

Provider Reference Group (PRG)

1 July 2008

Legal Services Commission Regional Office (Bristol)

Attendees: T. Jones – *Chair* (Legal Services Commission), G. Mountjoy (Legal Services Commission), L. Shand (Legal Services Commission), J. O'Reilly (Legal Services Commission), L. Young (Goldinghams), S. Davis (Bideford CAB), A. Willows (Wolferstans), E. Marks (Hughes Paddison), J. Talbot (Laceys), S. Leeroth (North Somerset CAB), B. Watkins (Watkins Solicitors), C. Lowry (Shelter)

Minutes: M. Baker (Legal Services Commission)

Apologies:

1. Introduction

TJ opened the meeting by asking to keep in mind whether there are any obvious gaps in the membership of the PRG that could be filled.

2. Minutes from previous meeting

No issues arising.

3. Feedback from previous meeting

- *What support is available/needed from the LSC Provider readiness Team?*

JOR updated the PRG on those support products from the Provider Tool Kit that were being taken forward as a result of feedback from the PRG meetings that have taken place:

Provider Website: The idea of a 'provider zone' on the LSC Website was popular. This would include easy-to-reference material on forms, guidance, Q&As, summaries of the reform programme etc all in one location. This is being developed as a matter of priority as part of an overhaul of the whole website.

IT Survey: A good response rate has been received with this survey, which was amended using feedback received. The results are currently being analysed to assist with appropriate IT strategy.

Cash Flow Tool: Feedback on how useful this tool would be was varied. It was felt that the tool could help with any future civil fee changes (to be consulted upon) and, if appropriate, aid establishing a competitive crime bid.

IT Consultancy Team: Following feedback that this project would add little value it has been decided that it will not be developed further.

- *Civil Whole System initiatives and successes*

LS updated the PRG on current progress with the various initiatives:

Family Justice Councils: LSC continuing to obtain membership on all existing Councils.

Experts: LSC at pre-pilot stage on project to commission multi-disciplinary teams of health professionals from the NHS to provide jointly instructed health expert witness services to family courts, primarily in Public Law childcare proceedings. No timescale was available but **LS** reported that announcement would be made in near future. Reservations were expressed that this initiative has been shaped by a recent Chief Medical Officer's report recommending the extended use of junior members of staff in the NHS as experts. It was felt that this would lead to relatively inexperienced staff dealing with extremely complex cases. Further concerns were also expressed regarding the random allocation of experts to a case and also the detail and content of reports produced by junior NHS staff. **LS** to ascertain whether any members of the Expert Witness Programme are scheduled to appear on the proposed pool of experts.

Court Practices: LSC continue to invite examples of good/bad practice in court allocation of family proceedings. An example was given of recent increased coordination between Devon and Cornwall courts in reallocating cases – too early to gauge whether this has been successful. Another example given where complex cases are being transferred from Bristol County Court to the Family Proceedings Court without any apparent consideration. It was reported that the effectiveness of Court User Group forums in implementing good practice varied from area to area.

Possession hearings: It was pointed out that people in Gloucestershire with imminent possession hearings used to be sent a leaflet produced by the LSC explaining how they could get advice. This had been sent out by HMCS. However as possession cases were now listed nationally on line the leaflet was no longer sent out and a less helpful letter is sent instead. **PJ** to look into this.

Court Fees: LSC currently liaising with HMCS on implementation of plans to introduce systems enabling bulk users to pay court fees more efficiently. PRG expressed concerns regarding the effect of the removal the Court Fee exemption rule for clients in receipt of Legal Help. And how it has led to delays in proceedings. It was also considered to be potentially detrimental to access to justice.

Private Family Law Cases: Q&A section on LSC website to be reviewed. Any specific suggestions for inclusion to be emailed to family@legalservices.gov.uk

Mental Health Review Tribunals: Confirmation that Mental Health providers are now reimbursed for unavoidable adjournments as part of the Fixed Fees introduced in January 2008.

- *Communication between LSC and Providers*

LSC Website: The PRG broadly welcomed the proposal that the scheduled 'provider zone' on the website should be split into sub-categories (i.e. per category of law, type of user (e.g. section solely dealing with billing)). There was a call for greater accuracy and scope of the financial eligibility calculator.

Podcasts: The notion of LSC podcasts giving updates on specific initiatives and projects was supported by the PRG. Provided the information was presented immediately and kept relatively brief, then this method would be advantageous in cascading any major Contract and operational changes to all providers' staff.

Focus: PRG generally regarded the on-line Focus as a useful means of information.

LSC Update: Again, this means of information was regarded as useful. By way of an improvement, it was suggested that the initial links from the Update should take the reader to an intermediate level summarising the issue, rather than direct to the full (and often unwieldy) text on the website. **PJ** to investigate this possibility.

LSC Manual: The future of the Manual is currently under review by the LSC. The PRG generally felt that the on-line version was very difficult to navigate.

4. Discussion papers

The following areas were discussed:

- Quality Requirement barriers: Some members of the PRG found the experience of working to the Quality Mark (QM) in addition to other quality standards to be time-consuming and asked whether the LSC could explore considering other commonly-held standards as either equal or inter-changeable to the QM. It was reported that the LSC currently have a working group looking at such a proposal.

The PRG broadly supported the notion that where existing providers move into new categories of law, then the initial Quality Mark requirements from the LSC should be less stringent. However, it was also suggested that perceived specialist categories require closer monitoring and subjecting them to a lower level of Quality Standard would be inappropriate. Furthermore, allowing existing providers leeway in lowering QM requirements for new categories of law would need to be verified against competition and procurement law.

- Issues of access: This discussion focussed on the new emphasis on the commissioning role of the LSC and the difficulties presented in identifying where issues of access arise. It was suggested that providers should be required to inform LSC whenever they are at full capacity and unable to take new cases on. This was felt to be unworkable, as providers would likely be reticent in volunteering this information.

GM indicated that carrying out some form of local community/client profile may be factored in as a requirement of any future Contract tendering process. It was reported that NfPs already undertake some community/client analysis as part of their quality standard. On the general issue of identifying gaps in need, it was felt that national interest groups, rather than individual providers, would be in a better position to fulfil this role.

- Family Fixed Fees: The PRG considered the introduction of Fixed Fees for Certificated Family Private Law cases and specifically whether there were any types of cases that would be unsuitable under the scope of Fixed Fees. The primary concern related to Ancillary Relief and TOLATES cases, which are often unpredictable and invariably involve complex and lengthy work.

The Single Advocacy Fee was generally welcomed as giving parity between counsel and solicitors for doing essentially the same work. However, there was some regret that the LSC was abdicating responsibility for directly remunerating counsel and that the administrative burden of negotiating and arranging payment was to lie with the provider.

- Role of the Relationship Manager: **GM** asked for feedback on providers' experiences with their Relationship Managers. Varied opinions expressed on how visible Relationship Managers should be. It was agreed that as a minimum, all providers should be aware of who their current Relationship Manager and how to contact them.
- Delivery Transformation: **JOR** seeking any ideas on improving efficiency in any aspect of the LSC processes and specifically requesting any PRG involvement in a working group tasked with reviewing and simplifying the current means/merits/costs appeals procedure.
- How future agenda items are set: **GM** keen to invite issues/themes for discussion from PRG. There was a request for a member of the LSC's central Policy Team to be involved at future PRG meeting to give view from top.

5. Discussion items from PRG members

Requests for clarification of position on following items:

- Possible review of the requirement for case plans in High Cost Cases. Currently involving too much work and leading to delays.

- Requirement for referrals to mediation where it is obvious that the case is not suitable for mediation. Is there any flexibility to circumvent this requirement, or future plans to remove it.
- Clear guidance on client returning on same matter within six months in Legal Help cases.
- Clear guidance on use of postal applications in Legal Help cases.

Date of next PRG Meeting: 11 November 2008 10:30am
Venue: Legal Services Commission Bristol Regional Office

MB July 2007