

MINUTES OF THE CRIMINAL CONTRACTING CONSULTATIVE GROUP HELD AT THE LSC OFFICES ON GRAY'S INN ROAD ON 10 APRIL 2007

IN ATTENDANCE: Alice Mutasa (Law Society); Rodney Warren (Law Society & CLSA); Andrew Bishop (CLSA); Rob Brown (Law Society); Derek Hill (LSC); Tim Colliou (LSC); Ellis Pinnell (LSC); Ivan Armstrong (LSC); Pat Bennink (LSC - Minutes)

APOLOGIES: Tim Gir (LAPG); Greg Lewis (LS)

TC (LSC) presented the minutes of the last meeting and requested RW (LS) sign off. The minutes will then be published on the LSC website.

TC (LSC) advised that the Terms of Reference had now been revised and these will be circulated. DH (LSC) said the CCCG meetings serve as a platform for the LSC to advise representative bodies on what the LSC is doing with the emphasis on discussing the reform programme. However, RW (LS) requested closer engagement and felt some of the meetings could be replaced by e-mails.

Police Stations

AN (LSC) advised that the Police Station Consultation closes today and so far almost 300 responses had been received although it is expected the final figure will be closer to 500. The general themes coming through are dissatisfaction with fixed fees, minimum contract size and boundaries. The LSC is happy to share the results of the final analysis. TC (LSC) and RW (LS) agreed a further meeting should be scheduled to discuss themes.

DH (LSC) reported that the LSC had held 20 meetings with suppliers (including BME's) throughout the country to get views from people on the ground on proposed boundaries. However, RW (LS) said he felt market stability was a much more important issue and it was agreed to urgently hold a separate meeting to discuss market stability. (NB This meeting was held on 17 April.)

Market Stability

EP (LSC) advised the meeting that the LSC had again written to the Law Society and firms to advise them that no changes would be made to slots allocations in proportion to historical volumes. May rotas therefore remain unchanged. A huge response from firms to the initial proposed slot allocations letters resulted in closer examination of data used. Several issues relating to the accuracy of the data became apparent including concerns regarding how schemes work and incorrect claim codes being used by firms which posed considerable risks to implementing changes to rotas. DH (LSC) said a data cleanse had begun to avoid similar problems in the future. The cleansing process will take 1 – 2 months.

RW (LS) said the problem with the data came as no surprise to the Law Society as problems with the adequacy of LSC data had been highlighted by Lord Carter. RW (LS) said this cast doubt as to the reliability of the Police Station figures as well. He went on to express concern at how the second letter sent to the Law Society and firms had been communicated and the fact that it came without warning. He said it was felt that changes were rushed and requested longer consultation periods. RW (LS) said in addition many firms had made staff changes in line with the LSC's proposed new slot allocations. He said if the LSC reverse their decision, it could be faced with many firms seeking compensation and the LSC challenged with maladministration. RW (LS) warned the market is currently unstable and said in light of the developments on unreliable data the Police Station consultation should be extended by seven days. LSC agreed to consider. (NB A longer period of consultation has now been set up.)

RB (LS) queried whether anyone at the LSC had checked that all firms appear on the list extracted from data. AN (LSC) had previously agreed to check so TC (LSC) will chase. RB (LS) expressed concern that if only some firms were reporting incorrectly, all firms could be prejudiced. He requested that additional background information on misreporting be provided to rep bodies to determine the scale of the problem. EP (LSC) to provide.

VHCC

IA (LSC) said there was not much to report. The consultation had closed and 45 responses received excluding those from rep bodies. He said most individual firms were fairly supportive of the main proposal.

RB (LS) enquired whether the new rates for VHCC could be disclosed and IA (LSC) agreed to send to RB (LS) in his capacity as Law Society representative.

CDS Direct

EP (LSC) said the consultation was published on 20 March and closes 1 May. Both the draft RIA and consultation appear on the LSC website.

Early signs show concerns relating to client choice, quality of advice, client history and how firms will be kept up to date. These are practical issues that need consideration. AB (CLSA) said firms were nervous of giving calls to the call centre and questioned the rationale. EP (LSC) said the benefits were better information management, quality control, how quickly service was provided, advice given and overall savings.

Litigators' Fee

TC (LSC) said not much had changed. Data has been collected and is being analysed. Work is ongoing.

RW (LS) asked whether the new ToR has been set since the review of means testing and whether practitioners played a part. TC (LSC) said firms were consulted and he will check whether the new ToR had been signed off. DH (LSC) said the LSC was looking forward to practitioners being part of a reference group on BVT. He said it would be helpful to receive nominations within the next month. RW (LS) said this was a complex political issue and AB (CLSA) added that experience on means testing is likely to have put practitioners off. However, TC (LSC) said we must keep talking. RW (LS) said this may hinge on progress made at the special Market Stability meeting.

Advocates' Graduated Fee Structure

DH (LSC) said the regs had been signed off. The IT software will be 2 – 3 months late but it is unlikely there will be claims before then. Correspondence with the Bar on this subject should, in future, be copied to the Law Society and CLSA.

Matters Arising

RW (LS) said the LSC had agreed to share the outcome of spend on the Legal Aid Reform process and to include details of cost drivers. However, RW (LS) said he did not recall ever seeing correspondence or substance to confirm some analysis re external cost drivers had been done and provisions made. RB (LS) said if firms were willing to agree to the saving of £8m, they would want to see the impact of cost drivers. DH (LSC) said the LSC was in the process of replying on cost drivers and that a RIA would be published at the same time.

The next meeting will take place on 8 May 2007 at the offices of the Law Society.