



The Law Society



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

1 March 2011

When:	Tuesday, 1 March 2011, 14:00 – 16.00	
Where:	LSC – Boardroom, 4 Abbey Orchard Street, SW1P 2BS Video Conference: Nick Poulter – LSC	
Who:	Chair: John Sirodcar-LSC	
	Alice Mutasa – TLS Carol Storer – LAPG David Keegan-LSC Elaine Annable – LSC Greg Powell – LCCSA Jacqui Hislop - LSC	Mike Jones – CLSA Rodney Warren – TLS Ruth Wayte – LSC Shamsun Nahar – LSC Steve O'Connor – LSC Vanessa Bailey – LSC
Minutes	Grazia Trivedi (LSC)	
Apologies	Helen Riley – LSC; Avrom Sherr – IALS; Vishal Dhal-LSC; Gus Ghataura – ILEX; Mark Taylor – MoJ; James MacMillan – MoJ; Sarah Schofield - LSC	

Actions from the previous meeting		By whom	By when
AP1	Update the group on any progress made on plans to agree how evidence might be served electronically in suitable cases	JMM	Closed
AP2	Confirm LSC's legal position in relation to providers' right to appeal the decision to recover an overpayment	JH	Closed
AP3	Check position re court duty solicitors' rota on bank holidays in Birmingham, Leeds and Sheffield	EA	Closed
AP4	Circulate information about the text pilot in Yorkshire	EA/ROB	Closed
AP5	Ask RO if rotas could be published	VB	Closed
AP6	Inform JH of any inconsistencies in the PPE	ALL	Ongoing
AP7	Circulate a list of timing for the MC closures	EA	Closed
AP8	Volume of VHCC cases	DK/SN	Closed
AP9	Update on VC pilot	SO	Closed
AP10	Enquire about who to contact about Video Link with prisons	JMM	Closed
AP11	Speak to NOMS about the use of video link facilities in prisons	RW	Closed
AP12	liaise with Ian Kelcey to find out whether CPS and TLS would meet to finalise a memorandum of understanding on the provision of paper copies of evidence	RW	Closed

1. Actions from previous meeting

AP1 - JMM reported that there had been no further meeting of the working group but that there had been some discussions between TLS and CPS.

AP2 – In response to a letter from Master Campbell regarding appeals following a recoupment, the LSC had agreed to ensure recoupment letters included the right to seek a redetermination and would make it clear when providing written reasons in order to trigger the appeals process in accordance with the Funding order. Master Campbell would return pending appeals to providers to ensure they received the written reasons from the LSC. If the appeal proceeded, providers would not have to pay extra fees. RW said that article 26 remained an issue because it allowed the LSC to re-open and re-assess every claim that had not been correctly paid. The Law Society position was that this was intended to be a slip rule and only used where there had been an error.

It was agreed that a sub-group would be formed with NP and JH for the LSC; RW for TLS and possibly MJ for CLSA and GP for LCCSA. The task would be to agree principles of reassessment/financial stewardship work and provide greater clarity on the appeals process. JH would organise. (AP1-JH)

AP3 – The issue at Sheffield had been resolved. 5%-10% of courts remained undecided about cover during Bank Holidays. Updates on developments would be communicated to the profession. All court closures during Bank Holidays would be finalised and communicated by the third week in March.

GP said that DSCC did not recognise a week day as being a Bank Holiday, for instance Good Friday, and would call the duty solicitor's office. JS said that he would try to sort out the issue for Easter's Bank Holidays (AP2 – JS)

AP4 The Text Pilot had started and was very satisfactory. With the exception of the odd occasion, text confirmation of a hearing was received within a couple of minutes, giving all crucial details.

AP5 The LSC website would shortly be integrated into MoJ's own. Efforts would be made to get DSCC to publish the Duty Solicitors Rotas on their web.

AP7 – Discussed under Item 6 of the Agenda

AP8 – Discussed under AOB

AP9 – Discussed under Item 8 of the Agenda

AP10 and AP11- JMM had circulated a copy of the NOMS policy and the best practice document on legal visits, which gave details of the NOMS policy contact.

AP12. RW said that he had spoken to Ian Kelsey but there wasn't anything to report.

2. Suggested communications channels

The LSC put forward six proposals for changes to the arrangements adopted to communicate with professional bodies.

- The LSC proposed that Regional Duty Solicitors Committees (RDSC) cease to exist and Provider Reference Groups meet twice a year with membership expanded to include as many as wished to attend. It was the Representative bodies' opinion that there was merit in removing the appellant function of RDSC and perhaps moving to this group, but that RDSCs were a valuable link between the profession and the LSC. It was acknowledged that the cost to the profession for attending the RDSCs was an issue. Where RDSCs had already been abolished they were missed. There was agreement amongst the representative bodies that PRGs were

not seen as useful as RDSCs. The professional bodies would consider further and come back with views.

- The LSC proposed that the CCG continued to meet as at present and asked whether more representative bodies should be included. It was suggested that the Solicitors' Association of Higher Court Advocates (SAHCA) could be included. AP3- GT would make contact with SAHCA
- The LSC proposed that providers with a turnover of over £2M a year meet annually in London, the North and Midlands as it had had been requested by the profession.

JS would collate all feedback on these proposals and update the group. (AP4-JS)

3. Crown Court update

3.1. MJ said that when visiting Chesterfield court recently, he asked for a Legal Aid application form and was told he had to download one from the internet. This was not acceptable. SS would be asked to look into this matter and update the group (AP5-SS)

There was discussion about regularly updating forms which could lead to a large number of obsolete forms being shredded by providers. The LSC said that changes in the law, such as the Equality and Diversity legislation, made it necessary to update the forms. The LSC didn't have a policy of updating the forms every 6 months, but there was an opportunity to make *necessary* changes in April and October every year. MJ was asked to flag up any issues relating to updates of forms when they became important. JS offered to look into this matter and update the group (AP6-JS)

3.2. There was discussion on the CC Update and in particular in relation to delayed payment of LGFS and AGFS claims. AM raised an example where a provider had claims totalling £8,000 dating back to August 2010. This provider was a small firm but was unable to claim hardship because it was under the threshold. NP said that lowering the threshold for hardship claims would increase the volume of urgent claims and would divert resources from processing outstanding high value payments for those providers who needed it most.

NP said that good progress was being made to process the backlog of claims. However, JS and NP agreed to review the hardship limit and suggested that in the meantime providers could make representations for hardship but these would be dealt with on a case by case basis. (AP7-JS/NP)

RW raised the issue of the bailiffs' forceful tactics and inappropriate behaviour when recouping contributions. The enforcement process needed to be reviewed. RW would e-mail JS to ask for his consideration in the matter. JS would make enquiries about the enforcement process and feedback to the group. (AP8-JS)

GP raised the issue of courts returning the legal aid application form pending financial assessment. This could lead to defendants going unrepresented. The group suggested that where providers had an issue with individual courts or means testing issues, to use the generic email address. JH would provide this. (AP9-JH)

4. Volume and Value Figures Report

Some discussion took place around the V&V Figures report. JH said that it had not yet been possible to collate Crown Court figures. She hoped that they would be available at the next meeting. In the meantime JH distributed a high level V&V figures report for CC schemes.

5. Police Stations

EA gave an update on the Bridewell Police Station Study (BLAST) which commenced on 14 February. The strength of engagement between police and local defence community was already apparent; the rights of legal advice were better enforced; dialogue was improving; clients agreed to legal representation when told that a representative was already on site. Vicky Kemp, of the Legal Services Research Centre, was on site interviewing and gathering information on the study.

6. Magistrates Courts

EA handed out a list of closed MCs by regions. She described these as 'mothballed' courts. More significant closures would follow in the summer. Further impact would be felt due to Police Stations closures and centralisation of remand courts.

Members of the Duty Scheme would be consulted before any changes were made to the rota. Some of the options being considered were to re-distribute work to other MCs and merge schemes together. The task of dealing with MCs closures necessitated complex solutions.

7. VHCC

VHCC applications were down by approximately 20% and related mainly to fraud. DK asked that any VHCC queries be sent to him directly. A working group had been set up by CPS to make VHCC more effective and efficient in the future.

8. Virtual Courts

SO updated CCCG on the VC pilot. The evaluation of the pilot had been published in December 2010. Since then the LSC had been:

- (i) Shadowing defence solicitors at the VC to ensure that concerns were reflected to MoJ
- (ii) Ensuring that defence solicitors had an opportunity to meet directly with the Senior Presiding Judge during his Kent visit
- (iii) Circulating a survey to defence solicitors to get feedback on their practical experience of the virtual courts and submit these results to MOJ.

SO would look into the position with obtaining signatures on means testing forms to see if any changes to the process could be made.

SO also reported on the advanced disclosure changes at Camberwell and the forthcoming 'live links' pilot at Croydon Magistrates Court and Kent.

9. AOB

9.1 *Increased LSC bureaucracy*

AM and CS said that providers were complaining about the amount and variety of audits they were subjected to. The LSC said that it was moving towards targeted audits to add pressure on providers that gave cause for concern. The LSC, having had its accounts qualified the previous year, was obliged to apply robust checks. The NAO could pull any files it wished to audit and, with 40% of firms submitting incorrect bills, it was necessary to continue to audit.

RW asked what was happening with Financial Stewardship visits/audits and whether there was a plan. Firms complained that they didn't know the difference between the audits. Furthermore, the intense audit activity caused providers stress, cost money and was resource intensive. It was requested that the LSC issue clear guidance about this to avoid providers making easily avoidable mistakes. JS took an action to follow up on these issues and get back to the group (AP10-JS)

AM asked why the LSC had introduced changes in reporting Crime Lower work without consultation with the CCCG. VB said that there had been no time to consult and that it had been necessary, in view of the imminent changes being introduced in April, to proceed as soon as possible. The LSC accepted that the way this change had been introduced would inconvenience some providers and apologised for this.

9.2 *Roles and Responsibilities at the LSC*

AM asked that an updated organogramme be circulated so that members of the group knew who to contact. RW asked that, if in doubt about who to contact, messages be sent to GT who would forward to the relevant person. An updated organogramme would be circulated when the re-structure at the LSC had been completed by the end of March.

9.3 Additional comments

RW thanked VB for her collaboration with the CCCG over the years and wished her well for the future following her imminent departure from the LSC and said she would be missed. RW acknowledged that the debate between the LSC and the profession within the CCCG had always been and continued to be good and constructive. He added that the LSC had always endeavoured to bring solutions and had worked hard in collaboration with the group.

Action points		By whom	By when
AP1	Organise sub-group	JH	5 April
AP2	Resolve issue of Bank Holiday Duty Solicitor's cover	JS	5 April
AP3	Invite SAHCA to CCCG	GT	5 April
AP4	Collate feedback on proposals for communications arrangements	JS	5 April
AP5	Find out why Chesterfield court refused to hand out a LA form	SS	Closed
AP6	Look into the LSC policy to update forms twice a year	JS	Closed
AP7	Look into the threshold for hardship payments	JS/NP	5 April
AP8	Make enquiries about the enforcement process and feedback	JS	Closed
AP9	Provide e-mail address for generic issues	JH	Closed
AP10	Look into the issue of audits and feedback	JS	5 April