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24 June 2011

Dear [REDACTED]

R.E. FREEDOM OF INFORMATION ACT REQUEST

Thank you for your email of 17 May 2011 and further follow up email of 30 May 2011. In your emails you requested information under the Freedom of Information Act 2000 (FOIA). For clarity I have addressed each of your questions in turn.

Email of 17 May

"Please provide any internal memos or correspondence relating to the decision to convene a conference of only large providers, as opposed to all providers."

The LSC does not hold any information relating to the *decision* to convene a conference of only large providers, as opposed to all providers, because the LSC was not the organiser of these meetings.

However, we do hold some information about the large provider meetings generally, as set out below.

On 5 January a briefing was given to the Executive Team which included the following information that related to large provider meetings:

We are invited to attend an annual large provider meeting (hosted by Howells) in the North West annually and CEO/ED/NRD* usually attend. The meeting for this year has not yet been scheduled as Howells are seeking advice as to whether MoJ will attend to discuss Legal Aid Reform proposals.

* Chief Executive Officer/Executive Director/National Relationship Director

Some parts of the same briefing have not been included here as the information contained is exempt from disclosure under section 36(2)(b)(ii) of the FOI Act, which gives provision for information to be withheld where its disclosure "would, or would be likely to inhibit the free and frank exchange of views for the purposes of deliberation". It is the LSC's view that to disclose such information would jeopardise the future ability of senior individuals to have free and frank discussions about the development of key work areas.



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As this is a qualified exemption we have given consideration to whether the public interest in the release of such information outweighs any argument in withholding it. As a public body we are fully aware of our obligations to be open and transparent in our operations and accept that there is an argument for details relating to the formulation of our decisions and policies to be made public. However, due to the need to ensure that future decision making is not hindered by making people feel unable to freely and frankly exchange views, we have concluded that the public interest favours nondisclosure in this instance.

I would like to advise you that in addition to this being a qualified exemption it is also one which requires a public body's 'qualified person' to make a final decision as to whether it should be applied. The LSC's qualified person is the Chief Executive, Carolyn Downs. Following a review of the information provided she has approved our use of this exemption.

Further, I attach at **Annex A** a summary document which was considered by the Crime and Civil Consultative Groups of representative bodies in February 2011. You will note that proposal number 5 relates to establishing annual large provider conferences.

The minutes of these meetings have been published on the LSC website and are available via the following link:

http://www.legalservices.gov.uk/civil/how/civil_contracts_consultative_group.asp

The large provider meetings are mentioned in the minutes of the meeting held on 5 April 2011, on page 3 under AP 4.

There is no other correspondence other than that which relates purely to the administration of the meetings (e.g. venue, time, date etc).

"Please provide the agenda and minutes of those meetings."

I attach at **Annex B** the agenda from each meeting.

A summary note of these meetings has been published on the LSC website:

http://www.legalservices.gov.uk/aboutus/speeches.asp?dm_t=0,0,0,0,0

As you can see from the summary note, Carolyn Downs did not speak in detail about 'Legal aid reform; family/civil/crime contracts; competitive price tendering'. When the agenda was produced, it had been hoped that the Government's response to the Legal Aid Reform consultation would have been published, but this agenda item was not possible due to the consultation response not being published before the meeting.

Under section 21(1) of the Freedom of Information Act 2000 we are not required to provide information which is already reasonably accessible to you and we consider that the public interest is already met by the provision of such information on our website. Please contact me to discuss your needs if you have any difficulties accessing the material referred to above.

Email of 30 May

1. *"As regards the meetings held with large firms, a list of those firms invited to attend each meeting."*

Attendees were asked to document their attendance by the organisers and we would like to consult with them about whether to disclose this information to you.

As context please note that there was a request by the LSC that verbatim reporting of discussions was not shared – in other words Chatham House rules applied and this was requested in order to allow for free and frank discussion and exchange of views.

We therefore consider that section 36(2)(b)(ii) of the FOI Act applies to this attendee list. As mentioned above, this section gives provision for information to be withheld where its disclosure “would, or would be likely to inhibit the free and frank exchange of views for the purposes of deliberation”.

Under section 10(3) of the FOI Act public authorities are permitted to extend the deadline for response in specific circumstances where certain exemptions are considered to apply and where these exemptions require a balancing exercise to be carried out between the interests of the parties affected by disclosure and the wider public interest.

As this is a qualified exemption it is necessary to balance your legitimate interest in seeking this information against the individuals’ legitimate interests in maintaining confidentiality.

Therefore, I would like to inform you that we are currently considering this part of your request and that we hope to be able to provide a final response to this part of your request by Wednesday 6 July.

2. *“The criteria adopted to determine which firms would receive an invitation to the meetings and any communications within the LSC or with third parties relating to the factors taken into account in adopting those criteria.”*

The LSC has attended two conferences, in Sheffield on Friday 20 May and London on Wednesday 25 May. The meeting in Sheffield was organised by Howells Solicitors and is one to which the Commission has been invited for a number of years. We suggested that a similar meeting in the south might be appropriate and David Emmerson of Edwards Duthie agreed to arrange this. We suggested to both organisers that an objective criteria to send invitations would be to any provider that took £2M a year or more from legal aid funds excluding payments to barristers. The suggested threshold of £2M was arrived at solely to make the meetings manageable in that around 70 providers meet this criteria. However, it was for the meeting organisers rather than the LSC to decide who to invite, and they did in fact invite some providers which did not take over £2M a year.

You may wish to note that David Emmerson said in his introduction that the way forward for these meetings must be on a business basis and involve representatives from small, medium and specialist firms.

In terms of the second part of your question, this is covered by my answer to your first question from the email dated 17 May, given above.

3. *“Since the LSC has apparently already formed an intention to publish a copy of the minutes of the relevant meetings, the date on which publication will occur.”*

This is addressed in my answer to your second question from the email dated 17 May, outlined above.

4. *“Copies of correspondence with third parties and internal communications relating to the organisation of the meetings with large firms. In particular I am interested in information relating to:*
 - a) *Which organisation made and paid for the bookings for the hotel rooms in which the meetings were held;*

For the Sheffield meeting, the LSC paid £450 for the venue hire and Howells paid for the refreshments. For the London meeting, the LSC paid £775 for the venue hire and there were no refreshments.

- b) *What was the cost of the room and refreshments offered;*

Please see my answer to question 4(a), above.

- c) *The cost to the public purse of travel and overnight accommodation (if any) of officials and other attendees that were paid for from public funds*

A total of £1,510.72 was spent on travel (£1,178.72) and accommodation (£332.00) for LSC staff to attend these conferences as well as to attend other meetings on the same day, so some of these costs are attributable to other business needs. £749.64 of this expenditure also covered staff attendance at other pre-arranged business related meetings that also required travel and overnight accommodation.

- d) *Communications (whether internal or between the LSC and third parties) relating to the strategy to be adopted at the meetings and the overall purpose of those meetings*

This is addressed by my answer to your first question from your email dated 17 May, given above.

- e) *The desire to keep confidential the discussions at the meetings and the wish to seek an agreement from those present to observe confidentiality. (I understand that those attending each meeting were required to agree that the matters discussed would remain confidential. I wish to establish why this was felt to be desirable)*

I can confirm that no information is held. Section 84 of the FOIA defines information as 'information recorded in any form'. However, outside of the FOIA I can confirm that no confidentiality agreement was required as a condition of attending, though the LSC did ask that Chatham House rules applied as mentioned in my response to question 1 above.

- f) *A copy of the speaking notes prepared for any officials making a presentation to these meetings."*

The speaking notes prepared for Carolyn Downs in advance of the meetings are attached at **Annex C**. Outside the scope of the FOI Act, I can inform you that she did not refer to the notes at the actual meetings.

In addition, a copy of the Power Point presentation is published on our website and available via the following link:

http://www.legalservices.gov.uk/aboutus/speeches.asp?dm_t=0,0,0,0,0

5. *"Information about the LSC's plans to hold meetings with smaller firms. On what dates and in which locations are these to be held? I would like to see a copy of the proposed agenda for these meetings, a list of the firms to be invited, any draft speaking notes for officials expected to appear at these meetings and any communications (internal or otherwise) relating to any of the above."*

Provider Reference Groups (PRGs) meeting dates are shown in the table below. For the avoidance of doubt, there is an open invitation to all providers in the relevant location to attend. The agenda is likely to be identical to that at the recent meetings with large firms. There are no current requests for the LSC to attend similar meetings.

PRG Region	Venue (LSC Office)	Date	Time of PRG Meeting
Eastern	Cambridge	11 Jul	10-12.30pm
East Midlands	Nottingham	13 July	2-4.30pm
North West	Manchester	13 July	2-4.30pm
Yorkshire & Humberside	Leeds	15 July	2-4.30pm
West Midlands	Birmingham	19 July	10am-12.30pm
Wales	Cardiff	22 Jul	11am-1.30pm
London	XT, London	26 July	2-4.30pm
South West	Bristol	2 Aug	2-4.30pm
North East	South Tyneside	4 Aug	1.30-4pm
South East	Brighton	16 Aug	10am-12.30pm

6. *“A copy of the LSC’s policy in relation to Small and Medium Enterprises.”*

No such policy exists, and therefore this information is not held.

Further information

Outside of the scope of the FOI Act, you may also wish to note the following background information.

The policy for legal aid resides with the Ministry of Justice and we are currently waiting for the response to consultation before we are in a position to publish our commissioning strategy. We have also received input from the Law Society and others on the family retender and intend to publish our proposals for comment as soon as practicable after the consultation response. In the circumstances there is no possibility of a “competitive advantage” being given at these meetings.

In addition, there is currently no preferred or minimum volume requirement for the award of contracts.

Right to review

As part of our obligations under the FOI Act, the Commission has an independent review process. If you are dissatisfied with the handling of the FOIA aspects of request, you have the right to ask for internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Legal Director, Legal Department, Legal Services Commission, 4 Abbey Orchard Street, London SW1P 2BS.

If you are not content with the outcome of the internal review, you have a further right of external appeal which can be made to the Information Commissioner who can be contacted at the following address: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you have any queries about this letter, please contact us at the above address. Please remember to quote the reference number above in any future correspondence.

Yours sincerely



JOHN SIRODCAR
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