

Dear Legal Aid Group Member,

Fellow LAG executive committee member Bob Baker attended the above bi-monthly meeting of the Civil Contract Consultative Group with other representative bodies from the provider community last month. Bob has kindly prepared a report on the main points to note arising from the meeting:

**Peer Reviews:**

There is to be a fresh round of Peer Reviews of providers which will be on a random selection basis. During discussions it was stated that the selection criteria might sometimes be by referral from Contract Managers if a particular firm appears to be struggling or having problems. In the current round of Reviews, three have not been random and targeted one firm in Family Law, one firm in Mental Health and one firm in Immigration. The immigration firm did not do well in the Review but the other 2 did very well so there is no major problem in being targeted.

The sort of issues being looked at in the Reviews are the way the firms communicate with their clients and how much time is spent with the client taking instructions on the relevant papers for the Tribunal or Court.

The results published so far are good for all sectors save for the Immigration category. 3 Immigration firms have been reviewed in this current financial year and their results are somewhat poor compared to the other categories.

There will be bi-annual updates at this meeting unless events require more discussion/publication.

**LASPO PIR:**

Richard Linham of the Ministry of Justice (Legal aid policy) attended the meeting and is tasked with undertaking the PIR which is due to be published in 6 months' time. He acknowledges that the time frame is very tight mainly because of the changes of Ministers in the department. His remit in the PIR is to look at the legislation as against its effectiveness. It is an impact assessment with the benefit of 20/20 vision in respect of the 34 specific changes caused by LASPO. It will not result in any changes to policy but may form the basis for future policy.

**Audit approach/contract Notices:**

The LAA has reconsidered their zero tolerance to certain issues and has agreed with effect from 25/1/18 that a change to the basis for Contract Notices will be changed. Systemic issues will be reviewed and taken into account, but it was pointed out that there is no statutory provision for representations to be made once a Contract Notice has been served, however, the LAA will consider reasonable correspondence but there is no contractual right of appeal against a Contract Notice once it is issued.

**Costs Assessment Guidance Feedback:**

No action or news on this as the LAA are still discussing possible changes with the ACL in particular.

Post Meeting Note: Feedback on CCMS tasks was sent by the ACL during/immediately after the meeting

**Notification of current debt position:**

The LAA understand the providers concerns about the need to have up to date information about the level of recoupments and the statement of account generally and are working on a way of making this clearer and easier to follow. The Finance team are to give more information on this in due time.

#### **CCMS update:**

A release is to be made on 25/1/18 as to FAS billing in public law cases. This applies to both solicitors and barristers using the FAS portal.

Other bulletins have been published and have effected some changes to the merits pages on CCMS. Most issues of a technical nature within CCMS have now been resolved and it is recognised that some providers were impacted for a while in November/December by the system crashing and not responding to certain inputs, but this is largely resolved now and the LAA apologised for any inconvenience to the suppliers affected.

A review of all 250 automatic response correspondence items within CCMS is being undertaken. Not all will change, and it will not be a quick resolve but it is in hand and providers should start to see some of the more common responses adjusted to be more appropriate.

The new portal is said to be very stable and apart from a few minor problems this year it is said to be working well. There were major technical problems on 15/1/18 when a component failed but this was resolved within less than an hour.

#### **Civil Bills:**

Back on the agenda is the issue of all legal aid bills to be assessed by the LAA. The LAA are seeking this once more, stating that the NAO continue to raise concerns about the courts' capability to ensure work is allowed within the terms/provisions of the legal aid scheme. The LAA will update the CCCG in due course as to what progress they are making.

Payment of bills is reported to be within 3 working days so the quickest it has ever been. Claim 2 reports and CCMS equivalent are not reported upon but understood to have no delays. If anyone has experienced any delay in Claim 2 processes/recoups this can be taken up on a case specific basis with Steve Starkey.

#### **Exceptional and Complex cases:**

The team have received 638 applications in the last 3 months a 33% increase on the previous year and is reported to be busier than ever. Immigration claims make up the majority of this number. The team are looking to speed up the process and reduce the number of outright rejects they issue. If some information is required and not clear, then it is simply rejected as they do not have the time or capacity to deal with problem cases. A new template is being devised to enable applicant to demonstrate the bones and urgency of their cases in an easy to prepare and easy to read format. The main complaint is that key documents required by the LAA are simply not being provided to them and this causes delays.

PET is to meet to discuss family high cost cases and may be looking into immigration and Public Law cases as part of their remit. The ACL requested participation in the PET along with a representative from ALC who also sought membership on PET and this is to be discussed by PET on 25/1/18. Non-family VHCCs are also the target for PET and will also be discussed on 25/1/18.

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