

NEWS 02-09 INCLUDING:

TAILORED FIXED FEES	02
ASSESSING QUALITY	02
THE USE OF EXPERTS	03
THE EUROPEAN UNION LEGAL AID DIRECTIVE	04
SOLICITORS FAMILY LAW ASSOCIATION	04
LSC LAUNCHES NEW WEBSITE	05
COMMUNITY LEGAL SERVICE DIRECT TAKES OFF	06
PREFERRED SUPPLIER PROJECT	07
TELEPHONE ADVICE PILOT TO GO AHEAD	07
WANTED – UNSUNG HEROES OF LEGAL AID	08
COMMUNITY JUSTICE IN LIVERPOOL	09

IMMIGRATION 10:

IMMIGRATION AND ASYLUM ACCREDITATION SCHEME	10
NEW ADDRESS	10

CIVIL GUIDANCE/DEVELOPMENT 11-15:

CONTRACT NEWS	11
PIAP SUMMARIES	12
PAYMENT DATES	16

Community
Legal Service



Focus

www.legalservices.gov.uk
DECEMBER 2004

- **TAILORED FIXED FEES**

For an update of the voluntary Tailored Fixed Fees Scheme for Civil (non-immigration) Controlled Work launched on 4 October, turn to page 02.

- **USE OF EXPERTS**

For details of the recently issued consultation paper on the use of Expert Witnesses to secure best value for money and quality assurance of experts, please see page 03.

- **NEW WEBSITE LAUNCHED**

The Legal Services Commission has launched its re-designed website. For details see page 05.

- **IMMIGRATION AND ASYLUM ACCREDITATION SCHEME**

For details on the continuing assessment and accreditation of immigration advisers, see page 10.

- **CHANGES TO COSTS COMPLIANCE APPEAL PROCESS**

Details of these changes, which came into force at the end of October affecting both civil and criminal contracts, are on page 11.

- **PIAP SUMMARIES**

The Public Interest Advisory Panel reports to the LSC on cases which are considered to raise public interest issues. The latest summaries are published at page 12.

legal services

COMMISSION

TAILORED FIXED FEES

The Legal Services Commission launched the voluntary version of the Tailored Fixed Fees Scheme for Civil (non-immigration) Controlled Work by solicitors on 4 October 2004.

TAKE UP OF THE VOLUNTARY SCHEME

We are still collating the information on take up of the voluntary scheme, but the results so far have been very encouraging, with 65% of solicitor Controlled Work fund spend (excluding mental health and immigration) now within the scheme, and a third of mental health spend nationally. Take up varies by region and category, with some regions achieving higher levels of take up, notably Yorkshire, Humberside and North East (86% and 79% of non-mental health and immigration fund spend respectively). The region with the greatest spend on mental health (London) also has the highest sign up rate for mental health spend (72%). 2001 firms have now signed up to the scheme, and this number is likely to increase once the final totals have been calculated.

A SOLID BASE

This level of take up allows us to plan expenditure for the current year with greater confidence. Regional offices will review new matter start allocations and increase these where possible to meet priority needs. Firms should contact their account managers as soon as possible if they wish to increase their allocations this year.

The scheme also heralds a new approach to managing contracts, with the cessation of costs compliance audits for work within the scheme in the majority of instances. This will enable us to focus our audit resources on work done outside the scheme. Regional offices are currently determining their audit priorities for the remainder of the year and will contact firms scheduled for audit as soon as possible.

THE WAY FORWARD

We will be writing to firms within the scheme to provide further guidance on operational issues such as the timing and approach to reconciliation this year. This guidance will also be available on our website (www.legalservices.gov.uk).

The voluntary scheme is a new approach, and we will be keen to learn from the experiences of firms before we finalise proposals for the mandatory version of the scheme, due to be implemented in April 2005. We will also carefully consider all responses to the consultation paper.

KEY DATES

January 2005: Final version of mandatory scheme published.

1 April 2005: Mandatory scheme operational.

CORPORATE LEGAL TEAM

Following the Organisational Review, the Commission has four directorates: Policy and Planning, Service Design, Service Delivery and Corporate Services. The Head Office Legal Team, formerly part of Policy and Legal is now part of Corporate Services and has changed its name to the Corporate Legal Team.

The address for service for any threatened or actual litigation is therefore now:

Legal Director

Corporate Legal Team

85 Gray's Inn Road

London WC1X 8TX or

DX 328 London/Chancery Lane

Tel: 020 7759 0000

Fax: 020 7759 0536

The team continues to deal with ex-gratia and extra-statutory claims and any legal queries that cannot be resolved locally.

Assessing Quality – The Quality Profile

Following on from the article in *Focus 45* (page 14), expert practitioner groups and The Law Society have now signed off the indicators for the Quality Profile process in the main categories of work. The information technology is being built to include these within the Contract Management Review Criteria, for use in the LSC's Supplier Management Process from the New Year.

The Quality Profile reports are constructed using the case data that you report to us so if this tool is to be accurate it is important that you report your case closure information to us correctly. We anticipate being able to use Quality Profiles to identify suppliers for whom a 'lighter touch' at audit is appropriate. Therefore it is in your interests (as well as being a responsibility) to ensure that your reporting is accurate.

Please ensure that you are using the current reporting codes and that your staff understand the importance of getting it right as it will help us to keep intervention appropriate and to a minimum.

All forms and guidance are available at www.legalservices.gov.uk/misl/forms

THE USE OF EXPERTS

QUALITY, PRICE AND PROCEDURES IN PUBLICLY FUNDED CASES

On Friday 26 November the consultation paper on the Use of Experts was launched at the Bond Solon Expert Witness Conference. The consultation paper (and executive summary): 'The Use of Experts, Quality, Price and Procedures in publicly funded cases' is available on our website at www.legalservices.gov.uk. The consultation runs until 25 February 2005.

The paper provides a number of proposals to secure best value for money and assure the quality of experts paid for by the Commission.

These proposals include new guideline fees and guidance on the use of experts, and an accreditation scheme that will ensure the quality of expertise provided. Specifically:

- Experts will be encouraged to become accredited by the Council for the Registration of Forensic Practitioners, or another appropriate body.
- Current guideline rates in criminal cases will be retained and will form the basis for civil expert's rates.
- Contractors will be encouraged to use accredited (quality assured) experts, these experts will be 'endorsed' by the Commission if they agree to work within guideline rates as part of the Community Legal Service and Criminal Defence Service.
- Case-by-case, individual payments on account of disbursements will be replaced with a contract-by-contract, annual (or twice-yearly) payment on account of disbursements.
- Commission prior authority will no longer be needed to get a payment on account of disbursements in Crown Court proceedings.
- The Costs in Criminal Cases (General) Regulations 1986 (as amended), guideline rates should continue to apply to expert's fees in criminal cases, and rates for civil

and family cases should relate to these, but with higher and lower minimum rates. Task-specific rates for some work may be specified.

- Guidance on the guideline rates will be expanded.
- Prior authorities will be abolished and rates within the guidelines accepted as reasonable on assessment.
- Terms of business between solicitors and experts will include Commission-specified terms, which will cover the timing of payment and the allocation of risk between parties in the event that fees are reduced on assessment.
- Firms of solicitors that have been approved by the Commission as 'Preferred Suppliers' will be able to self-grant authorities for expenditure on experts' fees up to specified limits – providing a guarantee of payment to them for the fee incurred.

Taken as a whole the Commission believes that the measures set out in the consultation paper represent a significant improvement on the current situation and ensure continued access to high quality, value for money, experts in publicly funded cases.

For further details on the consultation please visit the website or e-mail sue.wilson-fraser@legalservices.gov.uk or david.szaroleta@legalservices.gov.uk

WE ASKED YOU WHAT YOU THOUGHT – NOW WHAT ARE WE GOING TO DO ABOUT IT?

Back in May, we wrote to you all asking you to take part in our online survey of suppliers, so that we could understand your viewpoint, your concerns and your impressions. From the response we received, we were left in no doubt that you feel passionately about the future of publicly funded legal services and your feedback has been invaluable.

Some of the highlights of the survey were:

- You think that our staff are friendly and professional.
- You like *Focus* and *Focus on CDS* and use them in your day-to-day work.
- You believe that the Legal Services Commission has an important role to play in society.

Some of the things you would like us to work on with you, to improve working in partnership, are:

- Consulting with you more over changes we make.
- Explaining and simplifying our processes.
- Improving our response times.

We are listening to what you say, and following on from the survey results, we will be working with you, in an open and transparent manner, to pick up these areas for improvement. Our Executive Director of Service Design, Jonathan Lindley, will be leading a programme of work on improving working in partnership. If any of you would like to be involved in focus groups, or further, more detailed work on gathering views and opinions, please contact Jayne Elliott, Head of Customer Service, on 020 7759 1747 or jayne.elliott@legalservices.gov.uk

THE EUROPEAN UNION LEGAL AID DIRECTIVE

On 30 November 2004 Directive 2002/8/ESC of 27 January 2003 came into operation across the European Union. The Directive sets certain minimum standards for civil legal aid schemes in the Union, but applies only to cross-border disputes, ie cases where a party domiciled or habitually resident in one State is applying for legal aid in a different Member State where proceedings are to take place.

The impact of the Directive in England and Wales will be limited because the provision of legal aid under the Community Legal Service (CLS) generally satisfies or exceeds the minimum requirements of the Directive. The Directive specifically allows Member States to set their own financial eligibility levels and merits criteria. However, the Directive does provide for financial eligibility thresholds to be exceeded by a cross-border applicant who is out of scope as a result of differences in the cost of living between different Member States. Effectively, an applicant who is financially eligible for legal aid in their Member State of residence will be treated as financially eligible within the United Kingdom. The CLS Financial Regulations are being amended to

provide a discretion to waive eligibility limits in such cases. Further, the Directive ensures that any reasonable costs associated with the cross-border nature of the dispute, including interpretation, translation and travel costs, can be covered by legal aid.

The Directive also sets out procedures for the transmission of legal aid applications between jurisdictions. The relevant provisions closely match those of the existing Strasbourg Agreement on the Transmission of Applications. A standard form for transmission and application purposes has been established under the Directive and will shortly be available on our website. The contact point for receiving and transmitting applications under the Directive of the Strasbourg Agreement is the

Customer Services Team:
Central Customer Services Team
Legal Services Commission
London Regional Office
29-37 Red Lion Street
London
WC1R 4PP
DX 170 London
Tel: 020 7759 1525
Fax: 020 7759 1526

Note that the provisions of the Directive and the Strasbourg Agreement, supplement rather than replace, national systems. Applicants not resident in England and Wales remain fully entitled to seek funding using existing CLS forms and procedures.

SOLICITORS FAMILY LAW ASSOCIATION

The Solicitors Family Law Association (SFLA) is an organisation representing lawyers and mediators involved in all forms of Family Law. Approximately two thirds of the individual members undertake some form of Legal Aid work. Though this is a diminishing number, the SFLA remains fully committed to the preservation and development of Family Legal Aid. This is a time of change for all Legal Aid lawyers as a result of the proposals contained in the Funding Code Consultation, the proposed introduction of fixed fees and competitive tendering.

We are looking for a number of lawyers who would be interested in joining the SFLA's Legal Aid Committee to deal with these issues. You will have the opportunity of meeting with senior members of the Legal Services Commission and the Department of Constitutional Affairs. We would welcome people from all geographical areas of the country and are particularly keen to recruit a range of young Family lawyers representing various ethnic communities. It is not only an opportunity to influence the future development of Family Legal Aid; it would also put you in an advanced position to understand changes as they develop.

If you would like more information, please contact either Karen Mackay, Chief Executive of the SFLA, on telephone number: 01689 859 227 or by e-mail at Karen.mackay@sfla.org.uk or David Emmerson, Chair of the Legal Aid Committee, on telephone number: 020 8514 9000 or by e-mail at daveemerson@edwardsduthie.com

LSC LAUNCHES NEW WEBSITE

THE LSC HAS LAUNCHED A NEW AND IMPROVED LEGAL SERVICES COMMISSION WEBSITE (WWW.LEGALSERVICES.GOV.UK).

The website has been updated and enhanced, after carrying out extensive research conducted through pollsters MORI. In order to provide all users with an improved and more accessible site solicitors, barristers, members of the public, CAB employees and LSC staff were consulted about how the existing site could be made more user-friendly, relevant, accessible, and easier to navigate. The results have influenced the way in which the site has been organised and how information has been grouped together.

There are now four main paths to access the site contents from the home page:

ABOUT US

Contains introductory information about the LSC, including corporate publications (Annual Report, Corporate Plan), jobs and data protection/freedom of information material.

MEMBERS OF THE PUBLIC

Information targeted at the public, with links to Community Legal Service Direct for those seeking legal help and general information about the Community Legal Service and the Criminal Defence Service.

COMMUNITY LEGAL SERVICE (CLS)

Detailed information about the CLS for suppliers, the legal profession and academia. Includes information on the civil contract, statutory material and guidance, forms, reports and information regarding mediation, immigration and eBusiness services.

CRIMINAL DEFENCE SERVICE (CDS)

Detailed information about the CDS (as above for the CLS) including details about the Public Defender Service.

The new site has been enhanced so that it is much faster to use and has a great new

'look and feel' which re-enforces our focus of putting our clients at the heart of everything we do.

MORE ACCESSIBLE

It has been re-designed to ensure improved accessibility for everyone, including the visually impaired and people with older browsing facilities, often found in public libraries. Research suggests that very few public service websites meet accessibility standards, however our site is more than compliant with recent amendments to the Disability Discrimination Act 1995, which was introduced on 1 October 2004. It outlines that reasonable adjustments to any physical barriers that may prevent disabled people using a service should be made. The LSC website meets Web Content Accessibility Guidelines which are the standards of accessibility laid out by the World Wide Web Consortium (an organisation that has been created to develop standards for the Web) which define the accessibility of websites for people with disabilities.

The updated site has enhanced accessibility and usability in the following ways:

- **ACCESS KEYS**

The facility to navigate around the site using the keyboard as some users may have problems using a mouse.

- **SCREEN READER COMPATIBLE**

Compatibility with screen reader software packages that read the contents of a Web page out loud for visually impaired users.

- **EACH IMAGE HAS A DESCRIPTION BOX**

When a user hovers the mouse over an image, the image is described in words.

- **EASIER TO READ**

Text is broken up into shorter paragraphs with plenty of white space for improved clarity.

The site has been designed to make it easier for our suppliers and us to carry out work. With an improved search mechanism, finding useful information will be much simpler to do through a streamlined navigation system providing a clearer and more logical route to information that users may need.

Its content has been updated to increase efficiency for all users. Out of date information has been deleted or archived making the site a more effective tool with regular updates of relevant and current information. LSC staff will also have the facility to update the site more speedily with the introduction of a content management tool. Regional offices have a set of pages on the site, enabling more effective communication of news and information as well as with timely updates, to local suppliers and contacts.

If you have any questions, queries or suggestions please contact Michelle Sampson, eCLS Team at michelle.sampson@legalservices.gov.uk or by post to eCLS Team, Legal Services Commission, First Floor, 12 Roger Street, London, WC1N 2JL.

COMMUNITY LEGAL SERVICE DIRECT TAKES OFF

ADVICE LINE HANDLES MORE THAN 6,000 CALLS IN SEPTEMBER

Community Legal Service Direct was launched on 14 July 2004 providing free information, help and advice direct to the public on a range of common legal issues. Anyone that uses Community Legal Service Direct can get information about legal problems and find sources of help. People eligible for legal aid can also get free telephone advice from a qualified legal adviser about welfare benefits, debt and education. Community Legal Service Direct is available via a national helpline (**0845 345 4 345**) and a website (www.clsdirect.org.uk).

The national helpline is run through 12 organisations, which the Legal Services Commission contracts with to provide a specified number of casework hours. The organisations include firms of solicitors, Citizens Advice Bureaux and other not-for-profit providers.

Since its launch, calls to the national helpline have rapidly increased. In the four weeks from 27 August to 23 September a total of 6,875 calls were received to the main helpline number (0845 345 4 345). Callers who choose to access the telephone system by calling the long-established CLS Directory Line, which can now transfer callers straight into the telephone advice system. Calls to the Directory Line, together with some received through old advice line

0845 numbers that have been redirected into Community Legal Service Direct, comprise the rest of a total of more than 20,000 handled by the system.

The greatest number of calls to Community Legal Service Direct were handled by the Directory Line, which helps people find a face-to-face advice provider. The most popular advice option was Debt, although Education law has also proved popular. Around a quarter of calls were made by people in London and the next most active regions were the East, the West Midlands and the South West.

The Community Legal Service Direct national helpline will grow to keep pace with demand, and there are plans to expand it to provide national coverage in both Housing and Employment law during 2005.

The service may also be expanded to include Family law advice.

Publicity Materials

We have produced posters, flyers and business cards in both English and Welsh to publicise Community Legal Service Direct. If you would like to order these, please fax your request to St Ives Direct (01732 860 270) or write to Community Legal Service Direct Publicity, St Ives Direct, Enterprise Way, Edenbridge, Kent TN8 6HF, or download an order form from the LSC website.

If you would like more information about Community Legal Service Direct, please contact Beatrice Etemah at beatrice.etemah@legalservices.gov.uk or on 020 7759 1032.

PREFERRED SUPPLIER PROJECT – LOOKING AHEAD

The introduction of the new supplier management process last year enabled us to move away from the 'one size fits all' approach to assessment and audit. The preferred supplier pilot is building on this process, and developing it further to explore the relationships we have with suppliers at the top end of the quality spectrum. This will allow us to recognise and reward stronger performers, and it will enable us to incentivise other suppliers to develop the quality of the services they provide. This approach is essential if we – the LSC and suppliers – are to ensure that clients get the services they need.

DELIVERING PREFERRED SUPPLY

Historically, to safeguard public funds, the LSC has focused on suppliers who have performance or development issues. The preferred supplier pilot seeks to take the first steps towards the future for legal aid supply, by exploring some of the criteria, mechanisms and relationships that will need to be developed if we are to realise our aim of working more closely with suppliers who deliver the best possible, and most appropriate, services for our clients.

Ensuring that clients get the services they need, is a key part of the successful provision

of legal aid. To achieve this, we need to first ensure that all legal aid work provided is to a good quality standard – 'access to poor quality service is not access to justice'. Secondly, we need to make sure that between the LSC and suppliers we enable the most appropriate form of legal aid services to be delivered to clients. This involves the LSC knowing the government's priorities and preferred methods for tackling social exclusion; overlaying these priorities with the work that our suppliers deliver, and ensuring that the best possible and most suitable services are being received by the end user.

The preferred supplier pilot will make this vision an operational reality.

DELIVERING RELATIONSHIP MANAGEMENT

Relationship Management is the partnership between the firm and the LSC that will underpin

the Preferred Supplier relationship. It will enable us to develop a constructive and co-operative two-way relationship with suppliers; where a whole range of business and performance issues and improvements can be discussed and addressed openly and honestly. Most importantly, we will be able to encourage an open exchange of information and ideas, and work with suppliers to address the needs of the clients. This will enable suppliers to have confidence in how we manage the legal aid scheme (in terms of directing services and ensuring quality supply), and will give the LSC greater confidence to champion the services provided by suppliers.

If you want to know more about the pilot please e-mail christopher.purvis@legalservices.gov.uk or visit our web page at www.legalservices.gov.uk/supplier/index.htm



TELEPHONE ADVICE PILOT TO GO AHEAD

The Legal Services Commission recently approved a Criminal Defence Service Direct pilot that will provide initial legal advice over the telephone to people detained at police stations.

The pilot will begin on 4 April 2005 and last for at least six months.

A consultation on the pilot took place earlier this year and 64 responses were received by the LSC. Responses were received from many of the legal professional bodies, as well as individual solicitors firms. The LSC has listened carefully to all the responses received and the scope of the pilot has been changed in light of the responses.

The CDS Direct pilot will now provide advice in the following circumstances:

- When people are detained at police stations in Liverpool or Boston

(Lincolnshire), regarding a non-indictable only crime, such as petty theft or drunk and disorderly, where the time of interview is not known when the request for a duty solicitor is made.

- When people are detained at any police station in England and Wales where the matter is restricted to telephone advice only, such as driving with excess alcohol or a warrant.

Katherine Pears, Acting Director of the CDS, said: 'The LSC is committed to ensuring we obtain the best value for money for the services we fund. The CDS Direct pilot will help us in this aim and will enable the CDS

to explore an alternative method of service delivery. We appreciate the constructive response to consultation from the profession and will evaluate the pilot carefully. All CDS Direct advisers will hold The Law Society's Police Station Qualification. This will ensure that those detained at a police station will receive quality advice.'

Non-indictable only cases will only be passed onto a CDS solicitor when the police confirm to CDS Direct that a time has been set for an interview or identification.

For more information please visit our website at www.legalservices.gov.uk

COMMUNITY LEGAL SERVICE DIRECT INFORMATION LEAFLETS

The Community Legal Service Direct leaflet range has been extended by a further seven titles: *Veterans, Living Together and your Rights if you Separate, Domestic Violence, Abuse and Harassment, Change of Name, Dealing with Someone Else's Affairs and Neighbourhood Disputes*. The first of these new leaflets, *Veterans*, was launched on 5 October; the remaining six titles will be available in January 2005.

The leaflets are regularly updated by independent authors to ensure that they remain accurate and relevant. All leaflets in the existing series will be reviewed by December 2004. The version date for each leaflet is clearly shown on the front of each leaflet and the correct version date for each leaflet is printed on the leaflet order form.

To order the leaflets please contact the LSC Leaflet Line:

Telephone: 0845 3000 343

Fax: 01732 860 270

E-mail: LSCleafletline@stivesdirect.com

Leaflets can also be ordered when calling the Community Legal Service Direct national helpline on 0845 345 4 345 and can be viewed and downloaded from www.clsdirect.org.uk

If you have any queries or comments concerning the leaflets please contact

Ian Philpott

Community Legal Service Direct

12 Roger Street

London

WC1N 2JL

or e-mail

ian.philpott@legalservices.gov.uk

WANTED

UNSUNG HEROES OF LEGAL AID

The Legal Services Commission is once again backing the Legal Aid Lawyer of the Year awards.

These prestigious awards – organised by Independent Lawyer magazine and the Legal Aid Practitioners Group (sponsored by Jordans) – are now into their third year. They are intended to celebrate and promote the vital work done by legal aid lawyers across the country – not just those doing high profile cases.

The LSC is proud to be sponsoring the award for the Young Legal Aid Lawyer of the Year, as part of our commitment to ensuring the future of the scheme by encouraging the recruitment of high-calibre, dedicated lawyers. Last year's Young Legal Aid Lawyer award was won by Rachel Edwards, from Harters Solicitors. Rachel, a fluent Spanish speaker, impressed the judges not only by her commitment to her mainly Columbian women clients facing domestic violence, but also for her invaluable help while still an LPC student in lobbying for a dedicated legal aid course.

The organisers are seeking nominations in eight categories this year:

- **Young Lawyer** – sponsored by the Legal Services Commission (www.legalservices.gov.uk)
- **Criminal Defence** – sponsored by the Criminal Law Solicitors Association (www.clsa.co.uk)
- **Immigration** – sponsored by the Law Society (www.lawsociety.org.uk)
- **Social and Welfare** (sponsor to be announced)
- **Mental Health** – sponsored by Matrix (www.matrixlaw.co.uk)
- **Family** – sponsored by the Solicitors Family Law Association (www.sfla.org.uk)
- **Team of the Year** – sponsored by 36 Bedford Row (www.36bedfordrow.co.uk)
- **Barrister** (sponsor to be announced).

The LALY judges, chaired by Cherie Booth QC, will also be making an award to the Legal Aid Personality of the Year – sponsored by Law Abroad (www.lawabroad.co.uk).

The closing date for nominations is 31 March 2005. Nomination forms and further details are available at www.independent-lawyer.com; or phone Independent Lawyer on 020 8211 0904 if you would like a nomination form sent to you.

COMMUNITY JUSTICE IN LIVERPOOL

Beginning in December 2004, the Community Justice Centre (CJC) on Merseyside, is a pilot which introduces a new approach to justice. It engages the local community in finding solutions to anti-social behaviour, social exclusion and crime and adopts an end-to-end problem-solving approach towards offenders. The proposed pilot has been instigated by the Department for Constitutional Affairs following a fact-finding visit to the Red Hook Project in New York. A local CJC steering group, based in Merseyside and made up of all interested parties including the police, Crown Prosecution Service, Court Service and the Legal Services Commission, has been developing the working remit of the CJC since May 2004.

The CJC will contain a court initially covering low-level crime at general magistrates' court level, with some detail on types of cases to be decided by the local community. This remit will later be expanded as the CJC develops. The new problem-solving approach will require a different approach from solicitors, who will help to identify other issues contributing to a defendant's offending behaviour, and signpost defendants to other services, many of which will also be based in the CJC.

On 18 October 2004, Lord Falconer appointed David Fletcher as the judge for the North Liverpool Community Justice Centre and announced the location of the CJC to be at what was formerly St Gerard's School at Boundary Street, North Liverpool. Judge Fletcher's appointment was announced at a press conference by the Secretary of State and Baroness Scotland at the Boundary street site. Judge Fletcher commented:

'I am looking forward to working closely with the community within North Liverpool and see this very much as a 'hands on' role. This centre will be different to any other court in the UK and I am committed to making it work for the benefit of residents within the area, to

make it a safer, better place to live. I will have the support of a team who will help to tackle the root causes of crime by working to solve the problems that are causing people to offend, for the benefit of the whole community.'

The Merseyside regional office of the LSC has taken the lead in identifying the probable operational impacts and requirements of the pilot on defence practitioners. Because of the innovative nature of the CJC, it is vital to the success of the pilot that local crime practitioners are involved in the development of the defence role from the outset. Therefore, the initial months of the pilot will be utilised to find the best way of providing defence services that suit the needs of the CJC. This will be achieved by involving all appropriate local defence practitioners within the pilot and by developing the future scheme with due regard to their experiences and feedback.

Due to the special requirements of the CJC, there is a possibility that the LSC will need to widen the scope of the current duty solicitor scheme (for the CJC only). There is also the possibility that, after the initial stages of the pilot, the LSC may concentrate on working exclusively with a smaller group of suppliers

who will thus have the opportunity of developing true expertise in delivery of defence services within the context of the CJC. These changes would only be made if deemed necessary in the best interests of the CJC client, and after full consultation.

On 19 October 2004, local defence practitioners in Liverpool met with Merseyside LSC regional office representatives. This provided them with an early opportunity to discuss the CJC and the role of the defence, prior to the commencement of the pilot. Further workshops involving representatives of defence practitioners, other interested agencies, including the Crown Prosecution Service, and Judge Fletcher are being planned.

The definitive role of the CJC is not yet set in stone, and will change as the project develops. Consultation will take place in the new year with local and national partners, to inform the CJC's future development. Now that the CJC is about to start, we will provide more regular updates on it through *Focus* and the internet. For more information about the CJC, please contact Debbie Clarke at the DCA: debbiem.clarke@dca.gsi.gov.uk

THE IMMIGRATION SERVICES TEAM HAVE MOVED

Please note the Immigration Services Team at Head Office has changed address. For all future correspondence, please use the new contact details below (please note that this office does not deal with applications for extensions or CLR):

Immigration Services Team
Legal Services Commission
Fourth Floor, 12 Roger Street
London WC1N 2JL.

DX 328 London/Chancery Lane

Tel: 020 7759 1471

Fax: 020 7759 1469

E-mail:

immigration.services@legalservices.gov.uk

The contact details for the National Immigration Team at the London regional office remain the same. All applications for extensions and CLR must be made to that same address:

National Immigration Team
Legal Services Commission
London Regional Office
29/37 Red Lion Street
London WC1R 4PP.

DX 170 London/Chancery Lane

Tel: 020 7759 1591

Fax: 020 7759 1592 (urgent applications only).

IMMIGRATION AND ASYLUM ACCREDITATION SCHEME

The Immigration and Asylum Accreditation Scheme was launched in March this year and many candidates have already been assessed. CLT (the independent assessment organisation) ran one assessment round on 23 and 24 November and has a further round planned for 15 and 16 February 2005. If you wish to continue providing publicly funded immigration advice from 1 April 2005 and you have not already been assessed you will need to have been assessed at one of these two rounds. Further information can be found on CLT's website at www.immigration-and-asylum.co.uk. Assessment rounds will continue after 1 April and we will publish details of these as soon as possible.

All applications have now been logged on our database and all candidates should now have received a letter of acknowledgement and a reference number which should be used on any future correspondence with the Legal Services Commission and when booking assessments with CLT. If you have not received this letter then please contact us on the number given below.

While processing the applications we have noticed that some are not compliant with the rules of the scheme as set out in the Operational Guidance issued to all suppliers at the end of March 2004 (and available on our website). We would therefore like to remind suppliers of the following points:

- Unless you are the sole member of the immigration department, at least one member of your immigration team should seek accreditation as Supervisor. If you have an external supervisor you should ensure that that person is seeking accreditation.
- Some suppliers have nominated all their staff to be assessed against the Supervisor standard. Please remember the Commission will only reimburse the costs of successful candidates that have been approved by the Commission to act as a Supervisor.
- At least one member of the team should be seeking accreditation at Level 2 and choosing to demonstrate their competence in asylum law and practice.

- Please remember that accreditation is of each individual caseworker and not of the organisation as a whole. If you move to a different organisation you should ensure that you complete and submit the IAAS-COD form (available on our website at www.legalservices.gov.uk/contract/g_civil.htm). If you do not do this we will be unable to reimburse your costs or issue your certificate when you have successfully completed assessments.
- Please remember that all members of your staff who will be performing publicly funded work must be accredited. We have been asked whether it would be sufficient to accredit only those who have conduct of files. Our view is that everybody who does work for which you intend to make a claim from the Commission must be accredited to Level 1 as a minimum.
- The accreditation scheme is not a one-off exercise. As you recruit new staff an application form should be submitted to the Commission, if they are not already accredited, and they should work towards achieving accreditation within the appropriate timescales.

If you have any queries about this article or the accreditation scheme generally please contact Rebecca Bowry on 020 7759 1475 or rebecca.bowry@legalservices.gov.uk

CONTRACT NEWS

CHANGES TO THE COSTS COMPLIANCE APPEAL PROCESS

Contract Changes to the Costs Compliance Appeal Process affecting both the civil and criminal contracts came into effect on 31 October 2004.

The revised contract provisions:

- Rules 2.14-2.18 General Civil Contract (Solicitors) Specification
- Rules C1.1 and C1.10-1.13 General Criminal Contract Specification

have been placed on the LSC website (www.legalservices.gov.uk) and will also appear in the forthcoming update of the LSC Manual. In the meantime, copies of the rules showing the changes have been sent to all contract holders.

Suppliers with any queries on the changes should contact the contracting team in their regional office.

Assessments – Rules 2.14 (civil) and C1.11 (criminal)

The changes made to these particular rules do not affect day-to-day business, but are designed to clarify our powers to extrapolate sample findings. In the case of the civil contract, the wording of the rule further reinforces the requirement that work claimed for must be supported by evidence on the file at the time of the claim.

Applying findings generally on assessment – Rules 2.15 (civil) and C1.10 (criminal)

Again, these changes primarily clarify our existing powers.

However, the rules now say that, when we extrapolate sample results, we can do so back to claims made:

- since the date the file sample was requested for the last contract compliance audit; or
- from a date 12 months immediately preceding the date the file sample was requested for Assessment on the current audit,

whichever is the most recent.

This means that for the purposes of extrapolation, an audit began when the files were first requested from the supplier. The intention is that the supplier gains no benefit by delaying submission of the files.

Appeals – Rules 2.16 (civil) and C1.11 (criminal)

We have aimed to achieve a more streamlined and transparent appeal process, working closely in consultation with the Law Society and LAPG.

- (1) Firms must serve notice of appeal, with written reasons and the files, within 28 days

of notification of the audit results. However:

- The LSC regional office will grant an extension of 14 days on top of the 28 days where it is requested within 21 days and there is good reason.
- The 28-day time limit will not start to run until the files have been returned to the firm following the audit.

- (2) Where an appeal is lodged in accordance with these requirements then the Regional Director will endeavour to list it before the Costs Committee within a reasonable period and:

- The Regional Director may make a written reply to the appeal up to 21 days before the listed date.
- The firm may respond to this reply in writing up to seven days before the listed date.

- (3) As before, there is a right to attend an oral hearing before the Costs Committee. Nevertheless, both parties should ensure that all issues that they want to raise are set out in the written representations, as raising new issues will require leave of the Committee, who will consider if there is good reason why they were not raised previously.

However, the Committee itself can consider matters *de novo* and raise additional or new issues in exercise of its discretion to increase, confirm or reduce the assessment.

Points of principle for further appeal to the Costs Appeals Committee – Rules 2.17 (civil) and C1.12 (criminal)

As before, any application by a firm before a Costs Committee to certify a point of principle of general importance will take place on the papers only.

The regional office can itself certify a point of principle within 21 days but will now require permission from the LSC's Legal Director (or nominated deputy) before doing so.

The jurisdiction of the Costs Appeal Committee has also been clarified.

Wider context

These Contract changes represent only part of the agreement that we have reached with the Law Society and LAPG on ways of improving the appeal process. We have also agreed the following:

Customer Service Standards

Outside of the contractual requirements, the LSC regional office will aim to process the appeals in accordance with the following customer service standards:

- They will acknowledge receipt of appeals within 14 days.

- The acknowledgement will either set a date for the appeal committee or state the period within which it will be heard.
- They will review appeal representations within a further 28 days and write to the supplier with any reply and to advise what points, if any, are not in issue. (The contract provides that this reply must be sent at least 21 days before the date fixed for the appeal). If they have not already done so, the regional office will provide an appeal date at this stage.

These standards will of course be subject to review from time to time as required.

Monitoring Group

A joint monitoring group will be created, made up of Law Society and LAPG nominees and central and regional representatives from the LSC. The group will meet regularly to review the operation of the contract compliance process, with the aim of improving consistency and of dealing with particular problems that arise.

The group will not be an alternative appeal route, but will produce practical guidance and recommendations, for example on further training or on improvements to the way in which audit results are fed back to firms. Amongst its other functions, the group will monitor the compliance of the LSC with the customer service standards and also review data on the consistency of decision-making.

Review Panel Chairs' Working Party

The Law Society will nominate a representative to assist the Working Party in their ongoing work to improve Committee processes.

Measures currently under consideration by the Working Party include:

- Ensuring that regions record data in a more consistent manner; particularly Costs Committee decisions and the reasons for them. This will improve the quality of feedback to staff on their performance, and also allow the LSC and the joint monitoring group to more easily compare regional performance and address any issues that arise.
- Compulsory training for committee members.
- A newsletter for committees.

Costs Appeals Committee and Contract Review Body

In the interests of streamlining the process, the LSC will consult on changes to the roles of the Costs Appeals Committee and Contract Review Body to provide for a single body, which could deal with cost appeals as well as contract awards, sanctions and terminations. The aim will be to introduce these changes from April 2005.

PUBLIC INTEREST ADVISORY PANEL SUMMARIES

The Public Interest Advisory Panel reports to the Legal Services Commission on cases that are considered to raise public interest issues. These reports are then taken into account by the Commission in decisions under the Funding Code. For more information on the Panel see the article in *Focus* 31 (page 2) and section 5 of the Funding Code Decision-Making Guidance in Volume 3 of the LSC Manual and on the website at www.legalservices.gov.uk.

Summaries of cases considered by the Panel were contained in *Focus* 32-45. A summary of the cases that have since been referred to the Panel is set out below. These are taken from the full reports of the Panel, but omit individual client details. In each case the Panel gives an opinion as to whether or not the case has a significant wider public interest. Cases that have a significant wider public interest are usually assessed in one of three categories, namely "exceptional", "high" or simply in the general category of "significant" wider public interest.

PIAP/04/225

Nature of Case

Proposed judicial review of the Police Complaints Authority decision not to refer an allegation to the disciplinary tribunal. The applicant argued that the Authority has misdirected itself in law by applying the incorrect standard of proof to the applicant's complaint.

Report of Panel

The Panel considered that this case had significant wider public interest as it had the potential to establish the correct standard of proof to be applied by the Police Complaints Authority, and now the new Independent Police Complaints Commission. Therefore, this case has the potential to impact on all future complainants to the Independent Police Complaints Commission.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/232

Nature of Case

Proposed judicial review of district judge's determination that while there is a discretion to reconsider bail at any time, there is no right to make a further, fully considered bail application 28 days after the last one was made.

Report of Panel

The Panel did not consider that the applicant's counsel was correct in his interpretation of the decision in *Bezicheri v Italy* [1989] 12 EHRR 210 that there is a right to a renewed bail hearing after 28 days. While the Panel considered that there were important issues to be considered surrounding the application of the decision in *Bezicheri* to the operation of the Bail Act, they did not consider that this case provided a suitable vehicle to advance those issues. In particular, the Panel noted counsel's view that the district judge's decision not to grant the applicant bail was unimpeachable. They also did not consider that the judge's decision in this case was likely to be read as implying that he had in any way fettered his decision in considering the applicant's application, as he did not state that he would not consider bail after a 28 day period, just that he did not consider that reconsideration was warranted in the applicant's case.

Conclusion

No significant wider public interest.

PIAP/04/233

Nature of Case

Application for Investigative Help for proposed personal injury proceedings against a National Autistic Society school for failing to protect a pupil from his own self-harming behaviour.

Report of Panel

The Panel considered that this case has considerable potential to impact on the policies and practices of those organisations that are responsible for people at risk from self-harming behaviour. Accordingly, the pursuit of the case is likely to bring tangible benefits to large numbers of vulnerable people.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/235

Nature of Case

Proposed action against a local authority under section 8 of the Funding Code in respect of protracted Children Act proceedings and a connected employment matter.

Report of Panel

The Panel did not consider that this case was likely to develop principles of general application, as it was likely that any proceedings would fall to be determined on its own particular facts. In addition, the Panel considered that the employment matter would simply be an application of the principles set out in *Gogay v Hertfordshire County Council* [2000] IRLR 703.

Conclusion

No significant wider public interest.

PIAP/04/236**Nature of Case**

Proposed appeal to Court of Appeal from High Court decision to refuse judicial review of a decision by the Secretary of State to decline to quash a finding of guilt in prison disciplinary proceedings where the applicant was refused representation.

Report of Panel

Recalling its decision in PIAP/02/144 in a previous case heard together with these proceedings in the High Court, the Panel considered that this case had the potential to provide guidance on the correct application of the European Convention of Human Rights (ECHR) in *Ezeh v UK* (application no: 39665/98). While the Panel noted that similar issues are likely to be touched on by the House of Lords in the cases of *R (on the application of Al Hasan)*, *R (on the application of Carroll)* and *R (on the application of Greenfield) v Secretary of State for the Home Dept*, those proceedings are unlikely to determine the particular issues raised by the applicant in this case. However, the Panel considered that the public interest in this case should be reviewed in light of any guidance developed by these other cases.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/238**Nature of Case**

Proposed action in clinical negligence and/or under the Human Rights Act 1998 for failure to inform a disabled female patient of the risk of infertility as a result of radiotherapy treatment.

Report of Panel

The Panel agreed that the treatment of disabled patients, and especially disabled female patients, by the NHS does raise significant issues of public importance. However, the Panel did not consider that this case was the right vehicle in which to pursue those issues in light of its particular facts. In particular, the Panel was concerned that the causation problems that arise in

this case meant that it was unlikely to produce an outcome that could address the issues mentioned.

Conclusion

No significant wider public interest.

PIAP/04/239**Nature of Case**

Proposed personal injury proceedings based on allegation of exposure to depleted uranium (DU).

Report of Panel

The Panel accepted that the issue of protection for people handling DU in employment was an important one. However, the Panel was of the view that without further investigation it would not be possible to determine the strength of this particular case and hence its ability to provide guidance on those issues. If, once investigation was complete, this case was able to overcome its potential causation problems, the Panel considered that it had the potential to impact on the safety of those handling DU in their employment and also on government regulation of DU.

Conclusion

Significant wider public interest

Rating

Significant

PIAP/04/199**Nature of Case**

Proposed proceedings in negligence and breach of contract against the University attended by the applicant arising out of its handling of his PhD studies.

Report of Panel

The Panel reconsidered this case in light of the additional representations provided by the applicant and counsel. Close consideration was paid to counsel's view regarding the jurisdictional point. However, the Panel remains of the view that this case does not have significant wider public interest. The Panel considered that the prospects of success in this case are poor and that the court would not be able to deal with the jurisdiction point in isolation from the overall merits and individual facts of the case.

Finally, the Panel noted that section 20 of the Higher Education Act 2004 (not yet in force) removes the jurisdiction of the visitor in cases such as this one. In light of this development, any ruling on the jurisdiction question would be unlikely to benefit many people.

Conclusion

No significant wider public interest.

PIAP/04/234**Nature of Case**

Proposed personal injury proceedings by a passenger involved in the Paddington rail crash on 5 October 1999, who subsequently stabbed a man to death while suffering from Post Traumatic Stress Disorder (PTSD).

Report of Panel

The Panel recognised that this case could be distinguished from the decision in *Clunis v Camden and Islington Health Authority* [1997] EWCA Civ 2918, [1998] QB 978, on the basis that this case involved an applicant who, but for his involvement in the accident that is said to have caused his injury, did not have a pattern of mental illness or criminal behaviour.

In light of the particular facts of this case, the Panel considered that it was an appropriate case in which to test the principle set out in the judgment of Auld LJ in *KR v Bryn Alyn Community (Holdings) Ltd* [2003] EWCA Civ 85 that:

'Notwithstanding anything said by this Court in *Clunis* an argument may survive that damages are recoverable in respect of tortious acts that have resulted in a law-abiding citizen becoming a criminal.'

Specific judicial guidance in relation to the application of the *ex turpi causa non oritur actio* principle to otherwise law abiding citizens who are said to have become criminal as a direct result of a tortious act, has the potential to produce real benefits to members of the public wider than the applicant.

Conclusion

Significant wider public interest.

Rating

Significant to high

PIAP/04/240**Nature of Case**

Proposed claim for judicial review and/or breach of article 5(4) of the ECHR in relation to the failure of a restricted patient's responsible medical officer to submit his report to the Mental Health Review Tribunal (MHRT) until five days prior to the hearing. The delay in submitting this report led to the MHRT having to adjourn the hearing for an additional 17 days in order to allow sufficient time for the Secretary of State to respond to the report.

Report of Panel

The Panel considered that this case had the potential to develop the precedent provided by the judgment in *R (on the application of KB) v Mental Health Review Trust* (2002) 5 CCLR 458 in relation to the impact of delays in tribunal hearings on the rights in article 5(4) of the ECHR. In addition, this case could establish that privately run hospitals where patients under the Mental Health Act 1983 are detained, are 'public authorities' within the meaning of the Human Rights Act 1998.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/241**Nature of Case**

Proposed action in judicial review and/or for breach of article 5(4) of the ECHR in relation to the timing of Parole Board reviews of the detention of mandatory life prisoners.

Report of Panel

The Panel considered that the points regarding the role of the Secretary of State in granting parole raised in this application did have significant wider public interest. The Panel agreed that there was currently a difference in approach in the two leading authorities of *R (on the application of Spence) v Secretary of State for the Home Dept* [2003] EWCA Civ 732 and *Murray v Parole Board* [2003] EWCA Civ 1561. A case that could produce further guidance on the correct approach would be useful. While the Panel was concerned that this case did not provide

the strongest set of facts upon which to challenge the Secretary of State's role, this case was still capable of leading to judicial guidance on the points raised and so was considered to have significant wider public interest.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/243**Nature of Case**

Proposed petition to the House of Lords in personal injury proceedings.

Report of Panel

The Panel considered that this case had significant wider public interest as it had the potential to provide strong judicial guidance on the content of the duty of care owed to customers by the owner of a business when he or she employs sub-contractors to deliver services to them. In particular, this case has the potential to provide guidance on the correct approach as between the Court of Appeal judgments in *Gwilliam v West Hertfordshire Hospitals NHS Trust* [2002] EWCA Civ 1041 and *Bottomley v Todmorden Cricket Club* [2003] EWCA Civ 1575.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/244**Nature of Case**

Proposed petition to the House of Lords to determine whether the role of the Secretary of State in determining when prisoners serving a determinate sentence of 15 years or more are released from prison, contravenes article 5 read with article 14 of the ECHR.

Report of Panel

The Panel agreed that this case has the potential to provide useful guidance on the application of article 14 of the ECHR. The support of the Home Secretary of the petition on this point has assisted the Panel in reaching this view. In addition, the House of Lords may give a more general view of

the Home Secretary's powers in relation to parole in this case, this would also be of benefit to the wider public.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/245**Nature of Case**

Proposed judicial review of the decision of the Secretary of State for Health not to hold a public inquiry into the care and treatment of a convicted serial killer.

Report of Panel

The Panel agreed that there were clear distinctions between the public inquiry requested and the inquiry under the National Health Service Act 1977 that is proposed. In particular it was noted that the current form of inquiry means that the involvement and investigation of agencies other than the NHS is purely voluntary.

In light of the above and on the basis of the letters before the Panel, the Panel accepted that there was significant wider public interest in these proceedings as it had no doubt that there would be significant wider public interest in a public inquiry being ordered in this case.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/246**Nature of Case**

Proposed action in trespass against the National Care Standards Commission, now renamed the Commission of Social Care Inspection, regarding its actions in entering and inspecting a property with a view to reclassifying it as a care home. The applicant also sought a declaration that he is a tenant of the property concerned and not a care home resident.

Report of Panel

The Panel considered that the point underlying this application regarding the

effect of an existing tenancy on the re-classification of a property as a care home may have wider public interest. However, the information available to the Panel does not address this point. Instead, the information provided relates to the action in trespass, which the Panel considered to be weak on its merits and would ultimately be determined on its own facts.

Conclusion

No significant wider public interest.

PIAP/04/247

Nature of Case

Potential action for trespass to the person against the West Yorkshire Police for actions of police officers in strip searching a minor.

Report of Panel

The Panel did not consider that there was any underlying ambiguity in Code c:10 that this case would address. Further, there was no evidence that the actions complained of in this case were widespread.

The Panel therefore considered that this case would turn on its own facts and would be unlikely to establish any new legal principle or affect current police practices, while nevertheless deploring the facts of the case as presented.

Conclusion

No significant wider public interest.

PIAP/04/248

Nature of Case

Proposed judicial review of the decision of the Immigration Appellate Authority not to consider the race discrimination issues raised by the applicant in her appeal before them.

Report of Panel

The Panel considered that it appeared clear from the papers that an error had been made in the handling of the applicant's case that had led to her being deprived of recourse to a damages claim. However, this appeared to be a one-off mistake by the Immigration Appeal Tribunal.

The existing Practice Direction, issued by the Chief Adjudicator of Immigration Appeals in 2001, already provides that any appeal where an allegation of racial discrimination is raised,

must determine that allegation regardless of its effect on the overall outcome of the case. While this direction does not appear to have been followed in the applicant's case, it did not appear to be a widespread problem. Therefore, this case was unlikely to be of wider benefit beyond to the applicant herself.

Conclusion

No significant wider public interest.

PIAP/04/249

Nature of Case

Proposed damages claim under the Human Rights Act 1998 and the Data Protection Act 1998 regarding the use of inaccurate data by the defendant local authority in denying the applicant access to his son.

Report of Panel

It appeared clear from the papers before the Panel, in particular the application for summary judgment, that the applicant's solicitors consider the law in this case to be settled and clear. Therefore, there is no indication that there is a need, or that the case has the potential to provide clarification or development of the law in this area.

The Panel therefore considered that this case was likely to be determined on its own facts and would not provide any wider benefit beyond the applicant himself.

Conclusion

No significant wider public interest.

PIAP/04/250

Nature of Case

Proposed judicial review of a decision by the Mental Health Review Tribunal not to discharge the applicant from an admission, despite the fact that she had not been physically detained in hospital for a significant period. This case seeks to establish the appropriate interpretation to be given to section 3 of the Mental Health Act 1983.

Report of Panel

The Panel was provided with clear evidence that section 3 of the Mental Health Act 1983 affects a large number of people every year. Accordingly, any additional guidance provided by the court on its appropriate interpretation would have significant wider public benefit.

It appeared from the evidence provided in support of this application, that the interpretation given to section 3 by the Mental Health Review Tribunal in this case blurred the distinction between community treatment and detention. There would be potential benefit to all those under a section 3 order in there being clarification as to when detention itself is necessary for there to be a section 3 order, and to what extent community treatment should take place within an existing section 3 order.

Conclusion

Significant wider public interest.

Rating

Significant

PIAP/04/252

Nature of Case

Proposed appeal to the Court of Appeal against the decision of the court at first instance that a Housing Association's notices to increase rent from the first Monday in April, rather than June as stated in the tenancy agreement, were valid and the amount of rent claimed was "lawfully due". The applicants also wish to challenge the imposition of a costs order against them.

Report of Panel

The Panel accepted that if this appeal were to be successful then there is likely to be a significant monetary benefit to a large number of Housing Association tenants. Advice of counsel is that there are good grounds to appeal the decision and the Panel found no reason to dispute that view.

While the Panel acknowledge that there would be potential disbenefits to the public purse should the applicants be successful, they did not consider that they were able to take account of these.

Finally, the Panel considered that there appeared to be clear procedural problems with the costs order against the applicants in this case that required further judicial consideration.

Conclusion

Significant wider public interest.

Rating

Significant

PAYMENT DATES *for the first half of 2005*

The proposed payment dates for the first half of 2005 are set out below. These dates may be subject to amendment, but we will inform you of changes in advance where possible.

If you are paid by BACS (Bank Automated Clearing System) the proposed payment date shown is the date on which you will receive a payment in your bank. For some smaller banks the BACS credit may appear a day later. The proposed payment date will also be the date by which the last of the cheque/remittance advices are despatched from the Financial Services Settlement section. Remittance advices are despatched using DX or first class post.

If you are still being paid by cheque, we recommend that you change to BACS, which is a more efficient payment method.

With BACS, the payment is made directly into your bank account avoiding cheque-handling and you also receive a remittance advice. BACS provides immediately cleared funds, unlike cheques which can take four to six days to clear. If you have any queries about payment by BACS, please telephone the Master Index Section on 020 7759 0261.

Details of the amount due to you may be obtained by contacting either the Regional Office or the Solicitors/Counsel Settlement section on 020 7759 0260 but no earlier than the day before the

proposed payment date. However, if you have a query regarding an individual item shown on a remittance advice, you should contact the relevant regional office, which authorises and processes all such bills.

Keeping us up to date

Names, addresses, DX, fax and telephone numbers and bank details for BACS payments are held on the Commission's Master Index database. Please send any relevant changes relating to your firm or chambers to the Master Index Section at 85 Gray's Inn Road, London, WC1X 8TX, or at DX 328 London.

CONTRACT PAYMENTS	1ST SETTLEMENT OF THE MONTH	2ND SETTLEMENT OF THE MONTH
FRIDAY 7 JANUARY 2005	THURSDAY 13 JANUARY	THURSDAY 27 JANUARY
FRIDAY 4 FEBRUARY 2005	THURSDAY 10 FEBRUARY	THURSDAY 24 FEBRUARY
FRIDAY 4 MARCH 2005	THURSDAY 10 MARCH	THURSDAY 24 MARCH
WEDNESDAY 6 APRIL 2005	THURSDAY 14 APRIL	THURSDAY 28 APRIL
FRIDAY 6 MAY 2005	THURSDAY 12 MAY	THURSDAY 26 MAY
MONDAY 6 JUNE 2005	THURSDAY 9 JUNE	THURSDAY 23 JUNE

Focus is sent automatically to all LSC account holders, free of charge. It is usually published four times a year. It is not strictly quarterly as it is produced whenever we need to communicate important information to the profession, rather than according to a rigid timetable.

Focus is distributed using the names and addresses of all LSC account holders, details of which are held on our Master Index database. If you have not received a copy of *Focus* it may be because you have not alerted the Master Index Section to changes to your name, address or DX. Please make sure you send any relevant changes to them at 85 Gray's Inn Road, London, WC1X 8TX or fax them to 020 7759 0525. Please quote your LSC account number.

It is important that *Focus* is seen by everyone in your firm who is involved in LSC work. To help you circulate *Focus*, you may make as many photocopies as you need. Issues from number 26 are also available in PDF format on the LSC website at www.legalservices.gov.uk

To order back issues of *Focus*, please contact Neil McLeavey on 020 7759 1838 or neil.mcleavey@legalservices.gov.uk

FOCUS IS PRODUCED BY THE
LEGAL SERVICES COMMISSION'S
COMMUNICATIONS DIRECTORATE,
85 GRAY'S INN ROAD,
LONDON, WC1X 8TX
(DX 450 LONDON)

**PLEASE CONTACT
CHRIS DAVIES ON
020 7759 0523**

christopher.davies@legalservices.gov.uk

FOR GENERAL ENQUIRIES PLEASE
CONTACT THE MAIN SWITCHBOARD
ON: 020 7759 0000