

**Notes of Meeting of Legal Aid Special Interest Group Committee held on
Wednesday 3rd November 4pm to 6.25pm**

Present: Paul Seddon
Rachel Perkins
Linda Kann
Samantha Bagnall

Agenda

March Conference
AGM/Election
Replacement committee member
Pre payment audits
Manchester breakout session v stand alone conference
Experts invoices
Claim 1b
Labour review of Legal Aid
Website

Firstly Paul confirmed that Jonathan Brennan had resigned from the committee.

1. March conference

PS confirmed that the LAG would not be holding a December conference in aid of Sheila Chapman for two reasons – 1) lack of time and 2) lack of content.

An additional point is that when booking a conference a £2000 deposit is required, and if a non ACL conference, then the question is who would put up the money.

It was agreed to hold a conference in March, again at the Hilton Doubletree at MK. PS would like Diane to make enquiries, especially with two points regarding food. 1) a sit down meal would be preferred and 2) last time there was a lack of food labelling which did not assist those with dietary requirements.

The committee were also open to Diane making enquiries whether a conference could be held in London, but only if available at the same price.

Discussions took place re school holidays/Easter and train/hotel prices for other days (ie Friday) and it was decided to ask Diane to enquire as to availability for Monday 7 and Monday 14th March 2016.

Action 2 [November]

PS would like additional questions on the feedback forms:

- 1) Did you stay over?
- 2) Would you take up an ACL accommodation offer (Please note that hotel room prices can go up as well as down)?
- 3) Would there be a better day (other than Monday)?

Action 3 [November]

As to content/speakers, the following were discussed:

- a) Stephen Barker – LAA – r.e. CCMS possibly half day (morning)
- b) POPs – relevance now taken out of contract/how to construct/JR
- c) CCFS – LK mentioned a LAA seminar she had attended lead by Daniel Good and Anthony Leal
- d) POD refresher – Murray was suggested for this
- e) 6 column bill/IP procedure/provisional assessment – SB expressed an interest in running this session
- f) Claim 1b (see point 7 below)
- g) General round up of LA costs issues
- h) Q&A

Once availability is confirmed, it was agreed that Stephen Barker would be approached ASAP.

2/3. AGM/Election

Discussion as to when best to hold this during the day – ie not at the end as very few members attended. It was suggested that maybe last thing before lunch for 30 minutes so that members had to leave the room in order not to attend, rather than failing to come back in after a break.

An election will also be required before the AGM.

Following JB's resignation, the committee is now 2 members short. Discussions took place regarding co-opting 1 or even 2 more committee members, even if just for a 4 month fixed term up until March conference. PS to review membership for possible candidates to co-opt. **Action 4 [November]**

Again, once availability for March conference is confirmed, it was agreed to send out a "keep the date free" email, at the same time warning of the election and putting that process into place. PS will check constitution/with Diane as to process. **Action 5 [November]**

PS would ideally like more than 6 nominees so that a full and proper election takes place. This has never happened before, in 2013/2014 RP had to be co-opted, and no-one was co-opted on when Kim Fensom stepped down last March.

It was agreed that notice of nominations for those wishing to put themselves forward for the committee be sent with the "keep the date free" email for the March seminar. PS notified the committee that he may not be standing next year and suggested that this be included in the communication to the membership. PS commented that apathy borne from complacency has been a big problem in seeking volunteers for the committee.

4. Pre payment audits (and post payment audits)

Discussion took place re pros/cons of these. PS had requested further information from the LAA, and wishes to put forward our official position. As far as he is aware, the pre payment audits are for evidential purposes only, and will not reduce the costs (ie reassessment).

5. Manchester breakout v stand alone session

It was agreed that the Manchester breakout had been well attended, and by "new faces" than from other LAG conferences.

The question boils down to two things – 1) Money and 2) content.

PS asked for this to be carried over to next committee meeting. However, in view of the ACL Manchester conference in September/October, if a standalone LAG conference was to be held up north, ie Manchester, it was mooted that maybe in 2017 the March conference be held up north, and one in September/October be held down south, ie MK so as not to clash with ACL. **Action 8 [November]**

6. Experts invoices

Discussion took place re draft invoices suggested by LAA. Re difficulties with disbursements not subject to codified rates, and the last response from Jayne Nevitt (LAA Operations Site Manager) dated 23.10.15 to PS's challenges to assertion that there is authority to require breakdown of work and hourly rate on court assessments. SB agreed with PS that the reliance and interpretation of CPR Part 44 given in J Nevitt's response is completely incorrect. PS has sought further advice from Claire Green, but has not yet had a response.

7. Claim 1b – new claim form for payment of court assessed bills

Still no news as to when this will come in, and it would appear that software providers not been notified by LAA.

PS to cross check the LAA's response to ACL response on consultation which was completely unsatisfactory. Re VAT/leave to remain question, this needs to be checked, and if necessary notified to HMRC. **Action 9 [November]**

8. Website

Again, still no news on this other than it is not going to be ready by the end of the year. This is preventing more visibility of the LAG inter alia the committee (e.g. online bios etc.) to the membership. PS and SB to liaise on preparing content for LAG part of site. **Action 10 [November]**

Carry over to next meeting. **Action 11 [November]**

With regards to LAG, it was suggested that an "advert" be put into Costs Lawyer mag to boost membership/remind people who think they are members but aren't. LK to mock up notice. Also possibly a brief article re pre payment audits. **Action 12 [November]**

PS to check where/when LK's article re Manchester breakout would be published. **Action 13 [November]**

9. Labour review of Legal Aid

This will be by Willy Bach, Shadow Attorney General, at behest of Jeremy Corbin and was discussed at the SPG.

PS advised there was a Labour summit on LA whilst we were meeting, and it was anticipated that the draft report would be released by Sep 2016 before the Labour conference. Input had been requested on the LA scheme, and PS asked should the ACL give input. Suggestions were:

- 1) Rates/massively complex fee schemes;
- 2) Departing from costs law
- 3) Not pushing enough for IP costs
- 4) Dis-application of the indemnity principle – lack of understanding as to the purpose (i.e. recognised that non-family prescribed rates never meant that solicitor would be remunerated at an adequate amount solely by relying on payment at those rates).

Again PS wishes this to be further discussed at the next committee meeting, with possible input from Maurice/Claire Green. It was also suggested that there possibly be a working group/survey to members. Names suggested included Ian Black. However, consideration needs to be given as to how this should be done properly, and provide an effective input at a high level view, as opposed to the technical detail CL's normally provide which will have limited reception by political community and public. **Action 14 [November]**

10. AOB

Although not discussed, Paul's diary is as follows for the next few weeks.
CCCG meeting Monday 9th November.

No new dates thereafter. PS will get new SPG/CCCG dates, and new ACL council dates need to be obtained from Diane.

PS aims to provide ACL council with LAG report by Friday 13th November in readiness for Council meeting on 20th. **Action 15 [November]**

Please note - The next committee meeting will probably be due in very early January 2016.

NB - An agenda needs to be circulated before each committee meeting.

Actions from this meeting		Owner	By when
AP1 [Nov]	Draft minutes of this meeting to be prepared and sent to PS	R Perkins	Closed
AP2 [Nov]	Ask Diane to check availability at MK Doubletree for 7 & 14 March 2016	P Seddon	16.11.15
AP3 [Nov]	Additional questions on seminar feedback forms r.e. accommodation and day of week held.	?	?
AP4 [Nov]	PS to review membership for possible candidates to co-opt	P Seddon	30.11.15
AP5 [Nov]	Check constitution and with Diane r.e. required procedure & notice for nominations and election	P Seddon	16.11.15
AP6 [Nov]	Investigate and execute FOI request on NAO Audit Completion Report (also known as management Letter) directing the LAA to undertake activity on court assessed bills	S Bagnall	30.11.15
AP8 [Nov]	Carry over Manchester breakout v standalone seminar to next meeting's agenda	R Perkins	Jan 16
AP9 [Nov]	Review and crosscheck LAA response to Claim1B inter alia VAT/leave to remain and notify HMRC if necessary	P Seddon	21.11.15
AP10 [Nov]	Liaise on preparing content for LAG part of site	P Seddon & S Bagnall	30.11.15
AP11 [Nov]	Carry over website to next meeting's agenda.	R Perkins	Jan 16
AP12 [Nov]	Draft 'advert' of LAG for Costs Lawyer Mag & possibly article on pre-payment audits	L Kann	30.11.15
AP13 [Nov]	Check where/when LK's article re Manchester breakout would be published Post meeting note: Will be in hard copy published on 11.12.15	P Seddon	Closed
AP14 [Nov]	Carry over potential input to Labour Review on Legal Aid to next meeting's agenda	R Perkins	Jan 16
AP15 [Nov]	Provide report to ACL Council prior their meeting 20.11.15	P Seddon	13.11.15