

Summary note of the major provider meetings

Sheffield 20 May and London 25 May

Engagement with providers

The Legal Services Commission (LSC) has been invited to meetings with larger providers for those based in the North, for a number of years. It suggested that a similar meeting might be appropriate in the South. A large provider took responsibility for organising the meeting. Representative bodies were invited and some attended. Resources permitting, the LSC is always happy to meet any group of providers to discuss operational issues.

Key information

The issues raised at each of these meetings were almost identical. Therefore, this is a record of key information.

Crime contracts

Questions were raised regarding policy on crime competition and best value tendering. Carolyn Downs made it very clear that this was a matter for Ministers and was of the view that any consultation on this matter would happen towards the end of this year – although, as this was an MoJ matter, she could not confirm the date.

Family contracts/tenders

Nothing can be confirmed until we know the outcome of the Legal Aid Reform consultation. However, we intend to run a non-competitive process later this year.

The contracts cannot be extended beyond March 2012. We will publish more information about the family tender after the legal aid proposals are published.

Dependent upon the Government's response, the new family contracts are likely to run for the same period as the 2010 contracts entered into last year (with break clauses included) and the current timetable is that they will start from February 2012. We have been discussing the allocation of matter starts with representative bodies as we cannot preclude new entrants.

Auditing

Neither the LSC nor providers are happy with the current level of auditing. The level is necessary to ensure that we are managing taxpayers' money well. We anticipate a significant reduction in errors going forward and would like to thank legal aid providers for their cooperation with this positive trend.

In terms of civil representation, error levels have increased, particularly in family law. Additionally, there is no shift in eligibility and means testing errors. The difficulty with the latter is that we can't sufficiently evidence correct payments, although most are probably correct payments, and this will probably mean that our accounts will continue to be heavily scrutinised.

A risk-based auditing system

95% of visits by our on site auditors have led to corrected mistakes and we recovered £12m in overpayments in the last year. One third of firms that Contract Managers visited were issued with contract notices. We have been asked whether it is appropriate to issue this level of notices – the LSC's view is it has had a significant and positive impact on claim accuracy.

We want to end up with a risk-based system. We want to visit firms once a year. However, if significant issues continue within a firm, they can expect a considerable amount of visits

Civil case management

As a result of the above activity, reject rates due to provider errors are increasing (applications by 30% and bills by 25%). These rejects are frequently easily avoidable. It is worth noting that the lack of a signature on claim forms remains in the top five of errors reported.

There appear to be some inconsistencies on rejects and we will take this matter away for rectification. We currently operate a soft reject policy where appropriate. We will review the priority given to returned work where we have made an error in rejecting it. We will contact providers with high reject rates and will provide clear communication on common errors and how to avoid rejection.

Crime case management

Again, we are sorry for the delays and acknowledge the implications for you. In terms of delays to the payment of Crown Court claims, being caused by the non –progression of Crown Court cases in MAAT, the courts also recognise the impacts on all parties and the issue is being treated as a priority. Non progression issues are affecting around 10% of claims which is taking resources away from the 90% that are correctly processed.

To improve the situation, we are working closely with HMCTS, to highlight the affected cases and identify the steps they need to take to resolve the problem. In addition, we have brought in more staff, have arranged weekend working, and are taking steps to identify the 10% early on by checking claims on receipt. In addition, a system fix has been developed and is currently in testing which will allow for cases to be entered / authorised irrespective of the case status in MAAT, which effectively deals with the root cause of this issue. It is currently anticipated that this will be applied in June. Providers can help us by making sure that forms are fully and correctly completed and signed, enclosures attached and the right forms used.

When it comes to getting applications for legal aid in criminal proceeding granted quickly, it would also be worth taking a cursory look through client applications before submitting to make sure that all questions have been answered, nothing is struck through and the forms are signed where required.

Integrated Delivery Programme

The programme will cover civil and family certificated work. It involves creating an interface so that you can submit applications and bills electronically. It will mean a 90% reduction in paperwork and more electronic transactions.

We will introduce accounting packages into the same system, e.g. a debt collection package. And the programme will implement new ways to collect cash from clients (direct debits / credit and debit card payments on a wider scale).

We will pilot the programme at the beginning of 2012 at the earliest. It will run for six months before being rolled out. The pilot will involve the LSC's South Tyneside office but we have not yet made a decision on who it will involve externally. We will be communicating our external engagement and rollout plan with providers in the early summer.

We would like to start with a small group of volunteers. There will be some effort involved for these volunteers but the advantages will be intense 1-2-1 support.

Future engagement

Provider Reference Groups (PRGs) are currently being organised and invites will be issued in the next few weeks. The meetings will be held over the summer of 2011 and we will ensure providers have sufficient notice. There will be an open invitation to all providers in the relevant location to attend.

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