



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

**7 June 2011**

When:	Tuesday, 7 June 2011, 14:00 – 16.00	
Where:	The Law Society, Chancery Lane, London Teleconference: Nick Poulter - LSC; Cathy Ayton - LSC	
Who:	Chair: Rodney Warren - TLS	
	Alice Mutasa – TLS Avrom Sherr – IALS Carol Storer – LAPG Elaine Annable - LSC Greg Powell – LCCSA Matt Shelley – LSC	Mike Jones – CLSA Neil Lewis-LSC Paul Keleher-QC Ruth Wayte - LSC Steve O'Connor – LSC Vicky Kemp – LSRC
Minutes	Grazia Trivedi (LSC)	
Apologies	Mark Taylor – MoJ; James MacMillan – MoJ; Helen Riley-LSC; Jim Meyer-LCCSA; Mark Lucraft-BC; Richard Miller-TLS; Colin McMahon-LSC; David Keegan-LSC; John Sirodcar-LSC; Raj Chada-SAHCA; Shamsun Nahar – LSC; Brigitte Humby-Jones-LSC; Vishal Dhal-LSC; Gus Ghataura – ILEX	

Actions arising from April's meeting		By whom	By when
AP1	Circulate a list of firms invited to the London conference in May	JS	closed
AP2	Feedback on what the outcome was re communications	JS	Closed
AP3	Respond to CCCG re consistency on definition of hardship	NP	Closed
AP4	Circulate a copy of the letters sent by Rossendales	S Sweeney	Carried forward
AP5	Compare VV figures for CDS Direct- Feb 2011 against Feb 2010	SN	Closed
AP6	Circulate VV figures against Forecast if possible	SN	Closed
AP7	Send details of meeting in London re T3 programme	SO	Closed
AP8	Update on Text pilot	EA	Closed
Additional actions arising from cancellation of May's meeting			
AP9	Future of RDSCs	JS	30 June
AP10	Bank Holiday Duty Slot allocation	B-HJ	Closed
AP11	V&V figures for investigations to be broken down into volume and value arising from each police station scheme	SN	Closed
AP12	LSC's contact details	GT	Closed

The Chair welcomed everyone present.

1. Minutes review and Actions from the previous meeting.

AM felt that the minutes did not capture the strength of representative bodies' concerns, which were expressed at the previous CCCG regarding the LSC meeting with selected providers (AP4 pg 3). It was agreed that 'strong' would be put before 'concerns'. **AP1-GT**

AP1- AP5- AP6 - AP7- AP11 and AP12. Closed

AP2 and AP9. RWarren had circulated an update by JS relating to communications with providers.

Furthermore, following the cancellation of May's CCCG meeting, JS asked that a new action be added, in relation to the *Future of Regional Duty Solicitors Committees (RDSC)*. RWarren asked that the CCCG be given the opportunity to discuss this issue with the LSC before a decision was made **AP2-30 June.**

AP3 - The LSC had lowered the *hardship* rate from £10K to £5K as proposed by RWarren at the previous meeting. All individual claims over £5K would be expedited, provided they had gone through the contract manager.

Some firms who didn't have any £5K+ claims but had a substantial number of claims under that amount could, in exceptional circumstances, have their claims expedited provided they went through the contract manager and the Head of Contract Management.

AP4- A copy of the Rossendales letters would be circulated by SSweeney outside the meeting **AP3-SSweeney**

AP 5,6,11 – Available volumes and values report circulated. GPowell re-iterated request to include Crown Court figures in future reports

AP8 – Text pilot: covered during discussions relating to DSCC.

AP10- An update on Bank Holiday duty solicitor allocation had been circulated. MJ said that he had received feedback from several Court Areas where no court duty solicitor had attended on one or more of the recent Bank Holidays. Notably, Hull found itself with 20 prisoners and no solicitor at all.

MJ asked that the new duty solicitors' rota, due in July, allocate every slot, including during the Christmas and New Year Bank Holidays, to named individuals. SO said that, with the changes in the court estate currently taking place, the Duty Performance team in Nottingham was not yet clear about what arrangements HMCTS had in place for Christmas' and New Year's cover, however it was expected that all the slots in the new rota would be filled; in addition, to help ensure that operations ran smoothly, a list of contacts' names had been collated and all duty solicitors had been contacted again to go over the new rota.

EA said that some rotas would cover only a three month period as some police stations' and courts' closures were expected imminently.

EA would forward MJ's feedback to the Duty Performance team so that they could find out why some courts had been left without a duty solicitor during the last Bank Holiday.

2. Bridewell Police Station Pilot Update

VK, of the Legal Service Research Centre (LSRC), had been invited to the meeting to update the CCCG on her research of police stations' legal advice service. After spending three months at Nottingham Bridewell Police Station, VK was able to give an overview of the key issues arising from the pilot. VK expected to have a report in September.

### DSCC

SO had received feedback from DSCC relating to the Text Pilot and shared this with the group. MJ said that at weekends texts took between 8 and 12 hours to come through. EA said that she would feedback all the issues raised at the meeting back to DSCC and update the group at the next meeting. **AP4-EA**

### 3. Crime Operational Update

#### Applications for representation

CA gave an update on turnaround times for applications. A number of issues had caused a reduction in the number of applications being processed within target in the month of April/May. Havering had been particularly affected due to the large volume of applications it received with transfer of the last courts being centralised and IT issues at the end of April compounded this. The IT issues were resolved quickly and extra resource has been allocated to deal with the backlog. Applications relating to cases due to be heard imminently were given priority and this pulled some resource away from less urgent cases

PK said that he had received reports from pupils and barristers who had been instructed by solicitors to attend a Magistrates court when a grant for legal aid had not been made. Their efforts to get information from Havering had been unsuccessful. CA said that, where an application had been submitted for a client that was likely to be eligible for representation, there was no reason for the case not to be progressed before a grant result was notified. Very few defendants failed on means and only a small proportion were borderline, Even if the DWP check was returned with a fail (often caused by clients giving the wrong info) if a CDS 15 was submitted where solicitors were concerned about the client's recollection this would enable a grant decision without further delay. RWarren said that it could not be assumed that the client was eligible for a representation order and it was not acceptable that an adjournment be requested because of administrative issues. CA said that adjournments were likely to be resisted as there were back dating provisions for Magistrates court cases to mitigate risk of acting in prior to grant.

RWarren asked RWayte whether it might be possible to arrange a meeting between LSC, TLS, HMCTS and the Chair of the Criminal Procedure Rule Committee, Lord Judge Saunders, to discuss this issue. RWayte said that she would talk to her CEO about these concerns and feedback to the group. **AP5-RWayte**

#### Crime Processing

A payment system fix was currently in development / testing that would mean that all LGFS claims could be processed irrespective of their status in the MAAT system. Following the successful implementation of the IT fix, a recovery programme would start to process the backlog as quickly as possible and was currently expected that the backlog of cases caused by this issue would be cleared in 10 weeks. There were currently 4,000 cases outside the 8 weeks service standard and this was expected to grow to 4,500 by the time the system solution was in place. The IT solution would also speed up processing of hardship claims because they would no longer have to be flagged up to HMCTS for correction. Provided contract managers were satisfied that hardship provisions were met, the claim would be pulled from the backlog, assessed and paid accordingly.

PK asked how many Advocate Graduated Fees cases were outstanding. NP said there was a general backlog of 5 weeks; this was the time taken from the day the claim was received to the day it was authorised plus added time for the money to reach the claimant's bank account. BACs payment orders were picked up on Fridays and paid the following Thursday. In addition to the general backlog, there were another 1,000 cases caught by the same MAAT non-progression issues affecting LGFS claims. To put this into context, approximately 3,000 AGF and 3,000 LGF claims were received per week.

PK asked what the hardship arrangements were for barristers. NP suggested that bank statements showing hardship were an appropriate starting point but that a relatively small number of advocates' cases were caught in the issue and, assuming that the IT fix was in place by the end of June, all cases caught by the MAAT non-progression issue would be cleared by mid July.

NP said that as the same contractual arrangements didn't apply to barristers as did to solicitors, the LSC was looking for other ways to communicate with the Bar in order to address their concerns. There were plans to give an experienced Contract Manager the responsibility to work closely with the Bar and in addition NP would schedule regular meetings with representatives of the Bar to discuss operational matters concerning advocates.

In reply to a query from GP, NP said that litigator and advocate payments were not linked together and the claims were paid as they came in. Information was checked across systems but an issue with either one didn't necessarily delay the payment of the other. NP also said that money had been recovered from advocates, where overpayments had been identified.

GP said that LGFS had been intended to be a paperless electronic system which would pay claims in days; NP said that this had been the LSC's intention but it had not been possible to implement it because of wider NAO concerns and the need to ensure robust Financial Stewardship.

NP informed the group that the NAO had given clearance for copies of invoices to be accepted as part of a claim; originals were still preferred but if claimants didn't have them, they should send copies with a message explaining why the originals could not be produced.

#### 4. Volume and Value Figures Report

MJ said that at the recent providers' meeting with the LSC, reference was made to a fall in claims by 25% in the last quarter. This was not reflected in the latest Volume and Value figures report; MJ asked whether this was because the May report did not include financial yearend figures and whether the fall would be evidenced in the following report. SO said he would take this point up at the next meeting when the June Volume and Value figures report was available. **AP6-SO**

GP asked when the crown court figures would be included in the V&V report. SO said that the crime policy team had been trying to obtain this information for some time and continued to do so. He hoped that it could be included in the next report.

Action Points		By Whom	By when
AP1	Amendment to April minutes: add the word <i>strong</i> before <i>concerns</i>	GT	closed
AP2	Future of RDSCs	JS	30 June
AP3	Circulate a copy of the Rossendale letters	SSweeney	closed
AP4	Update CCG on Text pilot following meeting with DSCC	EA	5 July
AP5	Talk to the CEO about the profession's concerns re delays in applications process and feedback to CCG	RWayte	5 July
AP6	Was the reduction of 25% in claims be evidenced in the V&V figures report for June	EO	5 July