



**Crime Contracts Consultative Group (CCCG)
Minutes**

4 October 2011

When:	Tuesday, 4 October 2011, 14:00 – 16:00	
Where:	LSC Boardroom, 4 Abbey Orchard Street, London SW1P 2BS Video Link: Nick Poulter – LSC; Bridgette Humby-Jones - LSC	
Chair	Ruth Wayte – LSC	
Present	Alice Mutasa – TLS Carol Storer - LAPG John Sirodcar - LSC Matt Shelley – LSC Mike Jones – CLSA	Neil Lewis - LSC Raj Chada - SAHCA Rodney Warren - TLS Steve O'Connor – LSC
Minutes	Grazia Trivedi - LSC	
Apologies	Avrom Sherr – IALS David Keegan-LSC Elaine Annable – LSC Greg Powell – LCCSA James MacMillan – MoJ	Elizabeth Gibby - MoJ Jim Meyer - LCCSA Paul Keleher QC Gus Ghataura – ILEX Mark Lucraft QC

Action Points from the last meeting		By Whom	By When
AP1	Update CCCG on <i>Bostalls</i>	JS	Closed
AP2	Update CCCG on information relating to unrepresented defendants in crown courts.	JH	Closed
AP3	Check the details of CLSA communication re operational changes at DSCC and inform EA	RW	Closed
AP4	Indicate in future V&V reports whether figures referred to monthly or yearly data	JH	Carried forward
AP5	Review the V&V figures report and update CCCG on what could be improved	RW	Carried forward
AP6	Find out whether it was possible to obtain an 'Investigations Claims by Scheme' report on a more regular basis	NL	Closed
AP7	Find out the legal aid cost of the riots	NL	Closed
AP8	CCCG to send their views re RDSCs to JS	Rep Bodies	Closed
AP9	Consider comments made re LAC1 form and get back to the CCCG	NP&B-HJ	Closed

RWayte welcomed all present. Apologies had been received from a number of members including both MoJ representatives.

1. Minutes and actions from the previous meeting.

Minutes from September's meeting were approved.

AP1. JSirodcar said that Bostalls' contract had been terminated and that the contract of the other two providers in the procurement area had been extended. The LSC aimed to decide when to retender for the CDS Direct contracts before Christmas.

AP2. Discussed under item 4

AP3. Discussed under item 3

AP4. The report would be modified as requested.

AP5. RWarren proposed that all representative bodies put forward their views on how the amount of information in the Volume and Value (V&V) figures report could be reduced to what was considered to be essential. It was agreed that representative bodies would send their comments to GT by 14 October **AP1**-Rep bodies and that GT would send them a reminder a few days before the deadline. **AP2**-GT

AP6. SO'Connor said that he had obtained up to date figures for the *Investigations claims by scheme* and that he would circulate this information to the CCCG before the next meeting. **AP3**-SO'Connor

AP7. It was too early to know how much the August riots had cost. SO'Connor said that the *Investigations claims by scheme* for the month of August ought to show which schemes had been particularly affected by the riots and how they had coped. Six thousand extra calls had been received by DSCC in that month. SO'Connor to circulate data on *Investigations claims by scheme to next CCCG* (AP7 closed – see **AP3**).

AP8. Closed

AP9. LAC1 forms could be signed not only at the Committal hearing (as indicated on the form), but also at the mode of trial hearing and any other hearing where the venue was known. NLewis to investigate when an electronic solution would be in place and to update at the next CCCG. **AP4**-NLewis

2. Police Stations

Olympics. The LSC were working with HMCTS and the police to consider the practical implications for the Criminal Justice System during the Olympics. It seemed likely that 2-3 courts would be designated to deal with Olympics related crime. Activity in and around the Olympic venue in Stratford would be scaled down and the workload would go to courts in other designated areas. Greenwich and Barking were being considered and a final decision was expected by Christmas. Other issues were also being considered such as ensuring adequate cover by court duty solicitors by scheduling in extra people and implementing longer working hours. SO'Connor would keep the CCCG updated.

Virtual Courts. There was going to be further expansion of VCs and their use. In Kent, where a VC model was already operational, an additional police station would be added by Christmas. In the Cheshire court a VC model would become operational by Christmas with Hampshire also being included.

If this expansion continued, the LSC would, in the medium term, need to revisit the billing arrangements for VCs and, in the short term, review the way in which duty solicitors were rostered to VCs. Currently, slots were allocated to firms rather than to individual duty solicitors; this had exposed the need to define the parameters of who was eligible to do the work. SO'Connor asked CCCG members to put forward their views and/or speak to him outside the meeting.

In response to a query about the cost impact of VCs, SO'Connor said that in the majority of cases there were no additional remuneration issues. In a minority of cases, when a case concluded at the VC, solicitors were eligible to claim a non means tested Fee of £150.

T3 Programme. The CPS was continuing their work on the T3 Programme¹. An extensive amount of work was taking place at national and local level with workshops organised by The Law Society. The LSC were facilitating trials with firms that had volunteered to test how the system was going to work.

3. CDS Direct Court Notification Process

The LSC had found that the most effective method of contacting solicitors was by calling them on their out of hours number at the time, when the clients had been advised. MJones said that solicitors generally did not like to be called during the night; he said that faxing had been a successful method when used in the past. There was discussion about the merits and disadvantages of the different methods of communication. JSirodcar said that he would look again at the fax option to see whether it could be reintroduced, with the proviso that solicitors would be called if clients were advised the day before a non working day, such as Fridays.
AP5-JSirodcar

4. Unrepresented Defendants Update

MShelley handed out a report with data on unrepresented defendants in the crown courts, covering the period between Jan '09 and Dec '10. MShelley said that the percentage of defendants recorded as unrepresented had remained static since 2009. However, MShelley also pointed out that the report showed a number of defendants where their representation status was 'unknown'. The LSC had asked the MoJ to find out why this was the case and MoJ had agreed to look into this matter and issue a new report. **AP6-MShelley**

NPoulter said that cases, and in particular indictable only cases, were often sent to the Crown Court before the legal aid position was clarified. When this happened the record in CREST showed the client as privately funded and was not always updated upon determination of the legal aid position. Therefore some defendants remained showing as privately funded despite having a representation order. This fact needed to be taken into account when reviewing stats from CREST about the proportion of defendants who were legally aided and those who were not.

5. New Crime Lower Reporting Requirement

MJones said that the profession was concerned about the changes made to claims reporting. His understanding was that the new version of the *bulk load spreadsheet* wasn't going to be available until 20 October and providers, most of whom had been used to uploading their billing onto the system as they went along, were not sure that they could deliver the billing for September within such tight timescale. Providers felt that the software installed on their systems to comply with the new process wasn't fully tested and ready to go, and were concerned that if the deadline for submissions was missed the SMP would not be made.

SO'Connor said that considerable resource had been dedicated to engage with suppliers from a very early point to ensure that they were prepared for the new billing process. SO'Connor would look into the issue of the *bulk load spreadsheet* and get back to representative bodies as soon as possible. **AP7-SO'Connor**

6. Means Testing

Applications processing. There was discussion about the figures in the latest Crime Operational Update². Havering had cleared the backlog of applications up to six days and, thanks to a swiftly applied recovery plan, was well on its way to getting back within the 2 days target.

¹ Information on the T3 Programme can be found in the [CCCG Minutes April 2011](#), pg 4, published on [Isc > Criminal Defence Service > Crime contract > Criminal Contract Consultative Group](#).

² Crime Operational Update can be obtained from representative bodies

Forms. A draft of the new version CDS15 and CDS14 forms would be circulated to representative bodies as soon as possible. The Legal Aid Reform (LAR) programme team had made the decision to bring forward the introduction of the new forms from April 2012 to February 2012 so coinciding with the release of the new civil forms. RWarren requested that, as the current forms had been introduced as recently as August 2011, the new versions go live in April not February.

NLewis would find out why the date had been brought forward. **AP8-NLewis**

Post meeting note

The LSC intends to bring forward the Criminal Forms release (from April to February) in order to avoid multiple form releases within a short period of time (i.e. Civil forms in February and criminal forms in April) – this follows feedback from Representative Bodies requesting that the number of form releases is minimised.

Following the CCCG meeting, NL spoke with RWarren and set out this rationale. RWarren agreed that, on this basis, co-ordinating the criminal forms release with the civil forms release (i.e. in February) was beneficial. RWarren added that he hoped this decision would mean that no further form releases were needed in 2012. **AP8 –closed**

7. Operational Update

There was discussion around the Crime Operational Update. The backlog of Litigators Graduated Fees (LGFS) had been over 25,000 claims at the end of May 2011 and was now down to 13,500. Processing of Litigators Graduated Fees was now on track and within target. Whilst processing of Advocate Graduated Fees claims remained outside of target, backlogs were starting to fall, albeit slowly.

The operational update showed that the LSC's processing team was on track to clear all backlog of applications and that in most areas processing time targets were being met.

RWarren thanked NPoulter and his team for their efforts and success in clearing the backlog of LGFS claims.

The temporary reduction in the telephone service hours would be reviewed once the backlog of Advocates Graduated Fees claims had been reduced significantly.

MJones asked that, when possible, the LSC consider putting extra resource into processing applications for prior approval because the change in policy not to extradite claims was causing problems. There were instances when solicitors had to make a request for prior authority in the middle of a case and were being told that there was a backlog of applications. NPoulter said that applications for prior authority – CDS4, were processed within 48 hrs and e-forms within 24 hrs.

VHCC. Advocacy volumes kept rising and the VHCC Sub-Group continued to work on VHCC regimes.

9. AOB

New Prisoners Contracts Escorts Services (PECS). In response to some suppliers' complaints about the 'unacceptable service' provided by the new PECS contractors, the Deputy Director of Contracted Custodial Services (MoJ) had sent a letter of apology to The Law Society. AMutasa wanted to share this information with the CCCG and said she would circulate the letter.

Funding order changes. RWarren asked whether the LSC could confirm that files on criminal cases, where the court where the representation order was obtained for the case to be heard in the magistrate court, and where the court directed that there should be a crown court trial, would be exempt from peer review and from audit as to specification compliance. RWayte said that the LSC would take this away and discuss at the next meeting. **AP9**-MShelley

RWarren also referred to a correspondence exchange between NLewis, JHislop and himself, in which the wording of the funding order in the contract changes was discussed. He said that this correspondence may be seen more widely in the course of what was happening.

Action Points		By Whom	By When
AP1	Forward views to GT on the V&V report	Rep bodies	14 Oct
AP2	Remind rep bodies of deadline for AP1	GT	Closed
AP3	Circulate the up to date <i>Investigations claims by scheme</i> figures	SO'Connor	1 Nov
AP4	Find out when the LAC1 e-form would become available	NLewis	1 Nov
AP5	Find out whether CDS Direct could notify solicitors of a court hearing by fax	JSirodcar	1 Nov
AP6	Obtain an updated 'Unrepresented Clients' reports with revised <i>unrepresented clients</i> data	MShelley	1 Nov
AP7	Look into the issue of the bulk load spreadsheet raised by MJones	SO'Connor	1 Nov
AP8	Find out why the new CDS forms would be introduced in February instead of April	NLewis	Closed
AP9	Consider RWarren's query about excluding specified criminal files from peer review and contract compliance audits	MShelley	1 Nov