

CRIMINAL CONTRACTING CONSULTATIVE GROUP

4TH January 2006

Present: Rodney Warren (Law Society/CLSA), Rob Brown (LCCSA), Derek Hill (Legal Services Commission), Tim Collieu (Legal Services Commission), Maryvonne Islip (Legal Services Commission), Greg Lewis (Law Society), Alice Mutasa (Law Society), Andrew Bishop (CLSA), Dane Johnson (Legal Services Commission)

1. Apologies for absence

None

Matters For Discussion

2. Actions from last meeting

Peter Beckford has now sent the results of the North Allerton Scheme from the Leeds Regional Office.

The publication date of The Public Defender Service (PDS) Research report is still not known. There are 2623 contracted suppliers as at November 2005, this represents a 1.6% reduction in the number of suppliers from June 2004. The overall total of Duty Solicitors is 5221 with (2399) 46% of the total covering London.

The issue of rota duty solicitor schemes was also raised where there are 2 solicitors on duty and the next case was then offered to the solicitor already at the police station as opposed to the case being deployed to the next solicitor.

ACTION: Tim Collieu to provide a response from John Sirodcar.

3. Carter Review / Crown Court Costs

The Society expressed the view that there is still a lot of work to do concerning Carter and that the Carter team does not have a full appreciation of the complexity of the process. It was not appropriate to discuss the issue further in this forum.

4. CDS Direct – update

The LSC confirmed that the 1st part of the CDS Direct evaluation would be available for the Society to have a copy of when the meeting at the Call Centre takes place on 14th February.

The LSC also confirmed that although there had been teething problems concerning the structure of the pilot from both clients and the police for i.e. misunderstandings on the types of calls received; these have now been resolved.

There were concerns over the confusion with the national coverage of the pilot, difficulties of expectations, inappropriate action and whether the long-term evaluation is still going ahead.

The LSC explained that legal advice is being sought in reference to European Tendering Rules and when the pilot is evaluated and if rated unsuccessful then it would not continue. Also there will be defined criteria in order to establish that value for money is being achieved and it may be possible to devolve power to solicitors at a local level.

5. CDS Bill – Means Test

The Society expressed some concern with the approach of the appeal mechanism for means assessment and whether or not contempt of court will be dealt with under the CDS Bill.

The Society further expressed concern that the CDS Bill removes judicial scrutiny and the court should always be able to override the court clerk.

The LSC informed the Society that they were against the amendment giving the courts the right to grant on appeal where the application was refused on the basis of means: but that did not extend to the Interests of Justice Test.

The Society pointed to the need for training courses for solicitors to run parallel to the court staff training. A stakeholder group would be formed to help meet Law Society needs.

6. Contract Amendments

The deadline for the General Criminal Contract amendments has been extended from Thursday 12th January 2006 until Monday 30th January 2006 after a request was received from the Law Society.

7. Crime Training Contracts

Crime Training Contracts are awarded to legal service providers on an annual basis; there are a total of 100 contracts. This year sees the third tranche of contracts being awarded.

The LSC has asked for input from the Society in what factors should be taken into account when deciding on where to allocate the Training Contracts.

The Society has expressed an interest in the Training Contracts but along with the CLSA made comments that the criteria usually favours firms that have crime contracts. The meeting agreed that it would be useful to consider those areas where there is a higher than average of member. However date of birth information was not held by the LSC or the CLSA.

The Law Society noted that there are also issues surrounding the Data Protection Act and re-accreditation and there are 5 databases that run across one database, which adds to the difficulty and is not straightforward.

The Society have requested that the LSC gives a private outlook on who may be able to get Training Contracts and make recommendations by Wednesday 18th January 2006. They further suggested that the Legal Aid Practitioners Group (LAPG) should also be involved in the discussions and the CLSA may also have some views to offer.

ACTION: Maryvonne Islip will make a formal approach to Alison Crawley and Julie Swan at The Law Society.

8. Enhanced Rates

It was agreed by both the Society and the LSC that a separate meeting will be raised to discuss enhanced rates in more detail also the Sexual Offences will have to be checked for the creation of new offences in addition to any changes in the Funding Order and offences under the Proceeds of Crime Act.

ACTION: Tim Colliou to check on issues of enhancements.

9. Schedule of meetings

These have been arranged and agreed

10. AOB

Alice Mutasa to circulate briefing note and Duty Solicitors, Accredited and Probationary Representative Guidance to CCCG members.

11. Date of next meeting

Wednesday 1st February 2006