the malfunctions.

Z Topping agreed that collaboration and transparency were the right way forward. She said that providers' concerns were noted; for example following the recent enhancement which allowed the upload of emergency documents, users' feedback flagged up functionally issues so a tweaked version was going to be released. It was noted that not all feedback was constructive; issues had to be regarded from both perspectives and taken forward when feasible.

Much work had been done recently to improve the customer service team (CST) responses; for instance when browser detection was added to the system an increase in calls and provider queries was anticipated. CST were able to flag up problems with the browsers and a few glitches in the area of means assessment. These were addressed very quickly.

Chair asked if there was a way of taking court fees out of cost limits and whether this could be looked into as part of the HMCTS reform programme. The LAA would be able to take this forward when the two systems [CCMS and Libra] became compatible.

Chair suggested that some free text boxes be added to the system for providers to use to pre-empt some of the queries they expected would be asked. Z Topping to look into this **Action 6 [Sep] Closed.**

Post meeting Note: A narrative box was introduced into the system on or immediately after the 22 August this year as one of the enhancements. Regardless of which interview version the provider is using, at the end they are presented with a non-mandatory text field to enter details of upcoming changes and further details should they wish to. This then transposes onto the assessment summary that forms part of the printable summary and also is then displayed on the caseworker reports following submission.

For applications submitted prior to this enhancement there was no such field; whilst the user could provide details of upcoming changes via lead questions, they could not give further details. This would need to be queried by the caseworker after submission via a *Further Information* request.

2.2 Operational Update. S Starkey summarised the report and said that the indicators on the operational side were continuing to improve.

- The oldest Claim1 waiting processing was at day 7
- Oldest High Cost claims were at day 3
- Oldest FGF/FAS CCMS at day 2 and day 5 on paper
- The oldest Legal Help Escaped case awaiting a decision was at day 6

- Civil certificated Rejects were relatively constant at approximately 8% of total bills received
- The oldest application awaiting a decision on merits was at day 5, on means it was at day 4 and on amendments at day 7.
- The reject rate on applications had continued to fall since CCMS had been mandated
- The time it took to answer phone calls at the LAA's Civil contact centre had dropped to just over 2 minutes with first time resolution of calls at 98%.
- The oldest CW3 extension awaiting approval was at 3 days. The levels of intake had fluctuated significantly which had meant that turnaround could be longer at certain times but caseworkers were doing their utmost to keep to a three day turnaround. Any backlog was addressed by use of overtime. Using the electronic CW3 form really helped to process these requests more quickly.

ACL [Association of Lawyers for Children] members were reporting that the means assessment part of CCMS was taking much longer [than statistics suggested], before an outcome was reached; this was due to the number of queries raised about each case. Every domestic violence and 16.4 means assessment case took months to reach a conclusion. Some of the queries were deemed trivial because they referred to the smallest amount of money appearing on a statement. S Starkey explained that this was likely to be due to NAO stringent controls and requirements. A debate followed about the impact of such policy on access to justice. S Starkey agreed to try and find out the stats on how long it took for means assessments to come to a conclusion and to check whether the Legal/Means team were aware of this issue. **Action 5 [Sep]**

2.3 Commissioning Update Tim Colliou updated the group

- **Civil contracts activity.** LAA were uploading a new schedule for the 2013 welfare benefits contract to run till 31 March 2017. A 12 month schedule would be issued after that. This put in to effect the extension of the contract through to 31 March 2018 of which notice was given in the summer.

In October the 2010 standard civil contract which now just covered mediation contracts, would have a new schedule issued that commenced on 1 November through to 31 March 2017. A 12 month schedule would be issued after that. This put in to effect the extension of the contract through to 31 March 2018 of which notice was given in the summer.

The 2016 welfare benefits contracts verification process was underway. Applicant organisations had until 30 September to complete the verification.

CCCG would be informed of the timetable for 2018 civil contracts as soon as a plan was in place.

- **Housing provision analysis - April to June 2016**
 - 98% of Procurement Areas had at least one provider offering face to face services
 - 95% of Procurement Areas had at least one provider offering face to face services who had reported work
 - 23% of all providers had reported no work [124 offices out of a total of 574]

- 31 procurement areas had one provider
- Surrey, one of three areas where there had not been any housing providers, now had four
- Alternative arrangements for service provision had been put in place in the other two areas, Shropshire and Suffolk. T Collieu to find out the volume of work being undertaken under these alternative arrangements. **Action 7 [Sep]**

T Collieu to also endeavour to provide the number of 1) new matter starts opened, 2) Number of certificates supplied for them, 3) legal help billed and 4) certificates billed for all procurement areas over the previous 2 quarters. **Action 8 [Sep]**

2.4 High Cost Case Group [HCC] H Keith said that the team continued to focus on bringing processing times of family case plans within the 4 weeks target. Providers could submit a case plan stating its urgency and the team would prioritise accordingly. The important step was for a case plan to be submitted before work was undertaken.

With regards to the standard operating procedure for referrals, a report covering April 2015 to March 2016 would be circulated to CCCG. **Action closed.**

3 Issues raised by Representative Bodies

- **Application of statutory charge to damages for misuse of s20 and payment for intermediary assessments.** L Evans said that these were policy issues and subject to submissions going to the ministers. The LAA would keep CCCG informed about progress made **Action 9 [Sep]**
- **Interpretation services at Court.** There had been problems arising from the new interpreters' contract which appeared to be more restrictive than the previous one. For instance a respondent that did not speak English in a family law case would not be given an interpreter by HMCTS. L Evans outlined that these were policy issues and subject to submissions going to ministers. The LAA would keep CCCG informed about progress made **Action 10 [Sep]**

4 AOB none

Actions from this meeting		Owner	deadline
AP1 [Jul]	P Seddon to send the details of the issue with the external software provider for Claims upload to Z Topping	P Seddon	30 Oct
	Z Topping to look into it	Z Topping	
AP2 [Sep]	Find by how much the number of applications would be reduced following the new cost limitations	Z Topping	30 Oct
AP3 [Sep]	Find out whether it was possible to put a system in place for providers seeking an amendment to an existing certificate to a cost that was within the new default limit	Z Topping	30 Oct
AP4 [Sep]	Find out the position in relation to cost limitations in housing cases	Z Topping	30 Oct
AP5 [Sep]	Find out the stats on how long it took for means assessments to come	S Starkey	Closed

	to a conclusion and check whether the Legal/Means teams were aware of the issue.		
AP6 [Sep]	<p>Find out whether a free text box could be added to CCMS means assessment section in order to reduce the number of queries</p> <p>Post meeting Note: A narrative box was introduced into the system on or immediately after the 22 August this year as one of the enhancements. Regardless of which interview version the provider is using, at the end they are presented with a non-mandatory text field to enter details of upcoming changes and further details should they wish to. This then transposes onto the assessment summary that forms part of the printable summary and also is then displayed on the caseworker reports following submission.</p> <p>For applications submitted prior to this there was no such field. Whilst the user could provide details of upcoming changes via lead questions they were unable to give further details. This would need to be queried by the caseworker after submission via a Further Information request.</p>	Z Topping	Closed
AP7 [Sep]	Find out the volume of [housing] work being undertaken under the alternative arrangements in Suffolk and Shropshire	T Colliou	15 Oct
AP8 [Sep]	<p>Endeavour to provide the number of</p> <ol style="list-style-type: none"> 1) new [housing] matter starts opened, 2) Number of certificates supplied for them, 3) legal help billed and 4) certificates billed <p>For all procurement areas over the previous 2 quarters.</p> <p>Post meeting note</p> <p><i>The information attached¹ gives detail for the last 2 quarters of 2015/16. These are the latest 2 quarters for which we hold data statistically verified for public release.</i></p> <p><i>In respect of legal help matters, we have provided the number of legal help matters reported during the relevant period in each procurement area Work reported as started has not been separately provided given the work required to separate cumulative figures for the specific time period requested.</i></p> <p><i>In respect of the number of certificates supplied for the legal help matters conducted, we are unable to link a legal help matter to a</i></p>	T Colliou	Closed



	<p><i>certificate. However we have provided the total number of certificates finalised in each procurement area over the last 2 quarters of 2015/16 and the total costs.</i></p> <p><i>We interpreted questions 3 and 4 to mean a request for the solicitor costs incurred in the legal help and certificated work reported in the relevant time period by procurement area and have provided this information.</i></p> <p><i>The data shows that there are three procurement areas where no work (i.e. neither controlled nor licensed work) has been reported in the relevant time period. These are Dorset, Redcar & Cleveland and Suffolk. In addition there are three areas where no legal help has been reported (Shropshire Surrey and Dudley).</i></p> <p><i>The areas of Shropshire, Surrey and Suffolk have been the subject of previous exchanges between the Law Society and the LAA and we have already provided further detail on these which we do not propose to replicate here suffice to say that services are available to clients in all three areas either through contracted provision in each area or via outreach/remote advice.</i></p> <p><i>In the case of Dudley, Dorset and Redcar and Cleveland, these areas have been identified through ongoing capacity monitoring as areas for Contract Management investigation given the fact that no work has been reported in these PAs.</i></p> <p><i>There are a further 14 areas where no certificated work has been conducted. However, as controlled work has been reported in each of these areas, we consider this to be symptomatic of client cases not requiring certificated work rather than a lack of availability of services.</i></p>		
AP9 [Sep]	<ul style="list-style-type: none"> ▪ Update CCCG on application of statutory charge to damages for misuse of s20 and ▪ Circulate a document that was produced by MoJ/LAA regarding a recent court case. ▪ Update CCCG on progress made by policy on payment for intermediary assessments 	E Druker	Closed
AP10 [Sep]	<ul style="list-style-type: none"> • Update CCCG on progress made by policy on interpretation services at court. 	E Druker	Closed