

Criminal Contracting Consultative Group
5th April 2006

Present: Rodney Warren (Law Society/CLSA), Rob Brown (LCCSA), Alice Mutasa (Law Society), Andrew Bishop (CLSA), Tim Colliou (Legal Services Commission), Katherine Pears (Legal Services Commission), Dane Johnson (Legal Services Commission).

1. Apologies for absence

Derek Hill
Greg Lewis

Matters for Discussion

2. Actions from last meeting

Enhancements

Rodney Warren noted that the figures supplied by Tim Colliou showing that the £3m injection had fed through into the overall expenditure on police station attendances were also supported by figures supplied from the Carter team.

Rodney Warren noted that the list of offences needed revisiting. Tim Colliou confirmed that John Binns has drawn up a new list covering sexual offences.

Action: Tim Colliou will take forward the amendment of the list.

Training Contracts

The LSC informed the Society that they no longer needed input into the distribution of Training Contracts, as the policy had been set. The LSC also confirmed that the training contracts are rolling for a three-year period and a total of 100 were available per year.

Re-accreditation

The Society noted that with the current position of Carter; re-accreditation has acquired a political dimension. The Regulation Board has a responsibility for schemes and they will receive written representations from practitioners as to why re-accreditation in criminal shouldn't go ahead by the deadline date Friday 28th April 2006 law. The board will be sitting on 4th May 2006.

Action: Tim to discuss further with Derek Hill on LSC's position.

The Society confirmed that Freddie Hurlston had been given the contacts concerning the ineffective trial hearings and also that some progress had been made with the DCA and LSC.

PDS Research

The LSC informed the Society that there was still no date on when the research would be published. The Society expressed its dissatisfaction with this position.

Competitive tendering consultation responses

The consultation responses have not yet been made available. The Society feels that it is unfair that the LSC are sitting on responses and indicate that they need to be more open about what has been set. They also raised the point that the Commission For Racial Equality (CRE) has the statutory powers to get the information published.

Action: The LSC has agreed to find out what the position is and report back to the Society.

Equality and Diversity impact assessment

The Society and ACPO have a meeting arranged for the 27th April 2006, the Society has also sent out a press release.

Safety in Police Stations

The Society has agreed that this is an issue, a national communications channel needs to be established, and for example this could be through the National Criminal Justice Board. The Society also suggested that this would be a way to take forward via a joint effort.

Action: The LSC will raise this through their National Criminal Justice Board representation.

The Society expressed concern on the area of Immigration advice via language line and three –way telephone service, which is not secure in some police stations.

Action: Tim Collieu to look into this issue.

3. Transfer of Grant

The Society wished to know if there would be a consultation specifically on eligibility figures and expressed concern on the issue of transferring powers from the courts to the LSC. The LSC informed the Society that the CDS Bill

was enacted on Friday 31st March 2006 and through Equivilisation is making the process and figures as transparent as possible.

Action: Tim Collieu to investigate the transferring of powers and will report back to the Society.

4. Contract Amendments

The Society informed the group that an article had been printed in the Law Society Gazette with reference to the letter sent out about the amendments and the only major issue was about Wasted Costs, which has not been included. The LSC responded that this area might be included in the October amendments.

The Society informed the group about the Access to Justice Committee and that Ann Graham has produced consultation on legal aid in relation to Proceeds of Crime Act. The Society also would like guidance in this area, as there is a lot of confusion surrounding criminal and civil fundings.

5. General Criminal Contract

The LSC informed the Society that the contract has now been rolled over for an additional year.

The Society explained that there is no change outside London and that attention has been drawn to the provision of the Lord Chancellors' power to terminate the contract on 6 months notice. The Society raised the point that there is no advanced information adding the concern that practitioners would not be happy. The Law Society Gazette is running an article on these concerns.

6. Preferred Supplier Consultation

Katherine Pears explained to the group that the consultation was launched on the 20th March 2006 with a minimum 3-month consultation period with a series of road shows starting on 11th April which will be made up of 40 solicitors events. The London and Birmingham events are taking place including Not For Profit agencies. The events will feature an executive team member and Katherine herself who will be taking questions and then feeding back through to the consultation paper. The last road show will take place on 2nd June in Liverpool, which will leaves 1 week between the end of the consultation period.

Katherine expressed the need in setting up dialogue between the Society and the LSC and it was suggested by the Society that posting a schedule of events on the LCCSA and CLSA websites would be a way forward.

The Society commented that the profession would not find the releasing details of all their financial information quite pleasing and that this would be an

issue. It was agreed that it would be beneficial to both the CLSA and the LCCSA committees to attend a meeting with Preferred Suppliers.

The Society wished to know when firms could start applying and what the process was as well as would smaller firms survive under Preferred Supplier. Katherine Pears explained that the financial assessment element is a very important part of the consultation and the pilot firms disclosed their financial information. Katherine explained further the importance of relationship management in which Preferred Supplier complements Carter in moving to fewer and less suppliers delivering legal aid along with the relationship managers.

The group were informed that due to Carter review proposals being implemented in 2009 as part of a three-year transitional phase, that Preferred Supplier couldn't be implemented straight away and it would be part of a phased rollout, which would be greatly influenced by Carter's final output. There was also the need to have the firms quality supplied or preferred and the project team were working back from the 2007 timetable with the view to dealing with firms hostically for which there will be the need for a further process for communicating.

Katherine explained the file assessment process and informed the group that currently there is nothing in the consultation paper, which stops a sole practitioner from applying for preferred supplier status.

Action: Katherine Pears to circulate schedule of road show events to group and provide more information to Rob Brown on file reviews.

7. Publication of outstanding documents

These were items 4,5 and 6, which were covered earlier under actions arising from the last meeting.

8. Consultations arising from Carter review

The meeting discussed what consultations would arise from the Carter report. The Law Society felt that their members had not been able to consider the Carter proposals fully as the information is always given on a confidential basis.

The Society also informed the group that Lord Carter had attended along with practitioners a meeting at the House of Lords – where a report was given on the proposals.

9. Schedule of Meetings

These have been set and agreed.

10. Any Other Business

The Society wished to know what the impact assessment is concerning the LSC and the £400 million given to fund the Serious Organised Crime Agency (SOCA) and the Serious Fraud Office.

Action: Tim Colliou to investigate about impact assessments

The LSC confirmed that the request made by CLSA to amend the image that appears on the LSC leaflet covers advice at the police station has been actioned. The new print will have the firms name removed and it will not be possible to identify them.

Andrew Bishop commented that he was still awaiting a letter from John Sirodcar on the Brighton Scheme.

11. Date of next meeting

Wednesday 3rd May 2006