

## **Provider Feedback on Process Designs November/December 2008**

Twenty-one providers attended the recent events to discuss the new designs for the civil legal aid process and some even sent feedback via e-mail!

The events gave providers the opportunity to discuss the processes in detail and consider the impact on the way they currently work. All providers were very positive about the new electronic system.

Summary of the issues raised and how we plan to address them:

### **Overall Concerns**

- 1. The new electronic system relies on completing the application electronically with the client. What if the client already has legal help and another meeting is not necessary? Will LSC assist with cost of providing computer access in client interview rooms?**

Completing the legal aid application electronically is best done when the client is present, as it will ensure that all the necessary questions are addressed with the client, but it will be possible to save the information entered at any stage to await further details from the client.

So if there is no need to have an appointment with the client, for whatever reason, you can get means information via a telephone interview or by sending client the questions on paper for completion (which you will need to enter onto system later).

There are 2 reasons why the LSC cannot assist with costs of computers: the Legal Aid budget and it would be unfair to providers who have already funded this themselves.

- 2. The new processes rely on scanning in, which means providers need to have a suitable scanner (easy to operate and able to cope with the volumes of work) – how will LSC assist?**

Most providers agreed using a scanner would be preferable to the alternative of sending in copies by post, but considered it would be extremely useful, if the scanning requirements were communicated as soon as possible. The LSC will give further details when available, to enable providers, who are replacing their printers/scanners, to ensure select suitable equipment

### **3. Will the LSC computer system be compatible with providers existing systems?**

We are working to ensure that providers will be able to continue to use any existing systems they have. We will continue to work with both our providers and software providers. Under our new system, LSC Providers will be given a number of options on how they can complete the various stages of the process, to avoid duplication of data entry.

### **4. How will Very High Cost Family Cases fit into DT – currently there are significant delays in dealing with the case plan?**

All civil cases (including VHCC) will be processed electronically in the future under DT. The high cost case plan will still be needed. So e.g. where an amendment requesting costs exceeding £25 000 is submitted electronically, the provider will receive an immediate electronic message to send the case plan (in the same way as any document required for LSC caseworker to make a decision). As with all decisions referred to the LSC, there will be much quicker turnaround times than at present.

### **5. Will providers be offered training on how to use the system? Will this be on-line, CD Rom or workshops?**

We will be offering training to all providers, in a variety of formats to suit their needs. This will be a different way of working with providers, so both providers and LSC staff will receive full training to ensure all the benefits can be achieved by the system.

### **6. Will there be rejects under the new system – a vast amount of time and money is wasted dealing with rejects currently?**

The current forms will no longer be used, but the system will require the same information as now for effective decision-making. The system will be intuitive, so the questions asked will depend on answers given to earlier questions. This will virtually eliminate rejects, as providers will need to answer all necessary questions.

Time will also be saved with the new system because once the provider has entered information onto the system – this information need not be re-entered (e.g. when clients' means change) only changes or additional information will be required. So the time currently spent form filling will be greatly reduced with electronic working.

There will be rejects where the system requests evidence or further information and this is not provided. The system will make the request (where necessary) on receipt of an application or claim. Work can also be retained on the system partially completed by the provider where necessary.

The system will send out reminders/warnings to the provider where work is waiting at any stage of the process, prior to the application or claim being abandoned/rejected.

**7. Who will be able to access the system on behalf of the provider?**

Each provider has authority to select individuals to use the system on their behalf, in order to complete their authorised tasks. This can include costs draftsman. The provider will be responsible for all information entered/accessed on their behalf.

**8. Will a solicitor signature be required at every stage of the process?**

The contract, between LSC and provider, imposes a duty to ensure information provided to LSC is correct. Submitting online using the provider log in will be sufficient verification.

**9. The processes (including grant of devolved powers and checking provider work) will take into account provider risk, how will this be defined?**

This is yet to be fully defined. Initially this will be determined using existing KPI and other information on providers (e.g. audit and peer review results). It is appreciated that there are currently concerns over reliability of KPI data (and particularly that current outcome codes do not accurately reflect true substantive benefit) this will be addressed. Also once the new system is running it will collect data on the provider from the DT processes.

Providers will have access to this information (which will be regularly updated), via a dashboard on the system.

**10. How will providers be involved on an ongoing basis and how will DT achieve the necessary commitment to provider collaboration to make the system work effectively?**

We will continue to invite provider input throughout the development and implementation of DT. We are inviting involvement in the design and content of the information and reports that the system will produce.

We are currently working throughout the LSC to ensure an understanding of what collaboration means, on which we are also inviting provider input (we need to make sure we are our working to the same goal). We are developing a collaboration strategy to underpin the way we work with providers, which is required for the success of DT.

**11. How and when will the new system be implemented?**

The new system will be implemented in various stages from April 2010. There will be contingency plans to deal with problems at any stage during implementation. Prior to that date, LSC will be taking steps to introduce some forms of electronic working with the current system.

## **12. How will the appeals process work?**

Both legal and costs appeals will be submitted and dealt with electronically. The process will therefore be speedier, although the rules relating to appeals (and who deals with them) will remain the same.

## **Process Detail**

### **Initiate Client**

#### **13. Under the new system can the client be an applicant for part of the proceedings but a respondent for another part – as this can be a problem under the existing system?**

The current system is able to produce a certificate to cover this situation; any problems represent a training issue within the LSC. With regard to the new system – this situation has been raised as an issue and we will ensure this will be possible.

#### **14. How will the system avoid creation of duplicate client records?**

We are working towards a system, which identifies records for the same client and avoids any duplication. This will be achieved by getting the provider to input a number of search criteria for the client and if a suspected duplicate is detected the matter will be referred for LSC caseworker to check. We are looking to at how we can include existing client records from our current system.

#### **15. Can a client be initiated on the system at legal help stage?**

The new system is primarily for certificated work. We are aiming to offer the option of initiating client for legal help, along with access to DWP check.

### **Means**

#### **16. Where a client has been initially assessed with passported benefits will the DWP update the system if the means change?**

The system will be built with this facility but it has not yet been determined with DWP how quickly this will be done. This will vary between cases where passported benefits have been initially confirmed via the system and those where client provides proof (as not on central database). The duty of the client and solicitor to inform LSC of any changes to means will remain.

**17. Will provider/client have a choice of methods of proof for means as now, i.e. L17, wage slips, bank statements?**

The rules on proof for the means assessment will remain the same and we will continue to offer a form for completion by the employer. The difference will be that copies will only be sent or scanned for the LSC to check, if the system requests this. The provider will need to retain the proof on file.

**18. It appears the means assessment will be more onerous for providers than currently, both in terms of the time it will take and the responsibility for verifying the information. How will the provider be protected against an incorrect means assessment either where client fails to disclose information or where provider makes an input error?**

In terms of the means assessment, for providers who currently leave the completion of the means form to the client, the new means process will take longer. It is important to look at the administrative burden on providers across the new process as a whole to see the overall time savings.

The duty of the client to disclose all information will remain the same, so if the client fails to tell the provider information, the provider will not be liable. Providers will need to check that all the evidence from the client matches the information they enter onto the system.

A further safeguard of the providers' position is that the client must sign a declaration confirming the information entered on the system by the provider is correct.

The system will contain a rules engine to assess the means, and this process remains the responsibility of the LSC.

**19. Where the client has a partner, will they still have to sign the form declaring their means?**

The rules remain the same – the partner must also sign the declaration.

**Merits**

**20. Will high risk and tolerance cases be processed electronically?**

Merits information for all cases will be input onto the system by the provider.

There will be 3 levels of case for merits - low risk merits (where set criteria are satisfied, the system can grant), medium risk (which providers with devolved powers in that category can grant or refuse) and high risk (referred to LSC caseworker due to nature of case or client risk). Devolved powers will not be granted in high risk or tolerance cases.

### **Managing Certificates: Amendments, Discharges and Contributions**

#### **21. Will the new system make amendment decisions more consistent – we have received many inconsistent decisions to requests to amend costs limitations?**

As with initial merits decisions there will be 3 levels. Some granted by rules engine, some by providers with DP and others referred to LSC. As both providers and LSC caseworkers will work with checklists to make decisions - consistency should improve.

#### **22. Who will make decisions to discharge certificates?**

All will be made by the LSC, low risk ones made by the system (rules engine) and high risk ones which are referred to an LSC caseworker.

#### **23. Will providers be required to accept payment of the initial contribution from the client?**

This will be an option open to providers to speed up the granting of a certificate rather than a requirement. Receipt of initial contribution by the LSC system will amount to acceptance of the offer, enabling a provider to print off the certificate.

#### **24. Will providers be notified as soon as a client falls behind with payments?**

Under the new system we will have a facility to keep providers updated electronically on events, which affect the certificate, such as late payments. We will also send reminders to client by text or e-mail where available.

### **Getting Paid**

#### **25. Will it be mandatory for costing information to be taken from provider case management systems or can costing be done manually if preferred?**

Providers will choose the method that suits their existing systems best.

**26. Will the instructing solicitors be better informed of payments to counsel made under the FGF system?**

Under the current system both instructing solicitors and counsel can encounter problems getting paid. We are looking to simplify the current processes and keep the parties informed on payments electronically.

**27. Where the full file is requested to assess a claim, how should this be sent?**

Under the new system, when a claim is submitted electronically providers will only receive a request for a file when the LSC needs it. Where required to carry out the assessment, the whole or certain parts of the file will be requested giving the provider the option of sending electronically or posting.

**28. How will providers be notified about payment and will BACS statements change?**

On authorisation of any claim, the person specified by the provider will be notified that payment will be made in the appropriate payment run. BACS statements will be sent electronically at the same time as payment is made.

**29. At the moment lead solicitors can apply for a unified POA generally experts fees (all acting solicitors are paid a proportion of the amount under their certificate). Will this continue under DT?**

This facility will not be available – providers will have to apply electronically under their own certificate for their share (as each provider has to authorise access to their cases on the system)