

Crime Regional Provider Reference Group - South Region

Summary of Meeting 8 July 2008 at LSC Bristol Office.

Present: Tom Jones (LSC Commissioner, Chair), Jonathan Morrissey (Bournemouth), Bryan Swanson (LSC), Jeremy Wickham (Exeter), David Melville Walker (Andover), Stuart Ranson (Andover), Michael Jeary (Chippenham), James O'Reilly (LSC), Dave Smales (LSC, Minutes)

Apologies: Ian Denley (Taunton), David Campbell (Bristol), Geoff Mountjoy (LSC Regional Director)

Review of Membership

- Are there any interests which are not represented in the group, either geographically or in terms of expertise? None were identified by the meeting.

Minutes of Previous Meeting

- Request to join Justices' Clerks Society - any progress? BS has pursued discussions and is awaiting a response from the CEO of the Society.
- Duty Solicitor slot allocations on change of firm: BS clarified that slots are allocated to firms, not to individual solicitors. The LSC needs to be informed in good time of a move between firms so that the solicitor can be included on the next rota. It was suggested that the LSC notify firms when the "transfer window" is open.
- Circulation of Names to be included on rota before it is finalised, to avoid omissions - this has been done.

Feedback From Previous Meeting: Presentation of Feedback Papers.

1. Provider Readiness Support, and Communications between LSC and Providers:

- LSC Website: project is to be expanded to improve the user friendliness of the whole site, as well as creating a provider zone. Aim is to complete improvements by the end of the year
- IT Consultancy Team will not go ahead. LSC is in discussion with software vendors to prepare for changes. It was asked that proposed changes are signalled to Providers as well as software suppliers.
Action: JO'R will feed this back.
- IT Survey - there had been 1200 responses, results will be used to inform IT policy and ensure changes are sensible

- Focus/Focus on CDS: there had been mixed responses, as a result of which these will be produced in both printed and electronic form.
- LSC Update: contains too much information. It is suggested that filters be introduced so that recipients can select the content they need to receive. Members approved of this idea.
- LSC Manual: it has been suggested this could be better housed online. Members approved of this.
- It was asked that if BVT is to go ahead, could training be provided by commercial providers who understood tendering processes. JO'R confirmed it was intended to bring in external expertise.

2. Crime Whole System Initiatives and Successes

- BS explained that while CJSSS was not functioning quite as we would like, proceedings are working better than before CJSSS was introduced. If there are problems of performance, practitioners should contact local LSC Crime leads who will intervene. Also mentioned were changed arrangements for RDSC meetings, these arrangements are not fully resolved for Wilts and Dorset.
- It was stated that Dorset courts are not as ready to allow adjournments to the Defence as to Probation or the CPS . Advance disclosure was not always being provided as early as required. Action: BS agreed to take details of these issues to the chief officers concerned and get an agreement which can then be relied on by practitioners if needed.
- Members indicated that Courts were insisting on a plea being entered at first hearing, which creates problems particularly when acting as Court Duty solicitor. It is not always possible to give proper advice on plea. It is sometimes being suggested that a NG plea is entered with the court file endorsed to show no loss of credit if the client subsequently changes plea. This leads to unnecessarily listings for trial and even greater delay. BS agreed that it cannot be right for the court to insist on a plea being entered if the solicitor has not had full information and so cannot give proper advice to the client. Action: TJ agreed that the issue needed to be fed back with a view to making targets more sensitive to real conditions.

3. Crime Contract Awards and BVT Consultation

- BS referred to the removal of facility to submit contract applications by email, and its substitution with acknowledgement and checking of applications; and the issue of deadline dates which had caused problems. *Update: the "transfer window" suggestion has been referred to CDS Policy, who have confirmed that timescales will be clearly set out for future contract applications.*

- Members raised the issue of applications made by firms whose eligibility was in question, in some cases not practicing criminal law. BS responded that in cases of doubt firms were being challenged.

Discussion Papers

1. Litigator Fee Scheme:

- It was suggested that training events in Dorset had not been publicised. BS agreed to check where and when events had been held in the county. It was remarked that training had been biased too much towards use of the online claiming system, rather than other aspects of the scheme.
- Members commented favourably on the scheme, though processing of claims was slow and payment advices did not identify which claim a payment relates to. As case numbers of claims were checked against the Crown Court system, could payments be made through that system?
- Members commented that many practitioners were now taking up Crown Court advocacy work, encouraged by the advocate fee scheme. This meant fewer practitioners available to carry out magistrates court hearings - this could leave less experienced practitioners to deal with these and discourage new recruits.

2. Crime (Unified) Contract - the results of the recent tender process, and overview of the current supply of CDS services

- Members indicated preference for the current system of duty slot allocation, though expressed concern over perceived abuses by some firms, e.g. allocation of duty work to non-duty staff, or absence of duty solicitors during their rota periods. BS confirmed that the current recording system shows a duty solicitor has taken the case if they take the initial call - it will not reflect subsequent delegation to another member of staff. It was suggested that the PIN no of the person actually carrying out the work is recorded in all cases. There was also acknowledgement that freelance representatives provide valuable support, particularly to small practices, so long as the quality of service to the client is sufficient. Action: BS responded that members will be informed before November how the LSC is dealing with these issues.
- It was felt that many older practitioners would not wish to go through reaccreditation, risking a loss of full coverage and of quality. The need for reaccreditation was questioned given other forms of quality assurance, e.g. CPD, Law Society requirements, LSC audit. It is expensive to undergo several different forms of accreditation.
- Members proposed booking in and out is separated from other functions at the police station. At present this takes too long leading to excessive periods of detention for quite minor matters. The current

layout and condition of buildings should not be accepted as an excuse for this.

3. Provider Readiness Support and Transition

- Further ideas were sought to add to those covered in the feedback document, e.g. for training to be provided by peers or professional trainers; and for availability of training materials to be enhanced by release on DVD or by streaming video online.
- A request was made for materials to be made available in printable form as well. Is streaming practicable now or would need to engage consultants delay release? Could LSC video be made available on Youtube? JO'R responded that LSC had set up groups to explore possibilities.

4. Peer Review and Quality

- Some members asked for more feedback and transparency about common issues found on peer review, perhaps to be shown on the LSC website, though it was pointed out that there had been a roadshow recently where peer reviewers had discussed these issues.
- There was discussion of the requirement to retain office premises, given the possibility of storing documents electronically. Profitability could be increased significantly if this requirement could be relaxed. On the other hand it was questioned whether it was appropriate to run a practice "out of the back of a car". It was acknowledged that a provider would need at least one base, but otherwise it should be possible to deliver services in whatever way was most convenient for clients. It was also suggested that the location of a providers office may not be as relevant as where staff live. TJ commented that what matters is the help that the client receives, and that providers need to demonstrate knowledge of the client base. BS remarked that while criminal providers will often see clients at the police station or court, civil providers will need a physical office presence.

5. Role of the Relationship Manager

- BS requested feedback on how well contacts worked at present and how these might be improved. Members commented that relationships with Account Managers/Relationship Managers were generally good. Concern was expressed over the future of the Reading office, BS confirmed the presence in Reading would be maintained. There was mention of frequent changes of AM/RM, and a wish to be able to keep in contact with them by email. While the relationship was important, the key issue would remain the financial relationship between the provider and the LSC.
- There was a suggestion that providers' accounting staff were sometimes anxious about contacting AM/RM, and comment that it was

difficult to know which office or department might deal with a particular issue, for example sorting out litigator fee payments. TJ and BS urged providers, and their accounting/admin staff, to contact their AM/RM about any problems they could not sort out with relevant LSC departments or processing offices.

6. Future Agenda Items

- Members indicated no concerns with current arrangements for raising issues.

Any Other Business

- Members suggested the LSC's approach to evidence of outgoings for representation order applications was too rigid; e.g. mortgage payments shown on a client's bank statement were not considered acceptable as evidence. TJ remarked that assessment has to be robust to satisfy the National Audit Office, however it is important that people who are entitled to it get help.
- It was asked whether fixed fees had been reconsidered in relation to travel costs in rural areas. BS commented that the response to the BVT consultation may have something to say on this.
- Members reported differing responses from the DSCC where requests had been made for a second reference number, where a two separate fees were due in relation to a police station matter - sometimes the second reference is issued, sometimes the DSCC refuse. Action: BS will follow this up.
- Is there an entitlement to request a 3rd tape of interview, where the client has not been charged? Police are sometimes refusing this. DMW indicated he had raised this with at his local User Group, seeking an arrangement whereby a 3rd tape could be obtained, even if there was not a formal entitlement. DMW will bring the issue back to the next meeting if it cannot be resolved.

Next Meeting - Bristol Regional Office, 2 p.m. Monday 10 November 2008

- There was a brief discussion over whether meetings could be held at different venues in order to share out the burden of travelling. Overall, members felt that whatever venue was chosen most would have to travel a substantial distance, and costs would probably be greater. TJ suggested this is reviewed at the next meeting.