

Legal Services Commission

Complex Crime Unit: July 2010

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Settlement Run Dates

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

http://www.legalservices.gov.uk/criminal/payment_dates.asp

Which provides a table of payment dates up to March 2011.

Please also see this link for payment methods.

Welcome to the July 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 on our audit processes. 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.

Consultation response

The LSC and the Ministry of Justice have published a joint consultation response on their respective consultation papers on the future of Very High Cost (Crime) Cases (VHCCs) and Advocates Graduated Fees (AGFS).

Advocates

The Government has decided not to take the option of a one-off cut of 17.9% to Advocates Graduated Fees. Instead the reforms include the alternative option consulted on, of a staged reduction over three years of 4.5% each year (a total reduction of 13.5%) in Advocates Graduated Fees, coupled with extending AGFS to cases due to last up to 60 days.

Litigators

As the Litigators Graduated Fees Scheme was introduced relatively recently, and is subject to review, the Government has decided not to extend it to cover cases with trial estimates of 60 days at this stage. The LSC will continue to collect further data on recently concluded VHCCs to help inform the current post-implementation review of the Litigators Scheme.

Please visit our [e-consultation page](#) for a copy of the VHCC 2010 Consultation Paper and the Consultation Response.

For a copy of the 'Legal Aid: reforming advocates graduated fees' consultation paper please visit the Ministry of Justice website: <http://www.justice.gov.uk/>

Consultation on Individual Case Contracts

We recently conducted an informal consultation with VHCC Panel Members and Representative Bodies about the replacement scheme for litigators on VHCCs. The consultation letter setting out the proposal can be found at:

http://www.legalservices.gov.uk/docs/cds_main/ICC_Consultation_letter_-_6_Apr_2010.pdf

That consultation closed on 18 May. A total of eleven responses to the consultation including two responses from representative bodies were received.

We have taken into account the points made in the responses received and have considered these alongside the views and comments expressed in the responses to the full consultation. We too agree that individual case contracts offer the best long-term solution for litigators working on VHCCs. We have therefore decided that we will not be continuing with a Panel scheme when the current Panel expires on 13 July 2010.

From 14 July 2010, litigators instructed on cases classified as VHCCs with representation orders dated on or after that date will operate under an individual case contracting arrangement. These contracts will apply the 2008 Panel rates (£145 per hour for a Level A litigator on a category 1 VHCC).

Our consultation response letter setting out our decision can be found at:

http://www.legalservices.gov.uk/docs/cds_main/ICC_Consultation_Response_-_May_2010.pdf

Individual case contracting arrangements will still be subject to eligibility criteria. These criteria formed part of a separate contract consultation with the consultative bodies in early June 2010 where views were sought on the terms and conditions of the individual case contract.

Individual case contracting scheme

The VHCC Panel scheme expires on 13 July 2010 and it has been replaced with an individual case contracting scheme. Therefore, those organisations and self-employed advocates wishing to undertake VHCC work will now, provided they meet certain eligibility criteria, contract with the LSC on an individual case by case basis.

The LSC has published the new VHCC 2010 Arrangements which establish the new scheme and set out the eligibility criteria. Organisations wishing to do this work are now given the opportunity to become an accredited VHCC provider by submitting an application through the LSC website. Advocates due to be instructed on a VHCC will also need to apply.

Those organisations that were VHCC Panel Members will be given the opportunity to shortcut the application process provided they have not undergone any fundamental changes to the structure of their organisation.

For more information about the new scheme and guidance on how to apply please visit the LSC website at:

http://www.legalservices.gov.uk/criminal/contracting/vhcc_accreditation.asp

Processing of Claims – Backlogs

Unfortunately, a significant backlog of audits has built up in both the Liverpool and London offices as a result in a significant turnover of experienced auditors in the early part of this year. Whilst we continue to address staffing issues it has taken time for new members of staff to become fully up to speed.

In an effort to address the problem new measures have been put in place to assist with clearing the backlog. The teams in both offices are addressing the audits in terms of the longest outstanding and we hope to reduce the backlog of audits in the near future.

We do very much regret that this situation has occurred and appreciate the impact this is having on our suppliers. We are working hard to eliminate the backlog as quickly as possible and revert to our normal customer service standards.

In the meantime if you are experiencing financial hardship as a result of delayed payments on any VHCC case then please contact your Relationship Manager outlining your financial difficulties. Your Relationship Manager will then contact the appropriate office to ascertain when your claim shall be processed or to request that your claim be prioritised so to avoid any financial hardship to your firm.

Changes to the assessment of subsistence claims

Following recommendations from the National Audit Office please be aware that changes have been implemented in relation to how subsistence claims are assessed and paid. While the allowance of £20.00 plus VAT per overnight stay remains the same, payment will only be made where this allowance is used exclusively for the purchase of an evening meal and soft drinks. Claims for alcohol based beverages will no longer be included in the allowance.

Receipts must be provided in support of any claims made.

First Class Travel

Given that the current political climate has led to the restriction of first class travel across the public service including the provision of first class travel for MPs it is logical that the LSC should also consider provider travel requests for first class travel.

In future the LSC will look to agree first class travel only where the provider is able to demonstrate that it is cheaper than claiming standard plus £25 per hour. Realistically this will only be where there is a special offer on first class bringing it a lot closer to the cost of a standard fare to allow the offset of £25 per hour travel time to be factored in.

New E-mail addresses

Please note that the Complex Crime Unit, along with the rest of the Legal Services Commission, moved to the secure GSI (Government Secure Intranet) server on 1 June 2010.

Our new email addresses are as follows:

firstname.surname@legalservices.gsi.gov.uk.

Emails will be automatically forwarded from the old mailboxes for one year, however when sending appeal representations to the Appeals Team it is best to use the new address format:

ccuappeals@legalservices.gsi.gov.uk

As there have been some problems with the automatic forwarding for this mailbox.

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.