



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

6 September 2011

When:	Tuesday, 6 September 2011, 14:00 – 16:00	
Where:	The Law Society, London Teleconference: Nick Poulter – LSC; Bridgette Humby-Jones - LSC	
Who:	Chair: Rodney Warren-TLS	
	Alice Mutasa – TLS Carol Storer -LAPG Elaine Annable - LSC Greg Powell – LCCSA	Jacqui Hislop - LSC Neil Lewis - LSC Paul Keleher-QC
Minutes	Grazia Trivedi (LSC)	
Apologies	Avrom Sherr – IALS John Sirodcar-LSC Matt Shelley – LSC Mike Jones – CLSA Steve O'Connor – LSC Ruth Wayte – LSC	David Keegan-LSC James MacMillan – MoJ Elizabeth Gibby-MoJ Jim Meyer-LCCSA Raj Chada-SAHCA Gus Ghataura – ILEX

Action Points from the previous meeting		By Whom	By When
AP1	Investigate why LGFS figures showed a significant increase in value when comparing FY10/11 with FY09/10 and clarify at next meeting	MS	Closed
AP2	Find out where data on unrepresented defendants in crown courts could be obtained	NL	Taken forward
AP3	Circulate a case study re £1m claim and members to share their views	JS	Closed

The RWarren welcomed everyone present.

1. Minutes and actions from the previous meeting.

Minutes from the July meeting were approved.

AMutasa said that she would have been interested in an update on Bostalls. NLewis said that he would ask John Sirodcar if it was possible to send a further update to the group. **AP1-JS**

The value of MoJ representation at these meetings was recognised and it was noted that MoJ had not attended this, or a number of previous meetings. Dr Elizabeth Gibby (Deputy Director responsible for Legal Aid Reform (Remuneration and Provider Strategy)) and James McMillan were both members of this group.

RWarren asked GT to send him Dr Gibby's email address so that he might find out who from the MoJ could be relied upon to attend future meetings. (Action closed on 9 Sep)

AP1. The LGFS figures in the *Crime Higher Report* (July '11) showed a significant increase in value when comparing FY 10/11 with FY 09/10, because they did not include the *ex post facto* figures, which had been declining. Future reports would be adjusted to reflect the total Crown Court expenditure.

AP2. The MoJ had informed the LSC that the courts system could not separate data on unrepresented defendants from that of privately claiming defendants. AMutasa said that CCCG members had been given assurances at previous meetings that the situation was being monitored and data would become available in due course.

A review of the impact on means testing in crown courts could not be done without this information. The LSC gave assurances that further investigation into this matter would take

place. NLewis said that the LSC would liaise with courts directly and that an update would be provided at the next meeting. **AP2-JH**

2. Police Stations

The LSC confirmed that the issues raised in the Ventura outage report dated 29 June 2011, had been addressed and resolved.

Duty Solicitors (DS) rotas

DS rotas had been published on the LSC website and bank holidays slots had been allocated to include the Christmas holiday period. A number of rotas had been changed due to police station closures; slots had been reallocated and amended rotas published.

Police stations/courts coverage during the Olympics

The LSC was a member of the Olympics planning committee, which was responsible for implementing a strategy for safe delivery of the event. Lessons had been learned from the recent riots and arrangements would be made to deal with possible large scale disturbances.

J Sirodcar had started to draft proposals on how to deal with incidents that result in significant arrests and CCCG members were invited to send him or NLewis their views as soon as possible. Proposals would be circulated to the CCCG and discussed during the course of a meeting.

GPowell suggested that the LSC should consider introducing enhanced payments for defence solicitors when working at night.

3. CDS Direct

RWarren said that a recent CLSA communication had suggested that new procedures had been introduced at DSCC following a change in LSC policy and asked whether this had been done. EAnnable asked RWarren to send her the details so that she could look into it and update the CCCG. **AP3-RW**

4. Volume and Value Figures Report

It was proposed that a line be added before charts and tables in the report to indicate whether the figures referred to months or years. **AP4-JH**

NLewis said that, because most data in the report related to monthly figures and in most cases the variance was minimal, it may be a better use of LSC resource and CCCG time to produce the report every two months. He also reiterated that the biggest change to V&V figures in the Magistrates Court coincided with the re-introduction of means testing.

PKeleher thought that, although the amount of information in the report was considerable, it was clear and useful. GPowell agreed and said that an analysis of the differences between Criminal Justice areas, covering several years, ought to be included, to give a broad view of changing regional trends.

EAnnable added that, as the volume of cases diminished, police stations and courts were making comparable reductions to their resources and this would potentially impact upon their ability to deal with increased business of large scale disturbances.

It was agreed that RWarren would review the report and feedback to the CCCG with his views on how it could be improved. **AP5-RW**

A query was raised as to why the 'Investigations Claims by Scheme' report was dated February 2011. NLewis said he would find out how long it took for this data to become available **AP6-NL**

CStorer asked whether the LSC could give members some indication of how much the recent riots had cost in legal aid. NLewis said he would look into it. **AP7-NL**. NL also agreed that it may be helpful to discuss contingency arrangements (i.e. how the system operated in the event of unexpected events) at a future meeting.

5. Regional Duty Solicitors Committees (RDSC)

The CCCG was asked to give their views on the RDSC paper circulated by J Sirodcar.

There was discussion about the LSC's suggestion that '*appellant functions should be removed from RDSCs and placed with the Contract Review Body (CRB)*', RWarren said that this measure would ensure impartiality and consistency of judgement. No one disagreed with this.

RWarren said that the RDSCs' role was primarily to offer a useful link between the LSC and the profession; their function was to influence operational outcomes rather than the workings of legal aid. He believed that RDSCs provided a unique opportunity for bringing people together to discuss local issues and should not be abolished. The only negative that he could see was the cost incurred by the LSC to pay attendance and travel.

In the LSC paper, 5 out of 22 RDSCs were identified as ineffective. RWarren, a long standing member and chairman of the Kent, Surrey and Sussex RDSC, admitted that meetings were not frequent and this was because members were conscious of the costs involved, however people found these meetings useful and beneficial.

EAnnable said that, when consulting on duty scheme changes, the LSC had contacted ALL scheme members, thus ensuring that the views of the whole were taken rather than just Regional Committee members, which arguably reduced the role of Regional Committees further.

EAnnable said that providers in the areas with ineffective RDSCs had shown no interest in them hence their demise. It was agreed that members would send their views to JSirodcar. **AP8- all**

6. Legal Aid Reform (LAR)

The LSC had sent an update to providers on the implementation of LAR: Civil fee changes, Crime fee changes, the new LAC1 form, Crime Lower changes, LAR fee changes and a link to online training. The LAR project team asked for providers' feedback so that additional support and information could be included in future updates.

7. Means Testing

BHumby-Jones updated the CCCG

Applications Processing and CDS Forms

There had been an overall improvement in the speed with which courts processed applications; however the increase in volume due to the recent civil unrest had had an impact.

GPowell agreed that processing rates had improved however the numbers of rejects, currently 25% of the total, might be reduced if HMCTS didn't reject applications for minor issues. He gave the example of forms being rejected because the client's name was not written in capital letters underneath his/her signature. BHumby-Jones did not agree that forms were rejected only because of minor mistakes; she suggested that in such cases providers should complain to the Court and, if that failed, to contact her directly.

GPowell suggested that forms be improved by reducing the number of mandatory requirements, such as having to write 'no' inside each of many boxes and rejecting the form if the word was outside them. BHumby-Jones reiterated that a form should not have been rejected solely for this reason and that what the LSC needed was the answer to a question.

PKeleher questioned the need for a supplementary form, CDS15, beside CDS14. BHumby-Jones explained that, in order to satisfy the NAO that everyone was assessed accurately, it was necessary to do this.

Drafts of new CDS forms were expected to be ready soon and implementation was scheduled for February 2012. Forms would not be reviewed again unless there was a need to do so.

8. Crime Operational Update

The MAAT non progression cases had been cleared for litigators' and advocates' fees; this had freed resource that was used to clear up the overall backlog. Litigators' fees were cleared in 7 weeks and the backlog had been reduced from 25k to 16k claims.

Appeals numbers were also being reduced. Processing of CDS4-CDS5-CDS7 forms was within target. AGFS forms were just outside of processing time target; additional staff was being trained and times were expected to improve until daily intake would be cleared within 24 hrs and the backlog reduced faster.

The reduction in the phone service had made a massive difference in clearing backlog and getting processing of the majority of claim within target. This measure would remain in place until processing times of AGFS claims had improved; NPoulter requested that this issue be an agenda item at the next meeting.

PKeleher asked why payments were delayed because courts did not issue a court log, which the LSC required before authorising a claim. NPoulter said that the courts should provide information taken from the court log within 5 days but was aware that it took longer at times and would take this issue up with HMCTS.

PKeleher said that feedback from barristers was that it sometimes took months to obtain the information. PKeleher would inform NPoulter of the individual cases so that the matter could be investigated. PKeleher also asked whether the indictment had to be signed. NPoulter said that a signature was not mandatory but, if it was missing, a delay could occur.

9. AOB

LAC1 Forms

RWarren asked whether the LSC had discussed the status of committals with the MoJ and whether or not the 2003 *act provision* to abolish committals was going to come into force. The LSC could not answer that question as it was one to be directed at the MoJ.

RWarren's understanding was that the LAC1 form was going to be available to all solicitors whose duty was to get a signature from the court clerk of the day to confirm the basis of committal and then the form would be sent to the LSC with the LGFS or LF1 form.

NPoulter said that in the case of a guilty plea where the client had elected crown court, a LAC1 form would not need to be completed and a fixed fee would be paid. RWarren asked why solicitors, who were not paid to go to court nor required to be there, should be asked to do this.

The form stated that solicitors had to get the LAC1 form signed at the committal hearing; however solicitors were not involved in this part of the process.

RWarren suggested that the right time to get the form signed was at the plea before venue hearing when a decision was made.

There was further discussion about the LAC1 form and the LSC said it would consider all the comments and get back to the CCG.**AP9-NP-BHJ**

Action Points		By Whom	By When
AP1	Update CCCG on <i>Bostalls</i>	JS	4 Oct
AP2	Update CCCG on information relating to unrepresented defendants in crown courts.	JH	4 Oct
AP3	Check the details of CLSA communication re operational changes at DSCC and inform EA	RW	asap
AP4	Indicate in future V&V reports whether figures referred to monthly or yearly data	JH	4 Oct
AP5	Review the V&V figures report and update CCCG on what could be improved	RW	4 Oct
AP6	Find out whether it was possible to obtain an 'Investigations Claims by Scheme' report on a more regular basis	NL	4 Oct
AP7	Find out the legal aid cost of the riots	NL	4 Oct
AP8	CCCG to send their views re RDSCs to JS	Rep Bodies	4 Oct
AP9	Consider comments made re LAC1 form and get back to the CCCG	NP&B-HJ	4 Oct