

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

18 January 2017

V3

Date:	Wednesday, 18 January 2017	
Where	Ministry of Justice, London	
Chair:	Lynn Evans –Service Development and Commissioning [LAA]	
Attendees	<p>Alastair Adan – Civil Business Improvements [LAA] Avrom Sherr - IALS Amanda Preston – Means Assessment [LAA] Carita Thomas-ILPA Carol Storer – LAPG David Martin – Legal Aid Policy [MoJ] Dominique Smith – BC Eleanor Druker – Service Development [LAA] Eleanor Solomon – HLP Grazia Trivedi-minutes [LAA] Jackie White – Shelter Jayne Nevitt – Civil Operations [LAA] John Sirodcar – Contract Management [LAA] Jon Cable – Assurance [LAA]</p>	<p>Kerry Wood – Commissioning [LAA] Laura Wensley - Service Development, Commissioning [LAA] Malcolm Bryant – Exceptional, Complex Cases [LAA] Nicola Jones-King – ALC Nimrod Ben Cnaan – Law Centres Paul Seddon – ACL Richard Knight – Communications [LAA] Richard Miller – TLS Samantha Little - Resolution Steve Starkey – Civil Operations [LAA] Tam Gill - MHLA Zara Topping – Digital [LAA]</p>
Apologies	Rachel Rogers - Resolution	

1. Minutes from the November meeting were approved.

Action 2 [Nov]. [LAA] Case management stated 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

- LAA weren't able to offer any increases in housing limits predominantly due to the average case costs. Increases would lead to concerns over the LAA assurance position.
- The changes would only affect new applications made post-implementation. Providers would need to submit amendments on outstanding certificates as per normal – outstanding certificates had not been increased as standard. The cost limit that was associated with the certificate at the time of application would still stand true.
- Decisions to make these changes had been made based solely on improving customer service for providers and attempting to reduce what the LAA considered to be unnecessary administrative functions. However, this did not mean that processes had changed and as such there was no reduction in checking of submissions or requirements.

Action 4 [Nov]. A Adan gave an update on the LAA civil call handling service.

- 750-800 calls were received each day
- Key Performance target of an average answer speed was no more than 2 min 50 sec. This had been achieved month on month except in October.
- Average call time was 6 min in-call and 6 mins after-call but those relating to CCMS lasted on average 7 mins in-call and 9 mins after-call due to the complexity of the issues.
- CCMS on-line support calls were about system issues, problems with applications, billing issues etc. The previous week out of a total of 3,200 calls, 141 [4%] had been about system issues i.e. getting an application through or a bill onto the system; 1,500 calls [42%] had been about merits enquiries.
- LAA regularly ran customer satisfaction surveys on the service provided – the latest score was an 85.6% positive approval rate.
- The indicative first time resolution was around 95%. In respect of contingency requests call handlers would take the call, request details on the issues and additional information. They would determine if there was a workaround or whether LAA intervention could move the case on. If this was not possible they would provide a contingency reference so that the provider could submit their request via the contingency process.

Action 5 [Nov]. Communicate the change to the contingency process in the LAA Bulletin so that all providers would be aware.

Guidance had been [published](#) on 12th January; the CCMS website had also been updated. Providers that had previously been using the contingency process had been notified by e-mail.

Action 6 [Nov] Produce and share an update on the output of collective review of urgent work session.

A draft update had been circulated to a small group before sharing more widely.

Action 7 [Nov]. A meeting with HLPAs representatives to discuss CCMS issues had been scheduled for 6th Feb.

Action 9 and 10 [Nov]. Look into the issue of workaround 'illogical' processes and flag up notes onto CCMS rather than on separate guidance documents.

The LAA Controls Optimisation Group [Process Efficiency Team - PET] had met with rep bodies in November and January to review the issues. An update on the review would be shared with the group within the following 2 weeks. **Action 1 [Jan].**

Action 12 [Nov]. Members to indicate whether they wished to be part of the Controls Optimisation Group [PET].

Some members had done so and others were invited to do so at any time.

Action 18 [Nov]. Update on Delegated functions in child homelessness cases See [item 3.2](#) below

2. LAA Updates

2.1. Client and Cost Management System [CCMS]

Z Topping talked about what the team planned to deliver in the following quarter:

- 1) Upgrade to the amendments section of the system in both the merits and means interview. This would a) improve the navigation function and address users' frustration with the back-and-forth arrow and b) allow the team to complete decommissioning of the application functionality in "classic" [the original version]. Beta release was planned in January before full production release.
- 2) Introduce a *confirmation of receipt* email in respect of all applications. Providers chasing receipt of applications represented approximately 30% of daily "unjustified" calls. Z Topping explained that "unjustified" was a LAA term meaning not generated by an action of the LAA and not requiring any action to be taken by the LAA; for example checking for information already published.

Z Topping to find out what reference was going to be included in the email that identified the application received **Action 2 [Jan].**
- 3) [Ongoing] Consider where possible to include improvements in addition to granting applications and paying bills, which would benefit external stakeholders, such as adding document upload to applications, emergency applications and outcomes.
- 4) By example in previous quarters: Change the questions in the Special Children Act to reduce the number of rejections/refusals in this area (55% of all applications).
- 5) Billing. Up to now the programme's focus had been on the General Ledger and Accounts package with priority on understanding and addressing concerns with "stuck bills"¹, but In the next quarter the team would be looking at a) how to support the work done on applications, b) enhance the rules base to prevent some of the main areas that generated errors, rejects and assessments. P Seddon and Z Topping to work together on this **Action 3 [Jan].**

¹ this did not prevent payment but added additional steps for LAA and in some instances providers

The team also planned to provide added support to the bulk upload facility with a revised testing database.

P Seddon and members of ACL had been invited to a meeting with LAA colleagues at their Jarrow site to tour the premises and to discuss billing issues.

Advocates. The programme planned to improve the notifications process for advocates, Provider Statement of Account [PSOA] and Remittance. A focus group would be set up to look at notifications.

- 6) Housing. The team would meet with housing providers to go through the system, understand their specific concerns and identify any possible solutions.
- 7) A priority list of what was referenced to as “*work arounds*” would be collated within this group to look at the frequency of use and options for solutions.
- 8) Survey. A revised e-survey on CCMS to gather feedback from users would shortly be launched by the programme. C Storer said that LAPG had prepared a survey for their members to get feedback on issues, however previous responses had been very detailed and technical and it had proved difficult to identify common problems/trends. The ideal survey would be to request simple yes/no answers and to request the case reference numbers in support of the response provided.

Z Topping felt that perhaps area specific surveys could be done within focus group because the team needed to know exactly what prevented users from having a smooth engagement with the system.

R Miller asked what the shelf life of CCMS was; L Evans confirmed that there were no plans to replace it.

Z Topping was asked to find out, if possible, what life time expectation had been given in the business case submitted to the Treasury to support the funding request for CCMS. **Action 4 [Jan]**

2.2. Civil operations S Starkey talked about the salient points of the report.

- Applications processing performance continued to be good with applications being processed generally within 5-6 days; there had also been a significant improvement in relation to CW3 extension processing which was now down to 2 days.
- Claims were also being authorised generally within 5-6 days of receipt; less than a week’s intake volume was in hand; escape cases were also being processed within 5-6 days.
- Rejects rates on Claim1s were down to 7% but there had been a 1% increase in respect of FAS claims rejects. Two changes to the Advocates Attendance form were proposed to address this issue and rep bodies were invited to ask their members to feedback on these changes and to make any other suggestion by the end of January. **Action 5 [Jan]**.

The first proposed change was to have a free text box to replace the current 5 boxes (shown below for reference).

Case type				
<input type="checkbox"/> DA	<input type="checkbox"/> Care	<input type="checkbox"/> PubOth	<input type="checkbox"/> PrCh	<input type="checkbox"/> AR

Rep bodies expressed concern about this and asked for more information about the reasoning behind this proposal. **Action 6 [Jan]** closed, see post meeting note below.

Post meeting note [1]

The idea is to be more specific on the proceedings to ensure they are in scope. So, if for example a certificate covered Contact proceedings but the hearing is about obtaining a Prohibited Steps order, then the only tick box is for Children.

The suggestion by rep bodies that adding more tick boxes could work seems like a good solution. So, for example, we could have boxes as follows:

- Contact/Residence/CAO
- Prohibited Steps/Specific Issue
- Other Section 8 Children Order
- Domestic Violence
- Ancillary Relief
- Other Financial Order
- Care/Supervision
- Other Public Law

That would allow us a better grasp of what the hearing is for without requiring a discretionary request for further documentary evidence such as attendance notes.

Any comments or suggestion for change from rep bodies would be really welcomed, ideally by the end of January but let S Starkey know if more time was needed.

The second proposed change was to add a tick box called ‘*work proceeding is contested*’, whereby a ticked box would avert the requirement to send a court order if the provider was claiming a court bundle. S Starkey was asked to find out what *bolt-on* the LAA wanted clarity about **Action 7 [Jan]** closed. See post meeting note below.

Post meeting note [2]

The Family Spec confirms:

7.151: *There are restrictions on the circumstances and number of times within a set of proceedings that a court bundle payment may be claimed for Interim Hearings. In Public Law Proceedings, court bundle payments may be claimed for no more than two Interim Hearings and each of these must be either a Case Management Conference, an Issues Resolution Hearing or otherwise a hearing which is listed for the hearing of contested evidence. A court bundle payment may never be claimed more than once per hearing. [Emphasis added].*

Currently the form makes no provisions that clarify if the hearing is ‘otherwise contested’, so we find ourselves needing further evidence (such as the court order) alongside the AAF: it only really lets us know if the hearing was an IRH, Finding of Fact or Final. However, as the Contract confirms above, there are other scenarios where the advocates’ bundles is allowable. In these scenarios we find ourselves needing to seek specific confirmation in the form of the court order that the hearing was actually eligible for the bundle bolt-on.

If we could agree a tick box on the form that specifically confirms the hearing was contested, we wouldn’t need to request orders and could potentially reduce our rejects/assessments in this area.

2.3. Commissioning

The Chair said that K Wood would be talking about the Civil Contract 2018 but that this could not be shared outside the meeting because the ministers had not yet signed off the proposals. The information could be shared when the Headline Intentions document was published, which was expected to be soon. S Little left the room for this part of the meeting.

Post meeting note [3] The Information was published on 20th January

- Prior to April the LAA would publish the *Headline Intentions* and the consultation on Housing and Housing Possession services.
- Providers would not be required to tender for individual amounts of Matter Starts [MS]; instead the LAA would set maximum lot boundaries.
- Firms would be allowed to reallocate their own work across their offices.
- Remote working arrangements would be extended for face to face contracts.
- Keep licence only contracts in family.
- Minor adjustments would be made to Procurement Areas.
- Providers that tendered for an Immigration and Asylum contract would be allowed to work at Immigration Removal Centres [IRC] subject to a criteria set out by the LAA.
- LAA intended to commission immigration work in one additional area: Kingston-on-Hull.
- Welfare Benefits would not be tendered separately. Instead, providers with a Housing/Debt contract could undertake Welfare Benefits if they met the requirements.
- Housing Possession contracts would be significantly larger to make them more viable; changes would be made to the criteria and these would be included in the consultation.
- Case requirement changes were planned for the current Supervisor Standard in the Mental Health category in order to increase the number of tribunal cases the supervisor would have to attend from 5 to 10.
- The Law Society were developing a specialist panel accreditation for mental incapacity cases; once this was introduced the LAA planned to use it as the basis to restrict the authorisation for providers to undertake mental capacity work.
- An expression of interest had already been published for providers wanting to take on modern slavery cases within the miscellaneous category. Similar provision would be made in the tender.
- The first stage of the tender process would be to complete the Select Questionnaire [previously called PQQ] followed by the *Intention To Tender* [ITT] to be published in the Summer 2017.
- The specialist contract, namely CLA, would broadly remain the same as it was now and the tender process would in the main mirror the previous one.
- For the competitively tendered contracts [CLA, Housing and Housing Possession] where the number of awards was restricted, a financial assessment would be done to ensure the firm had the financial means to do the work for which it was bidding.

- Contract documentation for public consultation was expected to be published in early February.
- Lot boundaries were to be set with a view to striking a balance between managing expectations and allowing flexibility in each area.

E Druker was asked to circulate again the Supervisor self- declaration forms and guidance.

Action 8 [Jan]-Closed

2.3 Exceptional and Complex Cases [ECC].

M Bryant said that the team were using case management caseworkers to process the ECC appeals and had put the emphasis on providers to prepare Independent Funding Adjudicator [IFA] documentation which the ECC team who would then send directly to the IFA. This was aimed at speeding up the administration of appeals.

The ECC phone lines would soon be diverted to the Customer Service team [CST] in South Tyneside to give providers more operational lines. Some calls would be referred back to the ECC caseworkers to deal with if the CST were not able to resolve. Again this was aimed at providing better customer service.

Processing of ECC Family work including case plans was back in target [20 days]. The ECC team were now focusing on the Immigration work that remained outside target, although they endeavoured to deal with immigration emergency cases within 48 hours.

In relation to the High Profile cases that were governed by a High Profile SOP a unique database was being tested which would produce statistics for publication together with the quarterly statistics; it would be operational for the period April 2017 onwards.

M Bryant thanked the rep bodies for instructing their members not to call and email the ECC team unnecessarily, this allowed the team to concentrate on processing casework

3 Issues raised by Representative Bodies

3.1 LAA statistics: Rep bodies were concerned about the continuing reduction in legal aid uptake across a wide range of categories of law² and said that more people would apply for legal aid if they knew how to access it. R Miller said that the reduction could not be attributed to a drop in need; court statistics suggested that the number of cases going through the system was unchanged but more people represented themselves in court, causing all kinds of problems.

D Martin said that there was no known reason for the reduction but it was possible for MoJ to investigate with rep bodies' help; this had been done with domestic violence. He said that surveys were not the best tool to do this as they did not examine the issues in depth nor look at specific problems. He asked rep bodies to feedback as much intelligence from their members as possible, i.e. about the clients that they had turned away and why.

² **a)** In the latest quarter legal help new matter starts were 9% lower than in the same period in 2015 **b)** Mediation continued to drop - the number of mediation assessments in the latest quarter was 17% down compared to the same period in 2015 and matter starts were down by 19% over the same period **c)** Total housing workload was down 9% compared to last year **d)** Total immigration workload was down 22% compared to last year.

The general outcome of the monthly service capacity reviews conducted by the LAA was that some providers did little or no legal aid work because of a lack of clients. However feedback from ILPA suggested that people looking for legal aid in immigration had not been able to find a practitioner with capacity willing to represent them. L Wensley asked that any specific examples be passed onto David Martin.

A variety of reasons for the decline were offered by the group: MoJ no longer had funds for promoting legal aid; providers were prevented from advertising legal aid services; there was a public misconception that legal aid was no longer available; external factors influenced the demand for legal aid in immigration; CAB advisers would not commit to referring cases to the telephone helpline [CLA] or a legal aid solicitor; practitioners were not pro-active in attracting clients; a fragmented market meant low volume of work which made it difficult for providers to retain the necessary level of knowledge and expertise in specific areas of law.

LAPG had made posters giving information on how to get legal help, however in order to make the message clear and concise it became too simplistic and thus confusing/flawed. C Storer suggested that the research carried out by the now obsolete Legal Services Research Centre on *how to meet legal aid needs* be looked at again.

All representative bodies agreed that the civil legal aid system was too complex and hoped that the LASPO review could offer the opportunity to address this issue.

3.2 Update on the delegated functions in child homelessness cases

E Druker advised that the issue of delegated functions in relation to JRs had been raised by providers in a number of forums. There were on-going discussions with MoJ on this issue and a note would be going to Ministers in the next few weeks.

4 AOB

4.1 Membership of the group

The Chair asked members to consider reducing the circulation list to just those people that attended the meetings. Grazia Trivedi to circulate an amended list for approval **AP9 [Jan]**

Actions from this meeting		Owner	deadline
AP1 [Jan]	Share the update on work around solutions	Z Topping	3 Feb
AP2 [Jan]	Find out what reference was going to be included in the email that identified the application received	Z Topping	Closed
AP3 [Jan]	Work together on the enhancements to reduce rejects/assessments on bills	Z Topping / P Seddon	15 Mar
AP4 [Jan]	Find out what life time expectation was given in the business case submitted to the treasury to request funding for CCMS.	Z Topping	28 Feb
AP5 [Jan]	Send feedback on the proposed changes to the Advocates Attendance form to steve.starkey@legalaid.gsi.gov.uk	Rep bodies	Closed
AP6 [Jan]	Give rep bodies more information about the thinking behind the proposed introduction of a free text box in the Advocates	S Starkey	Closed

	Attendance form <i>See Post meeting note [1] above</i>		
AP7 [Jan]	Find out what bolt on the LAA was seeking clarity about in the Advocates Attendance form. <i>See post meeting note [2] above</i>	S Starkey	Closed
AP8 [Jan]	Circulate again the Supervisor self- declaration forms and guidance	E Druker	Closed
AP9 [Jan]	Update the CCCG circulation list and share with group for approval	G Trivedi	Closed