

Legal Services Commission

Complex Crime Unit: September 2009

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Welcome to the September edition of the Complex Crime Unit newsletter. The purpose of this newsletter is to update you regarding any changes to work in the office and to provide you with what we hope is useful information.

We would be very grateful if you would please circulate this leaflet around all of your legal aid fee-earners. We hope to provide this information regularly and would greatly appreciate any comments you have on its usefulness to you.

Plea Discussions Pilot

The Attorney General's Guidelines on Plea Discussions in Cases of Serious or Complex Fraud, published on 18th March 2009 proposed that where a case involves an allegation of serious fraud a system of funding should be made available to allow a defendant to receive legal advice with a view to agreeing a basis of plea accompanied by joint submissions as to sentence that can be presented in crown court at the earliest opportunity. The Complex Crime Unit has been asked to fund the defence costs in plea discussions. The scheme will run from Tuesday 4th August until 31st December 2011, at this point the scheme and the funding of the scheme will be reviewed.

Cases where a plea discussion may be appropriate will be identified by the prosecution authorities and the defendant will be invited to enter the process funded by the CCU. The LSC will have the authority to grant a provisional rep order. If your client is invited to enter into plea discussions with a prosecution agency please contact the CCU for more information on how these cases will be managed.

CCU Visit to Chambers

Following discussions between Paul Mendelle QC and the LSC's CEO Carolyn Reagan, a meeting was arranged for 5 representatives from the CCU to attend 25 Bedford Row Chambers. A productive meeting was held with the clerks, and Geoff Payne of Counsel, on 23rd June 2009. The meeting was held to gather feedback and information regarding contract cases, how counsel approach VHCCs, and where potential improvements can be made.

The CCU would like to extend thanks to 25 Bedford Row for their hospitality and welcome further feedback.

Settlement Run Dates

Payment runs will continue to be weekly.

Please see the attached link: www.legalservices.gov.uk/criminal/payment_dates.asp which provides a table of payment dates up to December 2009.

Please also see this link for payment methods.

Data Collection

The LSC along with the Working Group are in the process of creating acceptable options for a replacement VHCC scheme. One of the concerns aired in the responses to consultation was the validity of the data set used to endorse the original Working Group scheme.

- To address this the Bar Council is collating fresh data from closed cases over the period January 2009 - June 2009, (though to ensure that they have a robust sample the exercise may continue to collect data for a further 2-3 months).
- Practitioners whose cases close within this period will be asked to provide some simple details to assist with the data collection exercise.
- This will help create a new scheme option with current and robust data as well as provide a comparison to gauge the previous data set.

Your support in this exercise would be much appreciated.

Transfer of representation

If a representation order is transferred to your firm on an existing pre-Panel contract, please note that the case will continue to be run under the old contracting regime.

Your firm does not need to be a Panel member to run the new contract, and you do not need to instruct Panel counsel.

Please see the attached link for further information - http://www.legalservices.gov.uk/criminal/contracting/prepanel_contract_information.asp

VHCC working group

The LSC has set up a VHCC Working Group. This group will explore proposals to replace the current panel when the panel contract expires. Who's on the group?

Members include representatives from:

- The LSC
- [Bar Council](#)
- [The Law Society](#)
- [Crown Prosecution Service](#)
- [Ministry of Justice](#).

Want to view the minutes?

www.legalservices.gov.uk/criminal/contracting/vhcc_working_group.asp

Protective marking

The Protective Marking System is the Government's administrative system to ensure that access to information and other assets is correctly managed and safeguarded to an agreed and proportionate level throughout their lifecycle, including creation, storage, transmission and destruction. The system is designed to support HMG business, and meet the requirements of relevant legislation, international standards and international agreements.

The Protective Marking System comprises five markings. In descending order of sensitivity they are:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- RESTRICTED
- PROTECT

You will therefore start to notice this practice being employed on all case sensitive communication from the VHCC Unit. This is an MOJ driven requirement, which does not extend to litigators or advocates.

Detail required when submitting attendance notes for audit

When submitting attendance notes, could all practitioners remember to include the level of detail specified by the panel member's contract at Annex 4, paragraph 1.10 (page 13).

This stipulates that an attendance note should include the time work is done as well as the date, and a comprehensive description of the work itself. Please note that merely stating that a number of pages were read at the agreed rate is **not** sufficient for VHCC purposes. Attendance notes submitted without the full information will in future be returned. Your co-operation in this is greatly appreciated.

Focus

The LSC publishes Focus to inform people doing legal aid work about issues that affect them. A typical issue of Focus will contain:

- news about recent events, decisions, announcements and initiatives
- invitations to participate in the projects and consultations that will help to shape the future of legal funding
- timetables of all the key dates and deadlines for consultations, franchising and contracting
- updates on ongoing pilots, projects and systems

For the latest edition please visit the following link: www.legalservices.gov.uk/civil/focus_newsletter.asp

E-mail us your thoughts

We hope you have found this newsletter flyer informative however if you have any suggestions on what you wish the newsletter to cover in future additions please e-mail us at ccu@legalservices.gov.uk. We regret that we cannot accept general queries not related to the newsletter via this address.