

# Legal Services Commission Complex Crime Unit: December 2009

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Welcome to the December 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 – a background

The purpose and spirit of the plea discussions is set out within the Attorney General's Framework (March 2009). It aims to provide the possibility of early resolution in certain cases with the potential to be at the most complex and expensive end of the spectrum. It is hoped that, where successful, the results will be both in the interests of justice, and provide costs savings to the public purse.

Legal aid, where required, is available for the funding of plea discussions. It is provided in accordance with the terms of a Provisional Representation Order (PRO) (see SI 1995 of 2009) and the Legal Services Commission's (LSC)'s PRO Individual Case contract.

The prosecuting agencies concerned will select those cases, which they think suitable for plea discussions. When a prosecutor has selected a case, they will send an offer letter to the relevant suspect's representative. If the offer is accepted, plea discussions may commence.

Plea discussions may result in an agreed plea and subsequent proceedings to enter the plea and deal with mitigation and sentence; no agreed plea and subsequent criminal proceedings; the prosecution discontinue the investigation/proceedings.

A PRO may last up to three months. The defence team may seek to extend the PRO for a further three months by application to the Complex Crime Unit, (CCU), if there are reasonable grounds to expect that a further period will lead to an agreed plea. (SI 1995/09, s4(2) and Individual Case Contract paragraph 2.8)

For more information please visit our website:

<http://www.legalservices.gov.uk/criminal/contracting/10471.asp>

## VHCC Consultation

The LSC have today published the VHCC Consultation Paper, which sets out a number of options for the next VHCC scheme. The consultation period will last for eight weeks, closing on 26 January 2010.

For more information please visit our website:

[https://consult.legalservices.gov.uk/inovem/consult.ti/system/findConsultations?spiderFormState=S&action=s&explainsearch=N&showform=N&ca\\_listbrand=cds&siteid=132&type=O&pageInfoName=listCurrentConsultations](https://consult.legalservices.gov.uk/inovem/consult.ti/system/findConsultations?spiderFormState=S&action=s&explainsearch=N&showform=N&ca_listbrand=cds&siteid=132&type=O&pageInfoName=listCurrentConsultations)

The current VHCC scheme is due to expire on 13 July 2010. The proposals set out in the previous consultation paper were not acceptable to the profession. This consultation sets out possible options for a replacement scheme. These proposals are set out in Part A of the paper and we are keen to hear your views. We would also like to show you the work to date by the Advocate Sub-group on a new graduated fee type scheme. We have included a draft outline of this scheme in Part B of the paper. Whilst we are not presenting this scheme as an option at this stage we would still appreciate your views on whether such a scheme would work for you in the longer term and if there are concerns how we could address these as part of our ongoing development of the scheme.

## Changes to firms and defence teams

Could all suppliers please remember to keep the Unit informed if any fee earners either leave, or are added to, their VHCC defence team. The Unit needs to maintain accurate records and advise panel firms accordingly if any issues arise. Similarly, please let us know if your firm splits, merges with another, or is affected by any other changes. We will amend our databases as appropriate and, where necessary, send out any fresh contractual documentation that may be appropriate. For any queries please e-mail [ccu@legalservices.gov.uk](mailto:ccu@legalservices.gov.uk)

## Fraud Case Manager (Rule 15.4)

All Panel members are reminded that where the Panel member is conducting VHCCs in relation to fraud cases, they must satisfy themselves that the Defence Team is appropriately skilled and experienced.

Rule 15.4 sets out the criteria that must be satisfied with evidence. For ease please see the below hyperlink and scroll down to page 17 (section 15.4):

[http://www.legalservices.gov.uk/docs/criminal\\_contracting/PanelMembersContract\\_030308.pdf](http://www.legalservices.gov.uk/docs/criminal_contracting/PanelMembersContract_030308.pdf)

## Hourly rates

Providers are reminded that the CCU currently work with three separate sets of hourly rates, as follows:

Pre-VHCC Panel rates

- VHCC Panel rates up to and including 12 November 2008
- VHCC Panel rates after and including 13 November 2008

Information on each set of rates can be found by visiting the following links:

Pre-VHCC Panel rates – [http://www.legalservices.gov.uk/docs/criminal\\_contracting/Contract\\_Specification.pdf](http://www.legalservices.gov.uk/docs/criminal_contracting/Contract_Specification.pdf) - Annex A, page 16

Pre-13 Nov 08 Panel rates - [http://www.legalservices.gov.uk/docs/criminal\\_contracting/PanelMembersAnnexes1-20\\_030308.pdf](http://www.legalservices.gov.uk/docs/criminal_contracting/PanelMembersAnnexes1-20_030308.pdf) - Annex 7, page 33

Post-13 Nov 08 Panel rates - [http://www.legalservices.gov.uk/docs/cds\\_main/VHCC\\_Rates\\_of\\_Pay\\_-\\_Coming\\_in\\_from\\_13\\_Nov\\_08.pdf](http://www.legalservices.gov.uk/docs/cds_main/VHCC_Rates_of_Pay_-_Coming_in_from_13_Nov_08.pdf)

## VAT

As you will be aware, VAT will revert back to 17.5% on 1 January 2010. Our audit forms and payment system will be amended to reflect the change. All stages ending after 31 December 2009 will attract VAT at 17.5%. The rate of VAT paid on disbursements will be determined by the date of the disbursement invoice.

## Settlement Run Dates

Payment runs will continue to be weekly. Please see the attached link:

[http://www.legalservices.gov.uk/criminal/payment\\_dates.asp](http://www.legalservices.gov.uk/criminal/payment_dates.asp)

Which provides a table of payment dates up to April 2010.

Please also see this link for payment methods.

## Notifications

Please note that all Notifications are now being administratively handled by our London office. Please send your completed Notification Request Form, available on the LSC website at:

[http://www.legalservices.gov.uk/docs/forms/Notification\\_request\\_form\\_141108..pdf](http://www.legalservices.gov.uk/docs/forms/Notification_request_form_141108..pdf)

Or any other correspondence in relation to Notifications for the attention of Boudicca Atkins in the London Office, e-mail Boudicca directly at: [boudicca.atkins@legalservices.gov.uk](mailto:boudicca.atkins@legalservices.gov.uk) or telephone on 020 7718 8402.

## Back catalogue of the CCU newsletter

Previous issues of the CCU newsletter can now be found on our website at the following address:

[http://www.legalservices.gov.uk/criminal/very\\_high\\_cost\\_criminal\\_cases.asp](http://www.legalservices.gov.uk/criminal/very_high_cost_criminal_cases.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](mailto:ccu@legalservices.gov.uk). We regret that we cannot accept general queries not related to the newsletter via this address.