

Provider Reference Groups (PRG)

REGION- South Civil PRG

LOCATION- LSC Brighton Regional Office

TIME- 10.30am – 1pm

DATE- 3rd July 2008

PRESENT-

Tom Jones – Commissioner LSC
Karen Stevens – LSC
Andrew Green - LSC
James O'Reilly – LSC
Eleanor Druker – LSC Civil Policy
Katarzyna Podkowik – Blavo & Co
Julian Cioffi – Fitzhugh Gates Trust
Nick Fairweather – Fairweather & Co
Simon Gledhill – Simon Gledhill
Tim Melville Walker – MacDonald Oates
Mark Neves – Neves Scott
June Venters - Venters

APOLOGIES-

Emily Ballantyne – Brighton & Hove CAB
Dina Christodolou – Hastings & Rother CAB
Nicola Youern – Southern Focus Trust

Introductions

Tom Jones began introductions and apologies.

Review of Membership

The group are happy that the membership of the PRG represents the local area, in regards to geographical split and categories of law offered.

Minutes From Previous Meeting

All agreed the minutes from the previous meeting are an accurate reflection of discussions.

Feedback From Previous Meetings

Tom Jones confirmed that the PRG process is being streamlined to ensure that feedback is received as efficiently as possible. This includes:

- All meetings to take place within a 3 week window
- Minutes to be published within 3 weeks of the meeting

The feedback papers, summarising what action has been taken as a result of the feedback in the previous PRGs from around the country, were presented.

What Support Is Available/Needed from the LSC Provider Readiness Team?

PRG happy with the developments outlined in the paper. All to email james.o'reilly@legalservices.gov.uk to discuss any future support requirements.

Civil Whole System Initiatives And Successes

Eleanor Druker of the civil policy team presented the feedback paper.

Comments

- Whole system - Prior authority issues still exist locally.
- Experts – There is an experts pilot scheme now in existence. The PRG will be updated on progress.
- Mental Health – Providers are suffering as a result of not being told when cases are being dropped, until court, following full preparation for which there is no fee. Fees should be paid for preparation in these instances.
- Mental Health – Some clients are waiting 14 weeks for a hearing. The fixed fee regime does not cover the support and advice required during this extended period.
- Mental Health – Due to the support required, many clients come in to London hospitals for treatment. The client is then often transferred to another hospital e.g. Birmingham which requires further travel. The fixed fee does not cover the cost of this extended travel, but transfer to another provider will only increase the burden on the public purse due to duplication of previous work.
- Claire Gee is the MH lead for the South. Any issues are to be addressed to Claire at the Reading office.

Communications

The PRG are in full support of the suggestions outlined in the communications feedback document.

DISCUSSION PAPERS

Civil Roadmap And What It Means

Eleanor Druker presented the paper.

Question: Are there any quality requirements that act as a barrier to new entrants or provide unnecessary hurdles for providers?

- Supervision – A supervisor currently has to be a member of a panel. Is there a possible escape available, linked to experience in relevant area – e.g. DV or divorce?
- It would be wrong to reduce the standard currently required in the SQM
- Peer Review could be used to assign supervisors.

Question: How can we ensure that quality is not compromised in the bid process?

- Flexibility is key. A period of remote supervision followed by peer review should be appropriate for new providers
- Allow for growing tolerance to the point of meeting supervision standards
- Use barristers to aid/supervise providers

Question: What sanctions are appropriate if quality standards are not met?

- It is crucial to ensure that quality is there at the start of a contract. Prevention is better than cure.
- Any future KPI must reflect the work being done. Current codes do not match what is being completed, and data is not accurate.
- Ensure conflict between KPI CCA and Peer Review is addressed prior to sanctions taking place

Question: Understanding the advice needs of your area.

Question: How can the LSC ensure that providers are able to deliver sufficient capacity to meet the needs of the clients in an area and not prioritise private work over legal aid work?

- Could assess legal aid as % of total work completed
- A danger that a minimum contract size that is too high may force some providers out of the market as legal aid is subsidised by other areas of the business.

Question: What do smaller providers need to enable them to increase their capacity for delivering legal aid services?

- As family currently sits outside the CLAC/CLAN plans, staff are facing an uncertain future and therefore are looking elsewhere.
- Some judges tend to favour NFP agencies over private practice for mediation services. The LSC should promote the fact that all are on same contract and should have a level playing field.
- The LSC should advertise legal aid and local services
- Improve cash flow for providers

Question: Are there any areas of private law family work that you do not consider suitable for a fixed fee?

- Finance matters follow a set procedure – only if they are straight forward
- An escape mechanism should be available to allow assessment earlier in the process and be easy to complete
- A sliding scale should be in place rather than the hard divide in fixed fees
- Show the thinking behind the fixed fees
- Allow bolt ons - keep it simple

Question: Do you agree that barristers and solicitors be paid the same fee if they carry out advocacy?

- Yes – Use a version of the FGF scheme

Should we continue to pay counsel separately or should the advocacy fee be paid to solicitors to pay counsel?

- Solicitors paying barristers is increased administration, which means increased running costs for providers.

Provider Readiness – Feedback and Development

James O'Reilly delivered the paper.

Question: Is there any further development of the provider support programme that you recommend?

- Expanded Peer Review Road shows
- Impact assessment for each firm on the introduction of new fees
- Business planning
- LSC staff to visit providers to see what happens on the ground
- Communication is the key!

Question: Is the PRG group interested in developing any of the proposed tools?

- Due to involvement in PRG and other LSC commitments, further support and development work may well require a form of remuneration.
- Support would be easier if LSC visited providers and travel is limited.

PRG members were encouraged to take part in the delivery transformation user group.

Role Of The Relationship Manager (RM)

The discussion revolved around the RM role, addressing:

- A RM should go out and shadow providers
- Procurement law and process information should be made available through RM
- RMs should know the geographical area and the local needs
- Staff retention seems an issue, but difficult to manage. Any change of RM for a provider should be communicated, with seamless transition
- Frustration does occur when you have to deal with different offices for different functions

How Future Agenda Items Are Set

- The national agenda works for the PRG, knowing that comments are adding weight to a larger pool of feedback
- The timescales and process for feedback are adequate
- Any agenda items required for the November PRG are to be passed to Karen Stevens in the LSC Brighton Regional Office

AOB

- NFP/Private imbalance – LSC should highlight to MOJ that legal aid solicitors have the same contract as NFP, but no extra donations or support. This causes an imbalance, exacerbated by political weight behind NFP agencies.
- LSC must ensure that CLAC/CLAN discussions do not exclude for profit organisations.
- LSC should advertise how good contracted legal aid firms are. Proactive communications are mutually beneficial.
- Mental Health escape case. One PRG member had one escape case, resulting in half a day of paperwork. This needs to be addressed, reducing the repetition of work encountered in that experience.

Date of Next Meeting

Thursday 13th November

10.30am

LSC Brighton Regional Office