



The Law Society



Legal Aid Agency

Civil Contracts Consultative Group (CCCG) Minutes

14 November 2016

V3

Date:	Monday, 14 November 2016	
Where	Ministry of Justice, London	
Chair:	Lynn Evans –Service Development and Commissioning [LAA]	
Attendees	Amanda Preston – Senior Means Assessor [LAA] Anthony Evans – Civil operations [LAA] Carita Thomas -ILPA Carol Storer – LAPG Dominique Smith – BC Eleanor Druker – Service Development [LAA] Eleanor Solomon – HLP Grazia Trivedi -minutes [LAA] Jackie White – Shelter James Martin – Civil Legal Aid [MoJ] John Sirodcar – Contract Management [LAA] Kerry Wood – Commissioning [LAA]	Malcolm Bryant - Exceptional and Complex Cases [LAA] Nick Lewis - MHLA Nicola Jones-King – ALC Paul Seddon – ACL Rachel Rogers – Resolution Richard Knight – Communications [LAA] Richard Miller – TLS Sara Stephens - HLP Steve Starkey – Civil Operations [LAA] Zara Topping – CCMS [LAA]
Apologies	Jon Cable – Assurance [LAA] Rebecca Stimson – Legal Aid Policy [MoJ]	

1. **Minutes** from the September meeting were approved.

Action 1 was taken forward to the next meeting.

Action 2 [Sep] It was not possible to know how many housing applications had been reduced following the change to cost limitations; it was estimated in the thousands and depended on providers' behaviour.

Action 3 [Sep] Case management said that existing housing certificates could not be amended with a blanket approach. The team would be looking to see if anything else could be considered and would update. Z Topping to ask for guidance to be produced to say that there was no case to make for any increase that was within the new limits. **Action 2 [Nov]**

Action 4 [Sep] Z Topping explained why the cost limitation in housing work had not increased.

2. LAA Updates

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

- I. Decommissioning of the original version of CCMS was complete; all users now had access to the latest version and functionalities. Providers with old browsers had been identified and assisted; providers with issues had contacted the support team with a successful outcome. Support for providers would remain in place.
- II. The contingency process for urgent applications was not working as well as it could; providers that chose to use this route to submit an application e-mailed it directly to the LAA, however the reason why some providers were using this process a lot more than others was not known. For this reason the old system, which required providers to obtain a contingency reference from the customer service team, would be reintroduced shortly. This would allow the call handler to get as much information about the problem the provider was facing and record the incident with technical support [ATOS] if appropriate, or help the provider with that specific issue. S Starkey to find out the target time for call handlers to answer calls **Action 3 [Nov]**.

S Starkey to give an update at the next meeting on how calls handlers were dealing with providers issues **Action 4 [Nov]**

Z Topping to publish details of the change to the contingency process in the LAA Bulletin so that all providers would be aware **Action 5 [Nov]**

- III. A collective review of urgent work had been undertaken at a workshop organised by Carol Storer with LAA, rep bodies and providers in September. Outputs from the session would be collated into an update to be shared shortly and a general Top Tips guide on urgent work. **Action 6 [Nov]**

Urgent work in Housing had been discussed at the session and a top tips guide specific to housing was going to be produced and shared, however the HLPAs felt that a separate meeting should take place to cover housing only **Action 7 [Nov]**

A meeting of the Controls Optimisation Group, now called 'Process Efficiency Team', which included some rep bodies, was planned for 23 Nov to discuss the top 5 areas to focus on across civil work [including CCMS].

IV. Work arounds. Rep bodies raised concerns about the need for providers to work around obstacles found in CCMS. For example many providers had been required to declare to have seen all proof of income before emergency applications could be submitted but this requirement was not in the guidance. A Preston to check this **Action 8 [Nov]**

A point was made about certain processes driven by CCMS which went against the regulations laid out by legislation, such as the assumption that providers had evidence on delegated functions when they didn't or taking for granted that a claim had been sent to a client when a bill could not have been produced yet, thus putting the provider in a position to have to 'guess' what the bill might be. The CCMS team were aware of these 'illogical' features and needed to provide a way to work around the problem. Z Topping would forward this issue to the Process Efficiency Team for discussion on 23 Nov as the problems related to the interplay between the civil process itself and CCMS. **Action 9 [Nov]**

There was a suggestion that rather than communicating *work around* solutions via guidance documents they be flagged up on CCMS itself. **Action 10 [Nov]**

G Trivedi to circulate membership of the Process Efficiency Team and ToR. **Action 11 [Nov]**.

L Evans asked that anyone interested to be part of the group should let her know **Action 12 [Nov]**

2.2. Operational Update. S Starkey said that performance remained strong. He then talked through the Operational report.

It was pointed out that whenever the phone lines were particularly busy case workers were being taken away from claim and application processing to help deal with calls; so for this reason providers should be asked to try and keep their calls to those that were really necessary. A question was asked about whether CCMS claims were still being given priority and it was confirmed that paper and CCMS claims were presently being equalised so there should be no difference in the length of time from receipt to payment.

2.3 Commissioning Update LAA had been asked to find out the volume of [housing] work being undertaken under the alternative arrangements in Suffolk and Shropshire. C Leach said that 3 people had been seen since July in Shropshire. In Suffolk, Shelter delivered the service. J White confirmed the number of people seeking advice was still low and there were concerns that not everyone in need of help was able to get it. Shelter were exploring options to increase take up.

With regards the information provided by LAA in response to Action 7 [Sep], R Miller was not satisfied with the reasons given for 14 large procurement areas not having had any legal help cases progress to certificated work; it was suggested that this could be because providers were not complying with the contract or because they did not have the expertise, confidence or knowledge to take a case forward. This was a worrying matter and the LAA ought to find out why this was happening. LAA confirmed that contract managers were discussing this with providers.

- Housing data requested by the Law Society was circulated in advance of the meeting
- The deadline for expressions of interest to deliver Housing and Debt advice in Cambridgeshire had passed on 8 November. Central Commissioning were now considering responses

- New Welfare Benefits contracts covering the North and the South West and Wales procurement areas had begun on 1 November.
- Central Commissioning would shortly be notifying bidders of the outcome of the procurement process to administer the Specialist Quality Mark. Services under the new contract would begin on 1 April 2017.
- The LAA would shortly publish an expression of interest [EOI] for miscellaneous matters. This was aimed at organisations that assisted individuals affected by modern day slavery, which was included in the miscellaneous category. The EOI would be published online [tenders pages] and an article would be published in the following LAA Bulletin.

2.4 High Cost Case Group the group was now called **Exceptional and Complex Cases [ECC]** with email: contactecct@legalaid.gsi.gov.uk; personal emails would not be responded to from this account from now on. G Trivedi to circulate the note sent to all practitioners informing them of the name change. **Action 13 [Nov]**

Post meeting note: link to the webpage is below:

<https://www.gov.uk/government/news/civil-news-single-email-for-ecf-high-cost-civil-and-immigration>

ECC were still working to clear the current work in progress with regards to family case plans and immigration [outside emergency] work.

Rep bodies to ask their members not to contact ECC with personal emails and/or if their case was on target or non-urgent. **Action 14 [Nov]**

There had been no substantial litigation to report in relation to the work of the ECC.

ECC were responsible for the Standard Operational Procedure document relating to high profile referrals but this covered all case management decisions and not just those of the ECC.

From 1 January high profile referrals would be collated into one database and data for the first quarter [Jan-Mar] would be published in the LAA quarterly management information report.

2.5 CLA Operator Service visit. 3 rep bodies took part in the visit; they had the opportunity to meet with people from the service and had a session with a specialist adviser operating a discrimination contract. C Storer to send feedback from the visit to J Sirodcar **Action 15 [Nov]**

3 Issues raised by Representative Bodies

3.1 Civil contract 2018 Ministers were still considering the approach to be taken on this. An extra meeting would be arranged as soon as ministers' views had been received. **Action 16 [Nov]**

3.2 Means Testing Practitioners submitted clients' bank statements covering the previous 3 months with every application but were then asked for additional information, like bank statements that went further back, or specific wage slips. Often the additional information was not going to make any difference to the client's eligibility to public funding. The delays caused by the additional requests for information caused significant problems for practitioners that had already done some urgent work but had not received a substantive certificate; delays had an impact on their ability to engage in litigation. LAA asked for specific examples to look into this. A Preston explained that means assessors had to a) mitigate risks b) make an accurate assessment c) be in a position to offer a contribution that was accurate.

Rep bodies questioned the LAA's right to ask about clients' PayPal or eBay accounts because it did not have any bearing on income eligibility. A Preston explained that means assessors queried these accounts if they saw an ongoing volume of transactions; if a client used PayPal or eBay frequently they could be receiving income from this.

Post meeting note The LAA means assessment team have confirmed that some people do operate a business through PayPal by selling goods on an ongoing basis and therefore making money through these accounts; in addition the balance of these accounts can be added to other accounts which form part of the capital assessment.

LAA and rep bodies disagreed about means assessors querying transactions for as little as £10 on clients' bank statements.

Post meeting note one-off minimal credits are not queried but if assessors can see more than one credit from the same source they will look to include/query in their assessments.

E Druker to contact A Preston to discuss this issue and look at specific examples. **Action 17 [Nov]**.

3.3 Housing Possession Court Duty Scheme [HPCDS] S Stephens said that where there wasn't a Solicitor in place (in non LAA funded schemes) she didn't think that the advisers' knowledge was good enough to deal with the cases. K Wood explained that the LAA criteria required all Housing contracts to have litigators and had done for quite some time. LAA would continue to liaise with the Department for Communities and Local Government about schemes where Local Authorities continued to fund; the LAA could not duplicate-fund these schemes.

3.4 Family legal aid statistics. [This was resolved in a written communication prior to the meeting]

3.5 LAA pilot of self grants of funding in immigration controlled cases. [This was resolved in a written communication prior to the meeting]

4 AOB

4.1 Housing reps asked for an amendment to the contract to allow delegated functions to be used for s17 Children Act claims for accommodation. El Druker to look into the issue **Action 18 [Nov]**

Actions from this meeting		Owner	deadline
AP 1 [Jul]	P Seddon to send Z Topping the details of the issue with the external software provider for uploaded Claims.	P Seddon	Closed
	Z Topping to look into it.	Z Topping	
AP 2 [Nov]	Ask for guidance to be produced to say that there was no case to make for any increase that was within the new limits	Z Topping	30 Dec
AP 3 [Nov]	Find what the target time is for the customer services team to answer calls. Post meeting note: The average speed ton answer KPI for the civil phone team is 2:50	S Starkey	Closed
AP 4 [Nov]	Update CCCG on how call handlers were dealing with providers issues.	Alastair Adan	18 Jan

AP 5 [Nov]	Communicate the change to the contingency process in the LAA Bulletin so that all providers would be aware.	Z Topping	1 Dec
AP 6 [Nov]	Produce and share an update on the output of collective review of urgent work session.	Z Topping	30 Nov
AP 7 [Nov]	Organise a meeting with HLPAs to discuss CCMS issues.	Z Topping	30 Nov
AP 8 [Nov]	Look at emergency applications that required proof of income and update CCCG. Post meeting note A provision within the provider contract confirms - Limited information can be provided and is required to carry out a reasonable assessment for emergency certificate grant purposes.	A Preston	Closed
AP 9 [Nov]	Forward the issue of working around 'illogical' process to the Controls Optimisation Group [Process Efficiency Team] for discussion on 23 Nov.	Z Topping	14 Nov
AP 10 [Nov]	Check whether notes can be added to CCMS flagging up work around solutions rather than on separate guidance documents.	Z Topping	30 Nov
AP 11 [Nov]	Circulate membership of the Controls Optimisation Group [Process Efficiency Team] and ToR ¹ . Post meeting note. The members of the group are:	G Trivedi	Closed
	Wensley-Evans Jenny Beck -LAPG Simon Gardner-Bar Council Dawn Wilson - Resolution Sirodcar, John (LAA) Crosby, Luke (LAA) Bryant, Malcolm (LAA)	Harbottle, Jane (LAA) Topping, Zara (LAA) Bainbridge, Joanne (LAA) Land, Janet (LAA) Carol Storer - LAPG Moir, Matthew (LAA) Paterson, Gavin (LAA)	
AP 12 [Nov]	Inform L Evans if interested to be part of the Controls Optimisation Group [Process Efficiency Team]	Rep Bodies	22 Nov
AP 13 [Nov]	Circulate the note sent to all practitioners informing them of the HCC group name change. Post meeting note: link to the webpage is below: https://www.gov.uk/government/news/civil-news-single-email-for-ecf-high-cost-civil-and-immigration	G Trivedi	Closed



AP 14 [Nov]	Ask members not to contact ECC with personal emails or if their case was on target or non-urgent.	Rep Bodies	Closed
AP 15 [Nov]	Send feedback from the CLA operator service visit to J Sirodcar	C Storer	Closed
AP 16 [Nov]	Arrange a meeting to discuss the civil contract 2018 as soon as possible.	G Trivedi	Closed
AP 17 [Nov]	A Druker to contact A Preston to discuss means assessment.	E Druker	Closed
AP 18 [Nov]	Look into the issue of delegated functions to be used for s17 Children Act claims for accommodation.	E Druker	30 Dec