



The Law Society



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

9 May 2011

Date:	Monday, 9 May 15:00-17:00	
Where	LSC Boardroom, Abbey Orchard Street, London SW1P 2BS Video Conference: Debra Challis – LSC Tele Conference: Steve Starkey-LSC	
Chair:	Ruth Wayte (LSC)	
Attendees:	Alan Bean– ALC Alison Harvey-ILPA Ann Lewis – ASA Avrom Sherr-IALS Beatrice Prevatt - Bar Council Carol Storer– LAPG Carolyn Makin – Resolution Colin Stutt-LSC	Damon Norville - LSC Dave Emmerson – Resolution Ian Bugg – Bar Council John Sirodcar – LSC Kerry Wood – LSC Neil Lewis – LSC Nicola Jones-King – Bar Council Richard Miller-TLS
Minutes:	Grazia Trivedi (LSC)	
Apologies:	Andrew Caplen – TLS; David Keegan – LSC; David McGrady – ILEX; Howard Thompson – MoJ; Jan Luba – Bar Council; Ann Graham – TLS; Vivien Gambling – HLP; Richard Jenner-ASA; Richard Charlton - MHLA	

Previous Action Points		By Whom	By When
AP1	Set up a sub-group to work on 'events' payment scheme and disbursements payments process	DK	Work in progress
AP2	Send names for the sub-group (mentioned in AP1) to DK	Rep bodies	Work in progress
AP3	Send views on proposals for family tender to KW	Rep Bodies	Closed
AP4	Look at CCCG sub-groups	JS	Closed
AP5	Organise next meeting in two months time	GT	Closed
AP6	Forward views on sub-group meetings to S-KC	Rep bodies	Closed
AP7	Find out whether a spreadsheet of all contracted providers' details could be published	S-KC	Closed
AP8	Send GBarker specific examples where they thought the LSC had reduced rates unreasonably	Rep bodies	Closed
AP9	Send feedback to C. Stutt on contract amendments	Rep bodies	Closed

1. Minutes and actions from the previous meeting

RW outlined the importance of ensuring that all queries, communications and information were shared equally amongst the group. She asked that members addressed all queries to GT (copying NL - Head of Service Development) in the first instance. NL/GT would make sure the query was dealt with by the appropriate person and this would ensure all information was shared with the entire group.

AP1-AP2. DK circulated information to address concerns expressed by the professional bodies re timescales of certified work in VHCC cases. Members would take time to consider this information and contact DK, via GT, with any queries. This issue would be picked up again at the following meeting in July.

AP3. Resolution and TLS had sent their views to the LSC which would form part of our decision making.

AP4. The LSC no longer had the resource to engage with sub-groups and would like the CCCG to be the main channel of communication. The LSC would consider meeting with a sub-group, should a need arise. RM said that sub-groups would be missed but welcomed the agreement to review the group's ToR (see paragraph 3)

AP5. It was agreed that future meetings would take place on the second Monday of every other month. Dates in 2011:

- Monday, 11 July from 15.00 to 17.00
- Monday, 12 September from 15.00 to 17.00
- Monday, 14 November from 15.00 to 17.00

AP7. The LSC agreed to give rep bodies a list of contracted firms and the category of law they had a contract in, provided assurances were given that the data would not be circulated/published externally.

Information about legal aid providers was available externally on the CLA directory. **AP1-KW** to send the information

AP8. No specific examples had been identified.

AP9. The two new Family Fees Schemes (phase 2) had been launched.

2. Update on Mental Health Secure Hospitals

NL said that he now expected the Equality Impact Assessment (EIA) re exclusive contracts on mental health secure hospitals to be complete by the end of May. The EIA would inform the LSC's proposals.

3. Membership of the CCCG group

The NfP sector felt that it no longer had a forum to discuss issues arising from the contract; therefore AL proposed that Citizen Advice, Shelter and Advice UK be invited to join the CCCG. RW said that, although the original intention had been for the CCCG to be about operational issues, it had progressed to include future issues as well, thus requiring representation from all key areas of the legal aid profession. The LSC felt that the CCCG was not the right place to discuss the minutiae of contract issues because answers could not be given by those attending. RW asked that all questions, queries and issues be sent to GT, who would forward them to the right person; this way queries would be addressed without delay and could be shared with everyone else.

RW suggested that the Terms of Reference (ToR) be revisited and recommendations made for future agenda/work planning. Members were asked to send their comments to GT/NL for discussion at the next meeting **AP2-all**. NL to review ToR and circulate for discussion at next CCCG meeting **AP3-NL**

Rep bodies felt that the MoJ should be more involved with the CCCG going forward as policy issues needed to be addressed and resolved. RW noted that MoJ were invited to this group and that the representative from MoJ had sent his apologies for this meeting.

4. Dates of future meetings

It was agreed that meetings would take place on the second Monday of every other month.

5. Integrated Delivery Programme (IDP)

The purpose of IDP was to improve ways of working both within the LSC and with providers.

New electronic processes would be introduced to increase efficiency and reduce errors:

- A Civil Case Management System linked to an online providers' interface and new accounts functionality within the LSC.
- An Electronic Record and Document Management System to allow providers to submit supporting documentation electronically.
- Telephone, credit/debit card and direct debit payment facilities

The online interface could be used like some government websites whereby an application could be made online. Specifications would also be shared with provider case management vendors to enable them to develop interfaces to upload their bills.

The intention was to start a pilot early in 2012 to last approx. 6 months, followed by a national rollout over the following 6-9 months. The LSC's processing centre selected for the pilot would gradually move work onto the new systems. Providers would be needed to participate in the pilot; this would be a small but representative group. The intention was that in the future one virtual processing centre would replace the 11 currently in operation from a provider perspective. The new system would reduce duplication; speed up transactions, responses and outcomes; data/information would be re-used

eliminating the need to re-enter the same details; basic calculations would be automatically done. Providers participating in the pilot phase would benefit from a high degree of support.

Robust contingency measures would be in place to act as a safety net in case the system ran into difficulties. Current expectations were that there would be no specialist IT equipment required for providers as access would be via the internet. DN asked members to contact him via GT with any queries/suggestions/comments/feedback.

6. Matter Starts (MS)

JS said that the LSC would review its processes for dealing with providers that were going to or had run out of MS and asked for more to be allocated. Currently, when Contract Managers (CM) received a request for more MS, they would, with the exception of Mental Health, look at supply levels in the relevant Procurement Area. If the position didn't sanction the request, it would be turned down. Because the Legal Aid budget was finite, there were no funds for extra MS. RM said that some providers knew that they weren't going to deliver all of their MS; these should be re-allocated. The LSC said that not many MS were handed back and that it would be difficult to take them away from providers even if they weren't going to use them. RW suggested that rep bodies should advise their members to surrender unused MS voluntarily. RM suggested that the LSC issue clear guidance to providers about surrendering unused MS. KW said that providers that had bid for a large number of MS but had not delivered them all would be contacted.

A provider had the right to request a formal review from the LSC's legal director if a request for more MS had been rejected by the CM.

If a provider or consortia failed to deliver 80% of its MS allocation due to specific circumstances, the LSC's response would be pragmatic. To date, no provider had been penalised with contract sanctions.

RM asked for clarification on the data published in the *National Civil Contracting Report 2010-11*, which indicated that the number of New MS had fallen by 20% compared to the previous year. KW said that this might be due to a reporting issue and would be investigated. RM asked that the group be updated on this. **AP4-KW.**

KW said that access to advice had improved following the implementation of all the tenders:

- Specialist advice in Housing, Debt and WB was in place in 11 Procurement Areas (PA) where it had been unavailable.
- In 62 PAs where previously there was no access available in all three categories, contracts were now in place
- Distribution of advice in Employment had improved throughout England and Wales and the amount of work available had increased by 12%. The same was true of Community Care where the work awarded represented a 31% increase and the number of provider offices able to undertake this work had increased by 46%
- Delivery locations for Family Mediation had increased by 35%
- The volume of Asylum advice outside London and the South East had increased by 36% against that which was previously undertaken
- In Debt / Housing and WB there were 7 areas (or access Points) where no advice had been secured. The LSC had already undertaken additional tenders activity in these areas and 4 had services in place. (update since meeting – all areas apart from 1 have contracts in place)
- In 13 PAs the LSC had only allocated 51% or less of MS in one or more categories. Generally this was because in these PAs the work advertised exceeded the volume of work that had been previously undertaken. The LSC would keep these areas under review. Further tendering exercises might take place in some of the PAs where MS could not be allocated. In others MS could be allocated to providers that had run out.

RM knew of providers that eked out their allocated MS to last the year and would take on cases only when they had capacity. This meant that demand did not necessarily meet supply and the MS system didn't work

well. The Central Commissioning Team were about to start an exercise to review capacity and would provide a further update at the next meeting **AP5-KW**

7. Audits

The LSC focused its audit activity on those providers that were least compliant with contract requirements and aimed to get to a position where firms would be audited just once a year if there were no issues. Carolyn Downs, JS and others would meet with rep bodies on 2 June to discuss how the LSC could prioritise its audit resource. Rep bodies had received letters from providers with specific issues related to audit activities and wished to raise these with the LSC. RW asked that these letters be sent to GT before the meeting on 2 June.

JS said that no contract notices had been issued for minor breaches and offered to share some examples of contract notices with rep bodies on 2 June.

Clarification was sought by rep bodies re a letter sent by the LSC advising providers of a *consortium verification audit*. JS asked that a copy of the letter be sent to him. . **AP6- Rep Bodies**

8. Assessments

Assessment rates. SS circulated a paper with data on civil billing and talked the group through it. SS was asked to find out:

- a) Whether the assessment rates represented the position before an appeal or after
- b) What happened on appeal, i.e. it was successful by %?
- c) A breakdown of costs and disbursements
- d) Explore the distribution of the assessment rates rather than giving an average **AP7-SS**

Reject levels. SS explained that the large number of rejects significantly slowed the bill and assessment process. The current level of rejects was 20%-hard rejects and 5%-soft rejects. The LSC had issued guidance on the main reasons for hard rejects in an e-alert to providers on 17 March '11. Although the number of caseworkers processing submissions had increased significantly, the sheer volume of rejects made it impossible to get through the backlog. SS would circulate the rejects information link. **AP8-SS**

Time taken performance. Nearly 90% of bills were authorised within the target time of 30 days. Paper POAs were authorised within 12 days and POAs submitted on e-forms (20%) were authorised within 3 days. The whole process was being slowed by rejects; the profession's cooperation was needed to reduce this unnecessary work. SS was asked to circulate the link to where the e-forms link **AP9-SS**

Rep bodies asked that sanctions be introduced against providers that didn't comply with regulations.

9. LSC review of tender outcomes

Covered under Matter Starts

10. Format for Forthcoming family tender

Feedback had been received from Resolution and The Law Society on matter starts for the family retender and the LSC were awaiting the MoJ consultation response before opening discussions with the contract consultative bodies (the Law Society, LAPG and ASA) plus Resolution and ALC.

11. Novation

The LSC was asked to clarify its approach when exercising its discretion towards firms wishing to convert from a partnership to a company (ABS). RW said that ABSs were covered in the contract.

12. AOB

RW suggested that in future a timeframe be allocated to each item on the agenda.

Action Points		By Whom	By When
AP1	Send a list of contracted providers to rep bodies	KW	asap
AP2	Review ToR and circulate for discussion at next CCG meeting.	NL	11 July
AP3	Consider ToR and membership of the group and send comments to GT/NL	All	11 July
AP4	Clarification on total number of MS for 2010-11	KW	11 July
AP5	Update the group re review performance of MS	KW	11 July
AP6	Send the letter re consortium verification audit to JohnS	Rep bodies	11 July
AP7	Circulate additional data re assessment rates	SS	11 July
AP8-9	Circulate information on rejects and link to e-forms	SS	closed

Date of next Civil-CCG Meeting	Monday, 11 July
Time	15.00 to 17.00
Venue	LSC, 4 Abbey Orchard Street