



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

5 April 2011

When:	Tuesday, 5 April 2011, 14:00 – 16.00	
Where:	LSC – Boardroom, 4 Abbey Orchard Street, SW1P 2BS Video Conference: Nick Poulter – LSC; Elaine Annable-LSC Teleconference: Brigitte Humby-Jones-LSC	
Who:	Chair: Ruth Wayte – LSC	
	Alice Mutasa – TLS Carol Storer – LAPG David Keegan-LSC Greg Powell – LCCSA Matt Shelley – LSC John Sirodcar-LSC	Mike Jones – CLSA Rodney Warren – TLS Shamsun Nahar – LSC Steve O'Connor – LSC Raj Chada-SAHCA
Minutes	Grazia Trivedi (LSC)	
Apologies	Avrom Sherr – IALS; Vishal Dhal-LSC; Gus Ghataura – ILEX; Mark Taylor – MoJ; James MacMillan – MoJ; Helen Riley-LSC; Jim Meyer-LCCSA; Mark Lucraft-BC; Paul Keleher-QC; Richard Miller-TLS; Colin McMahon-LSC; Neil Lewis-LSC	

Action points from previous meeting		By whom	By when
AP1	Organise sub-group	JH	Carried forward
AP2	Resolve issue of Bank Holiday Duty Solicitor's cover	JS	Closed
AP3	Invite SAHCA to CCCG	GT	Closed
AP4	Collate feedback on proposals for communications arrangements	JS	Carried forward
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	To be completed by 8 Apr
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	Closed

1. Minutes and Actions from the previous meeting.

It was agreed that the ongoing action of collating feedback from providers about inconsistencies in the PPE should be closed and if any feedback was received from providers it would be forwarded to JH.

It was agreed that the next CCCG meeting, which would take place at the LSC's head office, would be chaired by RWarren.

AM asked when an updated LSC contacts list would become available. RWayte said that Neil Lewis had been appointed head of Service Development, which included the former Civil and Crime policy teams. Until the new team structure was finalised, NL would be the main contact. RWayte recommended that GT be copied into all e-mails to ensure they could be re-directed if necessary.

RC, representing the Solicitors' Association of Higher Court Advocates (SAHCA), was welcomed as a new member of the CCCG,

AP2. JS informed the group that, with the exception of a small number of schemes (5/6) all were now rotas not panels which meant that the DSCC rang duty solicitors on all the available numbers. So even if duty solicitors were called at their office by mistake on a Bank Holiday, other numbers, such as that of a mobile, would be called in order to reach them.

AP4. JS had not received any feedback to date, however he said that the only real issue in relation to this action was how to communicate with Duty Solicitors Committees (DSC) and JS suggested that he discuss this with RWarren outside the meeting. This was agreed.

LSC's proposals on ways to communicate with providers in the future were discussed. Rep bodies reiterated their strong concerns, in particular re annual conferences with firms making over £2M from legal aid work and the inherent perception of exclusion of smaller providers.

The LSC said that all providers would receive two invitations a year to attend a PRG meeting. An annual conference for larger providers would take place in London, the North and Midlands. These conferences were organised and hosted by a provider. The LSC's involvement with these conferences was limited to sending invitations to providers and propose and agenda to the hosts.

Two weeks before the event the LSC would receive the agenda from the hosts detailing what the profession wished to discuss with them. It was the LSC's intention to ask rep bodies whether they would want to attend. GP asked JS if he could send him a list of the firms that had been invited to the May conference in London. **AP1-JS**. The conference in the North had been running for a number of years without any involvement from the LSC other than to participate. The LSC had made efforts over time to find ways to reach and involve all providers but found that, while a small percentage did actively engage in discussion and consultation, the majority remained passive. JS would write a paper on communications channels taking on board the rep bodies concerns and proposals; he would consult with the LSC Exec Board on how to address the rep bodies concerns and feed back to the group. **AP2-JS**

AP7. RWarren said that there should be consistency on the definition of hardship, since it was set at £5K through Litigators Fees criteria but reached £10K for management reasons. NP would aim to circulate a response by the end of the week. **AP3- NP**

AP8. JS had been asked to provide a copy of the letters sent out by Rossendales. JS would do this as soon as he had them. **AP4-JS**

AP9. Internal proposals for improved coordination of audit activity were nearly ready to be put to the LSC executive. The CEO was expected to invite Crime and Civil rep bodies in May to discuss the proposals.

2. VHCC

DK went through the latest VHCC (Crime) stats. He added that in the year 2010-11, £91M had been spent in comparison with £94M the year before. Following the changes made to the VHCC scheme in July 2010, 268 contracts had been issued for 2010-11, down from 440 the previous year.

3. Volume and Value (VV) Figures Report

There was discussion on the VV figures report. SN was asked if it might be possible to compare the CDS Direct Cases VV figures for Feb 2011 with those for Feb 2010 to find out whether the same steep drop could be attributed to Feb being a short month. **AP5-SN**

RC asked whether it was possible to see VV figures against what the LSC had anticipated would be spent in the course of the financial year in different areas of Criminal legal aid to see whether spending was on target against budget. **AP6-SN**

4. Police Stations

T3 Programme. SO updated the group on the CPS' T3 programme, intended to transform the organisation into a paperless administration where possible. The LSC had been working with the CPS to:

- a) Obtain some clarity on the specifications required by defence solicitors in order to engage with the programme.
- b) Obtain clarity on what would work well.
- c) Encourage the CPS to communicate with defence solicitors' firms to discuss its plans.

An initial meeting with the profession was planned in London on 11 April, at which the CPS would test its presentation and get initial feedback before extending its communications more widely. SO would send members details of time and venue. **AP7-SO**

MJ expressed concern about the CPS' intention to go paperless and in particular its intention to send Advance Disclosure papers electronically. While this would not be a great problem for MC cases, it would be an issue when cases progressed to the CC because pre-committal and post-committal papers amounted to very large files that defence solicitors would have to print at their own expense. Furthermore:

- a) Providers didn't generally have a secure e-mail network and would not agree to subscribe to it.
- b) Everything would be faxed to, and printed onto, providers' machines at their offices, thus incurring security risks and considerable costs.
- c) Conducting a defence in court using a laptop had proved to be impossible and paper bundles had to be used.
- d) Laptops were not allowed in prisons.

SO suggested that providers attend the meeting on 11 April and talk to the CPS about these concerns.

Virtual Courts. VCs would continue to run for the time being at their two locations. In London the Local Implementation team had been invited to discuss proposals on how VCs might be improved. Discussions were currently taking place and the Local Board was expected to send its recommendations to the National Executive responsible for managing VCs.

Cheshire was being considered to trial a third VC. AM asked for clarification on VCs as the pilot seemed to be going on despite an unfavourable Evaluation. SO said that questions were best directed to the MoJ who owned the policy in this area. SO's involvement with VCs was limited to doing a kind of advocacy work on behalf of the defence solicitors he had met during the pilot. RC said that HMCS had decided to continue with the pilot with the aim of making improvements, in particular try to make them cost neutral. SO was meeting the next day with MoJ, NAO and the LSC' Means Testing team to try to resolve the problem of obtaining a vetting signature at VCs. MJ suggested that documents be faxed from police station to VC for signature, and then faxed back.

SO said that live video links would be piloted at Camberwell PS starting the following week and Kent PS in May. The following week initial applications would be made for suitable cases to be heard.

These reforms gave the defence community the opportunity to benefit from technology; for instance, it could become possible to video link from their offices to prisons. This would be particularly useful at a time when solicitors' accessibility to their clients in prison was being increasingly restricted. SO would seek an audit of the technology available in each prison so that it could be possible to make plans for video links.

5. Crown Court

Update. NP said that the backlog of Means Testing claims was now 5,000. The infrastructure for processing claims was being improved, including additional staff. 2,000 claims had so far been paid but this was offset by approximately 300 new cases being received every week. 300-400 cases were processed weekly but some that had not been processed correctly had to be sent back to HMCS before they could be progressed. Overall the rate of increase in the backlog had slowed significantly. The LSC was working closely with HMCS and efforts were being made on both sides to commit resource and to process claims correctly. Failure to process claims correctly had been widespread; this caused the LSC to delay getting through the backlog of claims. Encouragingly, no newly committed cases had been processed incorrectly.

6. Magistrates Court

The LSC had instigated an audit on the Interest of Justice (IoJ) decision making because of a number of complaints received from Northamptonshire providers that felt the IoJ test had not been properly applied. Five courts had been visited: Northampton, two courts with a high grant rate and two with a lower than average grant rate. An ad hoc review of about 20 cases in each court was done to find out the quality of the IoJ decisions.

A trend was identified where the information given on the CDS14 form did not always justify the decision that was made. The LSC felt that the CDS14 form should be made clearer and the IoJ decision should become a back office function, so it planned to issue a new version of the form in October. RWarren said that the test should not become a back office function because the legal adviser's input in court was needed for the test to be done properly. It was agreed that a draft of a reviewed CDS14 form would be circulated and discussed with the group.

7. AOB

EA was asked for an update on the Bridewell pilot in Nottingham. An informal review meeting had taken place the previous week between DSCC, the local Law Society, the Police, LSC and Dr Vicky Kemp. Some ongoing issues were identified with the Call Centre, concerning the deployment of cases to the correct on site duty solicitor; cultural issues were also being addressed and improved.

Overall the study was going very well. The DSCC had also benefited from observing a busy custody suite and perceiving the importance of the service provided there.

A formal review would be undertaken at the 3 month point in conjunction with the local Law Society and Nottinghamshire Police. The outcome of this review would be an agenda item for the July meeting.

MJ asked whether the text confirmation pilot would be run nationally. EA said that she would discuss with the DSCC and update the group at the next meeting. **AP8-EA**

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	7 June
AP5	Compare VV figures for CDS Direct- Feb 2011 against Feb 2010	SN	Closed
AP6	Circulate VV figures against Forecast if possible	SN	7 June
AP7	Send details of meeting in London re T3 programme	SO	Closed-
AP8	Update on Text pilot	EA	7 June
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