



The Law Society



Legal Aid Agency

Civil Contracts Consultative Group (CCCG) Minutes

21 November 2018

V5

Date:	Wednesday, 21 November 2018	
Where	The Law Society, Chancery Lane, London	
Chair	Richard Miller – Head of Justice [TLS]	
Minutes	Grazia Trivedi - [LAA]	
Present	Anthony Evans – Civil Case Management [LAA] Avrom Sherr – Peer Review [IALS] Bob Baker - ACL Carol Storer - LAPG Chris Walton – Shelter Claire Blades - CAB Eleanor Druker – Service Development [LAA] Eleanor Solomon - HLP Emily Timcke - BC Jayne Nevitt – Civil Operations [LAA] Jo Fiddian – Service Development/Commissioning [LAA] Julian Wallace – Data Security [LAA]	Luke Crosby – Digital [LAA] Malcolm Bryant-Exceptional Complex Cases [LAA] Nick Lewis – MHLA Nicola Jones King - ALC Nimrod Ben-Cnaan – LCN Richard Field – Legal Aid Statistics [MoJ] Rowena Foxwell – Contract Management [LAA] Simon Cliff - TLS Tim Colliou – Commissioning [LAA] Vicky Ling– Resolution Vishal Misra - ILPA Zara Topping - Digital [LAA]
Apologies	Chris Minnoch – LAPG Joanne Bainbridge – Civil Case Management [LAA]	Lindsey Pool – ASA Matt Greet – LASPO PIR [MoJ]

1. **Minutes** of September's meeting were approved and would be [published](#).

1.1 **Actions from the previous meeting.**

Action 2. Interpreters' invoices guidance. Guidance was currently set out in different documents owned by different teams; E Druker had drafted the amendment to the LAA guidance but endeavoured to have all guidance updated at the same time to avoid confusion.

Rep bodies asked the LAA to clarify the position on interpreters' fees for time spent in court versus time spent waiting outside court. Interpreters ought not be paid the reduced fee for when they were kept waiting by the system. E Druker to consider this and circulate a draft guidance to the group to get their comments. **Action 1 [Nov].**

Action 7. Example of a contract that had been signed but was not live on CCMS. By the time N Jones-King set out to do the error on the system had rectified itself. M Bryant encouraged rep bodies to contact G Trivedi as soon as they became aware of problems so that they could be dealt with swiftly. For issues relating to CCMS they should contact Zara Topping directly.

Action 8. Delegated Functions. E Druker said that the changes made in the table of delegated functions in relation to the use of delegated functions in housing cases would be reversed. She also confirmed that there had been no changes in relation to the use of delegated functions and financial eligibility. **Post meeting note**-the pre-September version of the [tables](#) of delegated functions was circulated.

E Solomon brought up the issue of the definition of homelessness and asked E Druker to clarify to providers what this was; E Druker to do this **Action 2 [Nov].**

E Solomon then said that housing providers found the definition of financial eligibility in the tables very restrictive because they stated that a client was not eligible if not receiving income passporting benefits; she said that many housing providers had stopped delegating functions altogether as a result. E Druker said that the tables were the reason for the confusion and would be made clearer **Action 3 [Nov].**

2. **LAA Updates**

2.1 **Legal Aid Statistics.** R Field talked about the [statistics published](#) on Gov.uk and explained what data was available, where it could be found and how to search for specific information. The [Legal Aid Bulletin](#) was part of the quarterly statistical release and showed the volumes of work started and completed and the costs associated with that work; It included clickable icons at each section to take the user to the Tables, the User Guide, and the Tableau Interactive Data Visualisation Tool. The Tableau enabled users to customise and filter graphs of the categories in which they were most interested, and to see and interpret trends in more specific areas more easily. The Tableau was based directly on the Detail Data files. The [Civil Detail Data file](#), published as part of the quarterly statistical release enabled users to get down to the finer details of legal aid stats which included detailed breakdown by offence, service provided, fee type, and also figures on how much work of each type each provider completed in each quarterly period, and the associated fees. Following feedback from CCCG a year earlier additional data had been published: a) a full level of detail on legal help and civil representation and b) for the domestic abuse evidence gateway, a breakdown of the types of evidence being provided with applications.

Stats were also released following FOI requests or parliamentary questions, most of which related to individual high-profile criminal cases. R Field said that practitioners were among the most frequent users of legal aid statistics so the team was interested to get feedback from rep bodies

and their members about the format, detail, categorisation, timing, interpretation or other aspects of what was published.

Rep bodies asked for the number of providers to be published at firm level rather than office level. This information could be obtained from a) the [providers' directory](#) published by the LAA which listed all providers with a contract including postcodes b) the quarterly stats which included how many providers had completed work in that period and how much in fees they had received in each area of work. [Each firm was given a dummy account code which could be used to match offices to firms](#). The number of providers in each procurement area was not available in the quarterly stats; this information would have to be added to the directory. C Storer suggested that the presence of providers' directory and its usefulness be flagged up in one of the LAA communications.

Rep bodies asked whether it was possible to break down the data on large providers into accessible chunks to make it easier to understand it. R Field acknowledged that the Legal Aid Providers dataset could be difficult to use but explained that this was the flipside of making available a very large amount of detailed information. He suggested doing just the previous 3 years in future but that this would make it trickier for users to construct the full-time series.

It was agreed that if rep bodies were unable to get the data they wanted from the bulletin they would ask Keith Blakemore, the Law Society's data analyst, to look into it and if he wasn't able to help or identified an information gap or a problem they would contact the statistics' team..

Rep bodies asked R Field to run some training on tableau to help them utilise that tool more effectively. R Field said that he was about to move to a different department so he would ask the statistics team to look into either setting up a webinar session or recording a tutorial for using the data in pivot tables **Action 4 [Nov]**

There was praise from the group on how much better the statistics were now than 5+ years before. C Storer, R Miller and N Ben-Cnaan expressed their gratitude to the statistics team. They also said how helpful the team had been whenever they contact them. **Post meeting note:** C Storer asked for the email of the two analysts in the team and for the team: mark.edwardes1@justice.gov.uk and Chandni.lakhani@justice.gov.uk or statistics@legalaid.gsi.gov.uk and statistics@justice.gov.uk.

R Field was asked why the team made revisions within the quarterly period; he explained that they were mainly driven by changes to the general ledger/financial data, rather than actual case volumes or start dates, and that the team would consider making what they said about revisions more prominent. N Ben-Cnaan requested that some useful Management Information which was shared informally with the group by the LAA but not currently in scope of the National Stats, be included, such as applications that were subsequently withdrawn e.g. when client found out size of statutory charge.

He also said that it would have been useful to be able to overlay data, for example: a) legal aid statistics with data from HMCTS and with households' earnings statistics; b) the availability of asylum legal aid with the asylum dispersal trends of the Home Office to find out where it was needed most. R Field explained that this was not yet possible but the Digital Economy Act could potentially make it easier for government departments to share data.

R Miller asked whether stats were available on cases that had been referred under the Standard Operating Procedure for VHCC. M Bryant to circulate the number of cases by category.

Post meeting note: Since starting (1/3/17) there are 342 cases on the database, average of 16 a month, broken down as follows

Family	42
Claims v Public Authorities	10
Court of Protection	4
Housing	20
Immigration	56
Other	37
Public Law	172
Wardship	1

2.2 Operations J Nevitt talked about the salient points in the report which showed a good performance across civil applications and bills.

2.3 Commissioning T Colliou updated the group

2018 Standard Civil Contract: . A list of organisations that had successfully bid for a contract would be shortly be published on the Official Journal of the European Union [OJEU] website marking the formal end of the process there. A story would be published on Gov.uk with links to the [providers' directory](#) and to the OJEU list.

Capacity Issues: One of the remaining issue was to find cover in the 5 procurement areas where there were no housing providers. An expression of interest exercise was nearing completion and services would be in place shortly.

Housing Possession Court Duty Schemes [HPCDS] tender: A procurement process was launched on 30 October for a small number of HPCDS contracts. Up to four contracts were offered in each of the following schemes: Barnet, Bodmin and Truro, Grimsby and Winchester. Where possible, new HPCDS contracts would start on 17 December 2018.

Call Centre contracts re-tender: The procurement process for the award of a consolidated contract to deliver both the CLA Operator Service and Defence Solicitor Call contracts closed on 31 October. The bids received were being evaluated, with the outcome due to be notified to bidders in late January 2019.

Lessons learned It was agreed that a presentation would be done at the next CCCG to discuss this.

T Colliou estimated that around 10% of new contracts had been awarded to new organisations.

2.4 Exceptional and Complex Cases [ECC] The Very High Cost Cases guidance for family was to be published in December and MoJ policy work continued on Inquests as did the MoJ LASPO review. Exceptional Cases Funding [ECF] applications continues to increase month on month.

On the operational side 90% of high cost applications and amendments were processed within 25 days, and 100% of emergency applications in 2 days in October/November.

Rep bodies were asked to encourage members to use the automatic upload of documents on emergency applications, to use the template for ECF urgent applications to explain the urgency and to only use the CCMS provider enquiry function on CCMS rather than emailing and/or calling, unless directed to.

2.5 Process Efficiency Team [PET] A Evans explained how the team worked to improve the LAA processes and providers efficiencies. The plan was to get CCCG involved by keeping them informed about proposals, projects, successes and work in progress and by getting their input, feedback, views and suggestions. Issues that had the biggest impact on providers would get prioritised. Documentation on [work strands](#) and [Infographics](#) to be [shared](#) with CCCG for perusal and to share with members [closed].

3. Guidance on data security. Rep bodies asked what the LAA planned to do about producing a guidance. The currently published [requirements document](#) was revised in May ahead of the General Data Compliance Regulation [GDPR] covered most of the useful guidance that was in the previous document. The LAA data security team understood that there was a need to produce a guidance that focused on specific areas of data security that rep bodies and their members wanted guidance on. R Miller said that the guidance needed to give providers a clear steer on best practise and required approaches especially on things that were new as a result of GDPR. A balance should be struck between what a legal aid provider needed without overdoing the details. Examples would be useful of ways in which providers could meet their statutory obligations. The Law Society would provide feedback from GDPR workshops that were being rolled out around the country. E Druker to email R Miller to request feedback. **Action 5 [Nov].**

CCMS Rep bodies asked how they could raise issues relating to CCMS now that it was no longer a standing item at CCCG. Z Topping agreed to apportion time at the quarterly CCMS meetings for questions and discussion.

4. AOB Rep bodies asked for an update on the new operating hours due to be piloted in Brentford and Manchester courts in April 2019. If lawyers acting on legal aid were going to be expected to work outside the usual business hours there would be a significant impact on costs. Even though participation was voluntary lawyers had professional obligations to their clients and were not permitted to refuse to attend a hearing that the client was listed for. Rep bodies were invited to send their concerns and questions to E Druker before the CCCG in January when a representative from MoJ would attend to discuss this in more detail.

N Ben-Cnaan asked whether the LAA had a view on the proposed DCLG consultation on housing courts which affected 40k cases a year. E Druker said that the LAA had not been involved and they didn't usually respond to consultations but she would make enquiries with MoJ colleagues.

Actions from this meeting		Owner	deadline
AP1[Nov]	<p>Circulate a draft of the amended interpreters' invoices guidance to the group to get their comments.</p> <p>PMN: The guidance is in the process of being updated; E Druker will try and circulate before next CCCG</p>	E Druker	14 Jan
AP2[Nov]	<p>Clarify the definition of homelessness.</p> <p>PMN: Reverting to original definition</p>	E Druker	Closed
AP3[Nov]	<p>Make the definition of financial eligibility in the delegated functions tables clearer.</p> <p>PMN [14 Jan 2019]:</p> <p>We [the LAA] have published the amended authorisations tables in</p>	E Druker	Closed

	<p>relation to delegated functions. We have reversed the changes made to the definition of the cases where delegated functions can be used to grant emergency representation in urgent homelessness judicial reviews.</p> <p>We have also clarified the tables in relation to financial eligibility to make clear that providers are always able to make the initial determination on financial eligibility when exercising delegated functions without the need to revert to the LAA.</p> <p>The link is here, amended document is under Table of Authorisations: https://www.gov.uk/guidance/work-out-who-qualifies-for-civil-legal-aid</p>		
AP4[Nov]	<p>Set up a webinar training session or record a tutorial for using the data in pivot tables on the Tableau Interactive Data Visualisation Tool.</p> <p>PMN: Awaiting resources</p>	M Edwardes, C Lakhani	tbc
AP5 [Nov]	Email R Miller to request feedback from GDPR workshops	E Druker	Closed