

## **Criminal Contracting Consultative Group**

Meeting held on 9<sup>th</sup> January 2008

**Attendees:** LSC – Derek Hill, Tim Colliou, Vanessa Bailey, Karl Demian, John Sirodcar, Sarah Omokaro (minutes)

TLS – Alice Mutasa, Richard Miller, Rodney Warren (Committee Member/CLSA)

CLSA – Andrew Bishop

LAPG – Tim Gir

**Apologies:** LCCSA – Greg Powell

### **1. Matters Arising**

The response to Richard Miller regarding an extension to the consultation period for BVT, which is a 12-week consultation period, will be circulated to the group.

The LSC responded to the two issues raised at the December meeting concerning the operation of SMS

Firstly, the 20<sup>th</sup> of the month being the cut off is correct; it is a default of the system. The LSC confirmed that a change request would be made that would allow submission of cases closed in the reporting month. This would have to be considered against other changes requests in terms of priority. TLS explained that the current system would impact providers both in monetary and SMP terms. The LSC acknowledged this and said that this would be taken in to consideration when assessing the change request. Secondly the suggested issue that you cannot enter the same UFN in the same month is incorrect. The system will allow you to do that.

It was agreed that minutes of the CCCG will be produced within the week of the meeting and will be proofread within 24 hours. Formal sign of the minutes will then take place at the next meeting.

### **2. Police Stations**

There are important dates to take note of:

14<sup>th</sup> January 9am – Defence Solicitor Call Centre goes live  
28<sup>th</sup>/29<sup>th</sup> January – Debate in Parliament on PACE Changes  
1<sup>st</sup> February 9am – CDS Direct Expansion (first phase)

The Frequently Asked Questions from the recent training events are now finalised and will be placed on the LSC's website shortly.

TLS will review the notice of entitlement update towards the end of April 2008. They have also spoken to Alan Brown (Home Office) and Alex Marshall (ACPO) as they feel there is an absence of understanding by the police of what is happening at DSCC in spite of the information that ACPO have provided to the forces being accurate. It was noted that Alan Brown suggested that a Home Office circular could be issued requiring the constabularies to comply with the guidance. The meeting agreed that this would be a useful step forward. John Sirodcar will speak directly to Alan Brown and an update will be provided at the next meeting

CLSA raised the issue of that not all Rotas had been published yet. The LSC apologised for this and said that this is something that is being addressed. The CLSA asked what process would be followed where duty solicitors were excluded from rotas. The LSC said there was various reasons and circumstances people were left off. The CLSA also wanted to know how the database worked. The main concern being that if a client requested a specific solicitor there may be more than one solicitor or firm with the same name. It was suggested that custody officials /assistants should be trained as to which solicitor works in which firm to have a better understanding of the distinction.

The TLS requested that the allocations of calls to duty solicitors be monitored over next couple of months as the role of the new DSCC increase. The LSC suggested that this could be done in a representative month such as October. They also stated that there was a current proportion in police stations cases / own. With regards to keeping own clients with solicitors, there would firstly be a level of competition and secondly the client with ongoing cases would want to get back to the same solicitor.

#### **4. VHCC**

The LSC issued outcome letters on the 20<sup>th</sup> December and an e-mail on the 21<sup>st</sup> December. Letters to successful candidates were sent out last week and Advocates have been asked to return contracts directly to Head Office.

Contracts go live on the 14<sup>th</sup> January. There were a total of 382 applications and a significant number of those applications have been successful, however a figure cannot be given at this stage. The applications that were not successful were due to a combination of reasons such as not bidding at the right price or simply not meeting the criteria.

The LSC confirmed that the final list will be published on Tuesday 15 January and would be sent to Law Society officials.

Panel A will have exclusive first refusal and Panel B will have a capacity base test. The capacity of Panel A and B will be published in the near future. TLS asked if the demand were higher would the LSC get extra funding to cover.

On average there are 100 cases per year. Firms can write if they have any queries and generally notifications work.

TLS asked if a non-panel firm could take out VHCC. The LSC stated that it would seek to transfer cases; however it would have to be under exceptional circumstances. The LSC agreed to re-circulate the list of exceptional circumstances.

## **5. VAT**

Police stations are INCLUSIVE of VAT and the LSC will be confirming this position to all providers. The LSC will also look into whether or not there is a requirement for any further action. TLS stated that there is a need to make sure firms have clarity as to what the intentions are as there is confusion amongst providers.

It was pointed out that where a defendant is an Asylum Seeker, Immigrant or does not have the right to remain in the country that VAT is not payable on the work. This then raised the question as to how many firms are not registered for VAT.

## **6. Magistrates Court**

TLS wanted to know if there was any idea on the figures of what was spent. The LSC will provide this information at the next meeting.

## **7. Crown Court**

Litigators Graduated Scheme goes live on Monday 14<sup>th</sup> January. The LSC do not anticipate a large number of claims in the first 2 to 3 weeks. The CCLF payment system will be running from 4<sup>th</sup> February. The LSC will be advising practitioners of this in e-alert next week.

CLSA asked on what basis should the Breach of Order case be dealt under the LGFS in terms of Representation Order date. The LSC said it would be down to the date of the original order but would confirm in writing.

## **8. BVT**

There was a brief discussion on the BVT. The LSC will be issuing invitations shortly to all providers to attend consultation events which are starting on the 21<sup>st</sup> January. There are currently 50 sessions to be held in England and Wales. Once the LSC have a final list of events, they will share with Law Society officials so that they can attend.

## **9. Any Other Business**

### SMP's

TLS wanted to know if it was possible to have a contact at the LSC Head Office. This is in the event that the Account Manager is unable to help, then the firm could be sent to the Head Office. The LSC will look into this and any specific problems relating to SMS should be directed to Karl Demian and he will forward to relevant person.

### NTT

TLS wanted to know what would be happening after the introduction of the LGFS? The LSC stated that their workload would go down and that they have never seen it as a major problem. They would still need to keep people to deal with bills.

### Next Meeting

To be rescheduled for after the 8<sup>th</sup> February.

<b>Actions</b>	<b>Owner</b>	<b>Due Date</b>
Speak to Alan Brown about possible Home Office Circular	John	Feb
What can be done about not mixing up a Solicitors name and a Firms name	John	10 <sup>th</sup> Jan
Resend letter	Cris	Feb
E-mail figures on the spend for Magistrates Court	Tim	Feb
Regarding SMP's are there any adjustments that people don't think are justified or appropriate?	Karl	10 <sup>th</sup> Jan
Breach – representation order	Tim	Feb