

Summary note: Provider Reference Group events – summer 2011

Introduction

Provider Reference Group meetings were held in July and August 2011 to update providers across England and Wales on priority areas and answer their questions.

The same information was delivered at all events by different LSC senior managers. There was significant interest in the meetings and approximately 1,000 providers attended the events.

Feedback from the meetings is now being considered and we will aim to do another series of meetings in early 2012. Of those providers that attended:

- 69% felt the event met their expectations
- 70% felt they knew more about how the LSC's work would impact them
- 44% wanted PRG meetings every six months and 39% wanted quarterly meetings

There were 11 meetings in summer 2011. These are set out below:

Cambridge 11 July 2011	London Docklands 26 July 2011
Nottingham 13 July 2011	Bristol 2 August 2011
Manchester 13 July 2011	London Central 4 August 2011
Leeds 15 July 2011	South Tyneside 4 August 2011
Birmingham 19 July 2011	Brighton 16 August 2011
Cardiff 22 July 2011	

Key issues at PRG events

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| » legal aid reform | » experts and inconsistent decision-making |
| » civil case management | » training and information |
| » crime case management | » communications |
| » application issues | » relationship with the LSC |
| » family contracts/tenders | » other operational issues |
| » crime contracts | » further information |
| » civil legal aid online (IDP) | |
| » LSC approach to audits | |

Legal aid reform

The timetable for legal aid reform, future tenders, fee cuts and scope changes were all discussed.

Providers were particularly interested in the timetable to plan and put in place business changes in a timely way.

Operational questions were asked about:

- future tenders (with us mentioning our commissioning strategy)
- whether the fee cuts are on top of previous reductions and would they affect ongoing cases
- whether there would be run-off periods for categories going out of scope
- the definition of domestic violence

The impact of scope changes on clients was also raised by some providers.

Clear information and guidance will be available online. Keep an eye on the legal aid reform section of our website and also e-alerts in LSC Update.

Civil case management

Checks on applications and bills, the role of the National Audit Office, financial controls, processing delays and cash flow were all addressed.

Providers voiced concerns about the increased pressure on their time because of the checks that the LSC is making to applications and bills.

They also raised concerns about their cash flow and how this was impacting on their ability to pay staff/experts/business costs.

We explained that the LSC has to ask for more information from providers so that payments can be validated. This is important in terms of our own financial controls and also to satisfy the National Audit Office standards.

We also set out the LSC view that extra checking now will bring benefits all round in the long-term. Closer scrutiny has allowed us to highlight some easily avoidable errors that are being made by providers when submitting applications and bills. For example, the lack of a signature on claim forms is in the top five reported errors.

For our part, workloads have increased very significantly at the LSC. In addition to the need for more checking we're now receiving more applications and bills.

A number of measures are being implemented to deal with delays. These are:

- Deployment of additional resource

We have recruited a number of additional staff into frontline civil case management duties who are now starting to come out of training.

- Reduced telephony service

In order to free up resources to process outstanding applications and bills, which will in turn reduce backlogs we have reduced our telephony service. To ensure that we have sufficient cover to cope with demand for our telephone service we are asking providers to contact us for urgent issues only. The revised hours are 10am to 12pm and 3pm to 5pm.

- Fax authorities

In order to alleviate the pressure on the telephones we have removed the requirement to phone in advance for a fax authority. We will be asking you to submit a fax header sheet specifying why your request is genuinely urgent in order to prioritise appropriately.

- Emergency certificate duration

Given our current processing difficulties we have agreed that from 1 May 2011 all Civil Emergency Certificates will be deemed to last for **8 weeks** rather than the current 4 weeks. But please still take note of current scope limitations and cost limits. This change will be in place for an initial 3 months to allow us to resolve our processing issues and will be reviewed at that time.

- Encourage increased electronic working

We strongly urge suppliers who are not currently using our e-form service for civil payments on account to consider signing up for these services as a matter of urgency. This service provides real benefits for both sides. E-form POA submissions are processed approximately one week ahead of paper requests – providing much quicker payments for providers. Approximately 25% of current POA submissions are currently submitted using our e-forms service. Further information can be found at:

http://www.legalservices.gov.uk/lsonline/using_eforms.asp

LSC Update contains regular items on what we are doing to combat delays.

Crime case management

Processing delays, Crown Court means testing delays, the Means Assessment and Appeals Tool (MAAT) and form checking all came under the spotlight.

Providers working in crime are also concerned about delays and the impact on their cash flow. There are similar issues for both civil and crime providers because of the need to check claims and eliminate errors.

The problems have been made worse because of Crown Court means testing delays and issues with Means Assessment and Appeals Tool (MAAT) numbers.

The LSC has apologised for the delays and the implications on providers and is seeking to reduce delays as quickly as possible.

Providers can help by making sure forms are:

- fully and correctly completed and signed
- sent with the correct enclosures
- the correct forms

It is also worth looking through client applications before submitting.

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The LSC has also been working with HMCTS to improve the situation and has brought in extra staff and weekend working to reduce delays. The issue has been highlighted in LSC Update.

Application issues

The way applications are handled, rejects, case management communication and a review of the application process were all discussed.

Rejected applications were a main theme with many requesting action on the following issues.

- rejects not going to the back of the processing queue
- non-return of files – “just pick up the phone”
- non-confirmation of receipt – applications going missing
- applications for family public law clients taking too long

There was a plea for better case management communication that would reduce calls and for the LSC to identify errors earlier on in the process.

It is a difficult issue because the LSC has had to introduce much tighter quality controls. We are under scrutiny from the National Audit Office and have to show we are rigorous in checking applications.

For example, we explained that work volumes have increased by 10% on legal means and 20% in civil billing.

But more than 25% of applications and bills are not completed correctly which means they are rejected and this artificially increases volumes.

This issue was covered openly and in detail during the case management session and the LSC has committed to reviewing various parts of the application process.

Family contracts/tenders

Tender timetables, consultation with representative bodies, challenges to proposed handling of bids and non-competitive versus competitive tenders all featured in this section.

There were a lot of questions on the family tenders. These focused on:

- the timetable (including short notice for the interim tender)
- the current consultation with rep bodies (many seemed not to know much about this and asked lots of questions)
- straightforward questions such as contract length, what do we bid for and panel membership
- issues around proposed handling of bids for more than 150 NMS
- the non-competitive and/or competitive nature of the tenders

The LSC has communicated information about the consultation and forthcoming tender via the representative bodies and through direct channels such as LSC Update and the LSC website. The tender opens on 5 September 2011 and closes on 3 October 2011.

Crime contracts

LSC views on crime competition and best value tendering were raised by some providers.

This is an issue for ministers to decide upon as policy now rests only with the MoJ.

It seems unlikely that there will be any consultation about this until near the end of the year at the earliest. We're waiting for guidance from the MoJ.

Civil legal aid online (IDP)

How online working will affect civil providers, benefits of the new software and opportunities to help take part in trials were all talked about.

Operational questions were asked about the introduction of online working for civil and family certificated work. Providers were particularly interested in:

- how the system will work
- timings
- scanning
- whether variations in ways providers work will be considered

Benefits of the programme include a 90% reduction in paperwork and more electronic transactions.

The plan is to introduce accounting packages into the same system and implement new ways of collecting cash from clients.

The programme will be piloted in 2012 at the earliest and run for six months before being rolled out.

We are planning to start the pilot with a small group of volunteers and our PRG feedback survey identified providers who want to be kept updated about the system.

LSC approach to audits

Discussions included LSC's approach to auditing, why auditing is necessary and the processes for appealing decisions following audits.

Providers reacted positively to our plan to adopt a one-visit approach by March 2012.

We explained that we want to:

- reduce the amount of auditing for providers complying with contractual requirements
- focus LSC audit resources on higher risk providers

There was some confusion over the relationship between the Specialist Quality Mark (SQM) and our auditing activities.

Questions were also raised around providers being able to appeal decisions and the process for doing so informally and formally.

Information about the new auditing approach and auditing activity will be posted on our website shortly.

Experts and inconsistent decision-making

The need for consistency when paying experts for legal aid work was raised many times.

There was concern about how rates paid will be regulated in future.

Questions focused on the:

- need for clear guidance
- lack of consistent decision-making
- reduction in fees with no proper explanation
- experts no longer wanting to do legal aid work

The LSC assured delegates that they were driving for greater consistency through, for instance, an internal group that looked at consistency issues.

Training and information

Training, guidance on forms and evidence checklists were all highlighted.

Areas where training was requested were:

- case management so that unnecessary errors are reduced, in particular information on how to avoid rejects

Providers also requested:

- a guide on what forms are available as e-forms
- a checklist on what evidence clients needed to provide

We are looking at how we currently supply this information and what we can do in the future.

Communications

The need for user-friendly communications was a common theme at the different events.

Many providers commented on our over-reliance on the website to get information to them and the fact that it wasn't user-friendly.

Many indicated a preference for more face-to-face contact as a means of getting key information.

There were calls for:

- expanded e-alerts
- more plain English
- increased dialogue with contract managers
- more information in one format e.g. 'Focus' magazine
- guides to be rewritten

The website is being updated with interim improvements before being converged into the Justice site by early 2012. We pointed out that all providers should sign-up to LSC Update as it is the primary communications channel for providers.

Relationship with the LSC

Building relationships based on trust and explaining the thinking behind new processes were important issues that were raised at the meetings.

Providers highlighted the fact that sometimes we don't explain 'why' we do things, e.g. requesting documentary evidence for court fees, and it can appear that we are changing the rules regularly and without good reason.

The matter of trust was discussed and we recognised the need for constructive dialogue.

Other operational issues

Concern was voiced over:

- the implications of the Crown Prosecution Service (CPS) electronic working initiative on legal aid providers
- 'user unfriendly' forms such as the CDS7
- AGFS & LF1 forms being lost in the system

These issues were acknowledged and discussed openly. We agreed there may still be some work to do around forms.

Further information

LSC website:

[LSC Update](#)

[Legal aid reform – civil](#)

[Legal aid reform – crime](#)

[Auditing](#)

[Provider Reference Groups](#)