

## **CRIMINAL CONTRACTING CONSULTATIVE GROUP**

**21<sup>ST</sup> December 2004**

**Present:** Rodney Warren (Law Society/CLSA), Tim Colliou (Legal Services Commission), Alice Mutasa (Law Society), Steve Wedd (CLSA), Billie Lever Taylor (Legal Services Commission)

**Apologies:** Rob Brown (Law Society/CLSA), Katherine Pears (Legal Services Commission)

### **1. Price Competitive Tendering for London Suppliers**

Following the publication of Focus on CDS and conversations between the Law Society and the Commission, the Law Society asked for confirmation that consultation would commence in January. The Commission stated that this date is on target but is subject to ministers' approval.

To bridge the gap between the expiration of contracts and the implementation of managed competition in London, the Commission confirmed its intention to extend contracts at least until 31 December 2005 with termination on three months notice thereafter.

### **2. Civil & Criminal Contract Changes**

The Law Society expressed concern that the proposed contract changes are consequent on other changes that are still being debated and therefore may be subject to further change.

The Commission stated that it is unlikely that the proposed changes will change again, except in relation to the issues discussed below.

The Commission pointed out that there has been a period of adaptation to the twice-yearly contract changes, but stated that, in the future, there should be less susceptibility to change. The Commission also welcomed any suggestions from the Law Society as to how to improve handling of contract changes for the future.

### **3. Accredited Reps Consultation**

The Law Society stated that, despite the original belief that it would be straightforward, this consultation has resulted in numerous differences of opinion. In essence, there is a split of opinion over the agency issue between firms outside of London (where the relationship between a client, solicitor and agent is quite personal) and in London (where agents tend to be used in a less individual way).

Although there are possible solutions to this – e.g. developing special rules for London, the Commission stated that, particularly in view of

London Competitive Tendering, it is minded not to progress with the agency issue, as it is such a unique London issue. Thus, only the first two changes would proceed and the agency issue would be dealt with by another route that does not cause so much contention outside of London.

The Commission agreed to write a letter to Steve Wedd detailing the current thinking on the above.

#### **4. Community Justice Centre Pilot**

The Commission accepted responsibility and apologised for the short consultation in relation to the above. It has been agreed to have a 6-week consultation period with a deadline of 26<sup>th</sup> January.

The Law Society expressed concern at the suggestion that it will be possible to change the contract with regard to the Community Justice Centre without consultation in the future.

#### **5. CDS Bill**

There was nothing to add to the update given at the November meeting. The Commission confirmed that the upper limit for the means test will be £27,500 and the lower limit will fall somewhere between £15,000-£18,000. Up to the end of the first hearing will be non means-tested.

#### **6. CDS Direct**

The Law Society expressed concern that the Commission will go ahead with this simply because it is the policy that they are working towards.

The Commission proposed to offer a single flat fee of £8 for all calls passed to a solicitor from CDS Direct. The solicitor can then claim a normal attendance fee as the case progresses. However, it was acknowledged that there is a need to consider cases where an initially less serious crime migrates into a more serious crime. In such cases – i.e. where it is subsequently found that CDS Direct in fact should not be involved, the Law Society suggested that the full fixed fee should be triggered so that the case is treated as a new case as distinct from the original one. The Commission agreed to respond to this concern.

#### **7. Appeals Monitoring Group**

The Law Society stated that the general feeling is that, although the process agreed is not ideal, it is the best result possible. The Legal Services Commission has set up a monitoring group which will include one Law Society nominee.

The monitoring group was planned to start in the New Year so that it will be possible to see the effect of the changes. The Commission is to make contact with Alice Mutasa to establish its terms of reference, once individuals have been identified, and set up meetings.

In terms of the guidance issue, the Commission is still waiting for a response from Patrick Reeve and will chase this up.

#### **8. DSCC PIN Cards for Duty Solicitors**

When a new Duty Solicitor is entered on the DSCC records, an individual PIN number is generated and allocated to that solicitor. At present, when a new PIN number is generated, the DSCC sends a plastic PIN number card to the Duty Solicitor. The stocks of this card are running low and it uses an old Legal Services Commission logo.

From 1<sup>st</sup> February 2005 the DSCC will no longer send out the cards but will send a letter or email (where this is given by the regional office) stating the PIN number to the Duty Solicitor.

#### **9. Schedule of Meetings**

The next meeting is scheduled for 19<sup>th</sup> January.