



Sir Bill Callaghan interview with new Chair of the LSC

INTERVIEW PAGE 8

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focus

Inside >>

NEWS INCLUDING

- 2 Family VHCC
- 3 CDS forms review
- 3 Family Barristers
- 4 How to Tender Seminars
- 5 New option for child maintenance
- 6 New top team at the LSC
- 7 Health expert evidence
- 12 Virtual courts
- 13 University Recruitment
- 14 Delivery Transformation
- 15 Help for home repossession
- 16 Quality initiative for advocates
- 17 Family law - new remedies & public funding
- 17 Improving access to civil legal aid
- 18 Contract compliance audits
- 19 ESA new passporting benefit
- 20 Recovery in defence costs

LSRC BRIEFING

- 10 Introducing the LSRC
- 11 New client choice survey

INTERVIEW

- 8 Interview - Sir Bill Callaghan, the new Chair of the LSC



Civil consultation

Proposals to take forward reforms to civil legal aid services have been mapped out in a consultation paper called 'Civil Bid rounds for 2010 Contracts'.

The paper deals with arrangements for the procurement and delivery of civil legal aid services under a new contract. This was published by the Legal Services Commission (LSC) on 31 October 2008.

Five broad areas are covered in the paper:

- > Types of services we want to buy
- > Where services will be delivered
- > How we will procure services
- > Changes to the scope of funding
- > Key changes to the contract standard terms (covering civil and crime work).

The current Unified Contract (Civil) expires on 31 March 2010 and interim Executive Director Crispin Passmore said: 'It is best for clients as well as compliance with the law that we hold an open and transparent process for awarding new contracts which allows new and existing providers to bid fairly for the work.'

'It is important that standards of service to clients are maintained – or increased when possible – in all categories of law. In particular, the process of awarding new contracts provides an opportunity to continue to work towards securing easier access to face-to-face advice for clients and delivering joined up services.'

Civil Consultation (cont.)

<< P1

This approach builds on the aims of the Community Legal Service (CLS) Strategy and Family Strategy.

The key objectives of the proposals are to:

- > Deliver a more integrated service to clients by increasing the proportion of providers offering the full range and breadth of civil legal aid services.
- > Make sure clients are able to reach an appropriate service either locally or through reasonable travel.
- > Award contracts to providers meeting quality thresholds to help safeguard the quality of advice clients receive.
- > Distribute CLS funding so as to maximise clients access to local services and filling gaps in services.
- > Make sure that providers are able to bid for sufficient volumes of work to enable delivery of a full breadth of services that are regularly available and accessible to clients.

Regional events will be run during the three-month consultation period and providers will be alerted to the details of these once confirmed. The consultation closes on 23 January 2009

The consultation paper and online response system are available on the Civil Consultations page of the LSC website (see below).

Q&As on the proposals are also available on the same page of our website and we will update these throughout the consultation period. Any queries about the consultation proposals should be sent to the email address in the Contact and Information box below.

@ CONTACT & INFORMATION

email: civilreform@legalservices.gov.uk

web: [lsc website > cls > civil consultations](#)



Changes to help family VHCC providers

Major changes have been made to improve services and guidance for providers involved in Family Very High Cost Cases (VHCC).

These include:

- acknowledgement of notification from a provider that a case meets the VHCC criteria
- permanently staffed direct enquiry line between 9am - 5pm
- case ownership by a specific LSC caseworker, where further information is requested, until agreement is reached
- increased contact with providers, via email and telephone, to seek further information
- prioritisation of further information request responses

These improvements are the result of work between the Legal Services Commission (LSC)

and providers to review and improve services.

This has been carried out following the transfer of responsibility for processing Family VHCC plans to LSC South Tyneside.

Positive feedback from providers also helped to develop an improved:

- > version of the family high cost case plan
- > high cost cases family information pack

@ CONTACT & INFORMATION

Web: [lsc website > cls > high cost civil cases](#)

email: vhccntyneside@legalservices.gov.uk

tel: 0191 428 3600 for VHCC enquiry line (choose option 4)

1 Case plan

The new family high cost case plan is available in two formats. One is a standard Word format. The other is an Excel version that completes calculations to speed up the case planning process. Both versions can be obtained by contacting the family high cost case team. We will aim to process any case plans submitted via e-mail within two weeks.

2 Information pack

The information pack assists providers in the completion of family high cost case plans. This guidance has been published on the LSC website.



Working together puts us on good form

A three-way review has been completed of forms needed for providers doing work funded by the Criminal Defence Service (CDS) arm of the LSC.

New-look forms – which came into force on 1 October, 2008 – are now available on the CDS pages of the LSC website. They have all been revised and republished.

Those taking part in the review included:

1. Stakeholders
2. Form users from across the LSC
3. Representatives from the Public Defender Service.

This is the first time the full suite of forms has been overhauled in one sweep since the start of contracting in 2001.

Until now the focus has been on amendments to individual forms in line with policy and other changes. The resulting revisions have then been published in April and October.

This major overhaul means that:

- > references to legislation and organisations are up to date and relevant
- > Employment and Support Allowance is included as a passporting benefit, where appropriate

- > data fields and requests for information correspond with current contracting systems and policies, as well as the LSC reporting systems (SMS etc)
- > language used is consistent throughout all the forms
- > declarations and other text accurately reflect current requirements (e.g. data protection declaration)
- > equalities monitoring sections conform to current requirements and best practice.

All contract holders and software suppliers should already have received their updated Forms Masterpack. If you have not yet received your pack please use the email link below.

@ CONTACT & INFORMATION

Web: [lsc website > cds > forms](#)

email: MasterpackForms.STAFF.LONDON@legalservices.gov.uk
(to request updated Forms Masterpack)



Consultation on family barrister payments

The LSC, together with the MoJ, will soon be publishing its response to a consultation on options for reducing family barrister legal aid payments.

The response should be available in November. Any changes to payments under the Family Graduated Fee Scheme (FGFS) were proposed for implementation in February 2009.

The Ministry of Justice and Legal Services Commission have run the consultation jointly.

Called 'Reforming the Legal Aid Family Barrister Fee Scheme' the consultation has been looking at harmonising rates of pay for different solicitors and barristers doing the same work.

The aim is to make sure that the legal aid fund lives within its means and that services to children and families are protected. There will be no service cuts to clients as a result of this consultation.

@ CONTACT & INFORMATION

web: [lsc website > cls > pay rates and schemes > family graduated fees](#)

Seminars highlight top tips on tendering

Tips to help providers bid for contracts have been flagged up at 'How to Tender' seminars.

The events in Cardiff and Conwy are the first to have been delivered by the Provider Readiness and Support Team within the LSC.

Drawing on lessons from Community Legal Advice Centre tenders the seminars have been developed in partnership with:

- > The Law Society
- > Advice Services Alliance (ASA)
- > Wales Assembly Government (WAG)

Examples of previous tender processes were discussed at the seminars in order to highlight good practice and common errors.

There was also an opportunity to sign up for a generic workshop about the tendering process.

Wales Regional Director Paul Davies said: 'This is a great step in supporting all providers as we move through the changes in the procuring of legal aid services.'

The Provider Readiness and Support Team has been working to put in place support groups all over the country. And lessons from the Welsh workshops are to be used to develop the seminar as it is rolled out elsewhere.

The team has now successfully established 18 regional Provider Reference Groups. These are typically made up of between six and 12 local providers of legal aid.



These regional groups allow discussions to take place, which can help inform future LSC policy.

Discussions are aided by a range of information gathered through surveys such as the IT survey launched in May 2008 as part of the Delivery Transformation consultation and the recently released financial survey.

For information on your local provider reference group, please contact your relationship manager.

Top tips on tendering

Do

- Remember to sign your contract
- Make sure you observe time limits
- Carefully read 'information for applicants' when completing your documentation
- Submit all specified documentation
- Provide research to demonstrate understanding of client needs
- Check all figures and calculations for errors
- Ensure your presentation fulfils format instructions

Don't

- Repeat yourself
- Quote large chunks of LSC or LSRC information
- Submit unnecessary paperwork



@ CONTACT & INFORMATION

James O'Reilly

email: james.o'reilly@legalservices.gov.uk

web: www.contractshop.co.uk/index.html



New options for parents on child maintenance

The child maintenance system is changing. The launch of the Child Maintenance Options service in late October means that parents in England, Scotland and Wales can now obtain impartial information and support on the different child maintenance options available.

The new service came into operation in tandem with changes to the law allowing parents more freedom to sort out maintenance arrangements. These came into effect on 27 October.

The service is being provided by the Child Maintenance and Enforcement Commission. This is a new non-departmental public body taking responsibility for Britain's child maintenance system during 2008. In Britain today, more than three million children do not live with both their parents.

Child Maintenance Options is one key aspect of the work the new body is carrying out to deliver its core functions. These include:

- > promoting the financial responsibility that parents have for their children
- > providing information and support about different child maintenance options
- > providing an efficient statutory child maintenance service, with effective enforcement.

Until now, parents on benefits who are the main carers of their children have been required

to use the statutory child maintenance service operated by the Child Support Agency. This applied even where parents were able to make a private maintenance arrangement. There is no longer a compulsion for parents on benefits to use the statutory maintenance service.

Child Maintenance Options provides impartial information and support via a telephone helpline and online to help parents make an informed choice about the arrangement that best suits their circumstances. Guardians, relatives, friends and child support professionals can use it anonymously.

Parents can also obtain information on other issues they might face in making maintenance arrangements, such as housing, legal or money concerns. And the service can steer parents toward organisations providing specialist help and advice in these areas.

A face-to-face service is available for parents who need more personalised support.

@ CONTACT & INFORMATION

tel: 0800 988 0988

web: www.cmoptions.org



Call for providers to help update CLS directory

A plea for help to keep the Community Legal Service directory accurate and up to date is being made by the LSC.

All providers awarded specialist and/or general help quality marks are being asked to check their details.

Providers can look online for the directory and make changes using an update form (see 'contact & information'). This will then need to be faxed using the number shown on the form.

If your organisation holds an LSC specialist quality mark and your details are not listed on the directory, then you will need to contact your LSC account manager at your local regional office.

If your organisation holds a general quality mark and your details are not listed, then you will need to email our Quality, Efficiencies and Diversity Team (see 'contact & information').

Your help in keeping the information contained within the CLS directory accurate and up to date is appreciated and will allow legal aid clients easy access to obtain help and assistance with their problems.

@ CONTACT & INFORMATION

General Enquiries

email: cls.clsdirectory@legalservices.gov.uk

Quality, Efficiencies and Diversity Team

email: qualitymark@legalservices.gov.uk

To search directory

web: www.communitylegaladvice.org.uk/en/directory/directorysearch.jsp

For update form

web: www.communitylegaladvice.org.uk/en/directory/details.jsp

New top team at the Legal Services Commission

Three new Executive Directors will be joining the Legal Services Commission to continue the transformation of the organisation from one that administers legal aid to one that commissions legal aid services in the market.

The Executive Directors will be Hugh Barrett, Phil Lambert and Hazel Parker-Brown.

From the end of this year, the LSC will be structured around three Directorates – Commissioning, Business Support and Corporate Services.

Chief Executive Carolyn Regan said: 'These appointments are an important part of ensuring that we have the right skills, right experience and right structure for our future commissioning role. We are making good progress with our major programme of reforms to how legal aid is delivered. Now we need to change our own organisation so it is better aligned for the tasks and challenges ahead.'

'Our new commissioning structure gives more focus to our key activities in the evolving legal aid market. The basic model is one of nationally-organised functions with a

strong local presence. It will greatly increase our business efficiency and lead to more consistency across our organisation.

'We value highly our links with providers, partners and stakeholders whether they are national, regional or local. We will maintain and strengthen these links within the new structure through relationship managers. Legal aid providers, for example, will find that we are more tailored to deal with their size and scope of business, at a single point of contact.'

'I am pleased that we have been able to appoint such a strong top team to lead our organisation and I welcome them to the LSC. I would also like to pay tribute to the current team who have delivered the changes so far and made such a valuable contribution to our organisation and the vital work we do in giving people fair access to justice.'

The current LSC Executive Directors are:

- **Richard Collins** (Policy) and **David Godfrey** (Corporate Services) who both decided not to apply for any of the new roles and to take this opportunity to explore alternatives outside the LSC
- **Helen Riley** (Organisational Transformation) who will be the Director of Case Management (Civil) in the new structure
- **Gary Robertson** who will be continuing his Interim Executive Director role to assist with the handover to the new Executive Team
- **Crispin Passmore** (Interim, Policy) will have a key role in the new Commissioning Directorate which will be announced shortly.

'We help many of the most vulnerable people in society who could not otherwise afford to resolve major problems affecting their lives and hopes for the future. We are all, including our new team, deeply committed to continuing and improving that work while ensuring legal aid services provide good value for taxpayers' money.'

Three new Executive Directors joining the LSC

Hugh Barrett has been appointed Executive Director for Commissioning. Hugh currently works in the Department for Communities and Local Government as a commercial director with responsibility for the major IT project to improve the national resilience of the Fire and Rescue Service. Before that he was Chief Executive of OGC buying solutions, an executive agency of HM Treasury. He has also held commercial roles in BT, Mars and British Airways.



Phil Lambert has been appointed as Executive Director for Business Support. Since 2007 Phil has been Head of Business Process Outsourcing Performance at ICI plc. He has also held shared services roles at director level with the Medical Research Council, HBOS and Tetra Pak Business Services Ltd. He has also held senior operations roles with FISERV (Europe) Ltd and NatWest Bank.



Hazel Parker-Brown has been appointed as Executive Director for Corporate Services. Hazel has been Corporate Services Business Director at the Commission for Social Care Inspection since 2004. Before that she was at the Department for Transport. During her career Hazel has held national roles in multi-site organisations with responsibility for a wide range of corporate services including human resources, information technology, finance, estates, legal services, secretariat services and governance.



All three new Executive Directors will be in post by January 2009.

Reforming delivery of health expert evidence

The LSC is working with the Department of Health to develop and pilot the key proposal from the Chief Medical Officer's report 'Bearing Good Witness'.

This is a new approach to commissioning jointly instructed health expert witness services in public law childcare proceedings.

The LSC will contract with multi-disciplinary teams of health professionals from the NHS as well as other public, private or voluntary sector organisations.

Context

This pilot is the first step in a programme of work looking at the extent to which the approach taken in the legal aid reform programme can and should be applied to experts.

Although the pilot will focus solely on health expert witnesses the evaluation will be used to consider the suitability of this approach for different specialties and different types of cases.

Objectives and benefits

We will use the pilot to develop and assess quality standards for health expert witnesses, and will gather information on costs with a view to using this to inform future policy on health experts' fees.

It is believed that the use of multi-disciplinary teams will improve supply and quality, reduce delay, and result in more streamlined processes.

Development

Following an application process carried out in June-July this year, discussions are taking place with several NHS and private practice teams.

We are working with the teams to develop the contract and the operational processes, and are overseen by a multi-agency Project Board.

We anticipate launching the first pilot areas in November for an initial period of 12 months.

When the first contracts have been signed, details of the teams – including specialties and geographical location – will be published on our website. We will inform you when this information is available via the LSC Update email.

As we learn from the pilot, it will evolve and it is likely that there will be more than one phase.

Once the pilot has finished there will be an evaluation with recommendations for future development.

@ CONTACT & INFORMATION

email: emily.paddy@legalservices.gov.uk
(Quality, Efficiencies and Diversity)

web: [lsc website](#) > [about us](#) > [transforming legal aid](#) > [using experts in legally aided cases](#) > [reforming the delivery of health expert evidence](#)



This pilot is the first step in a programme of work looking at the extent to which the approach taken in the legal aid reform programme can and should be applied to experts.

LSC Online relaunch gathers momentum

LSC Online is being formally launched to 653 providers in Wales and London increasing the total number using the system to 1,258.

The formal relaunch of LSC Online is gathering momentum. Providers in Wales and parts of London start logging on for the first time from 3 November.

The system has recently been upgraded to a new server and the relaunch is on target for all our providers to be using LSC Online by the end of March 2009.

Before formally relaunching the system, extensive preparatory work was carried out with

a long-term pilot group and two advanced waves of 604 providers.

The system and relaunch process were carefully monitored and provider feedback gathered to improve our approach. More than 90% of the providers invited to use the system, had successfully submitted their monthly claims using LSC Online by the end of October.

Providers invited to use LSC Online were offered training and support in using they

system. Fifty-three provider workshops have been run with more than 700 attendees. Feedback on workshops has been very positive with more than 92% of providers who responded to our survey finding them 'very relevant' or 'relevant', with 79% finding them 'useful' or 'very useful'.

Providers already using the system gave positive feedback to our Online Support team, with 90% of those contacting the team rating their service as 'good' or 'excellent'.

LSC Online has been working with increased capacity from mid-October and more than 70,000 submissions have been uploaded since November last year.

A further 700 providers in Reading, Brighton, Bristol and London will be invited to start using the online system from 1 December.

@ CONTACT & INFORMATION

web: [lsc website](#) > [lsc online](#)

Fair access to justice and value for money



Sir Bill Callaghan

Chair of the Legal Services Commission

A strong economic focus and compassion do not make an obvious partnership in the eyes of many people. But the new Chair of the Legal Services Commission (LSC) Sir Bill Callaghan believes they make for a winning formula and he has a track record to prove it...

Working out a game plan

As a football fan Sir Bill knows the importance of keeping your eye on the ball. His twin mantra for the LSC is value for money and delivering legal aid efficiently to those who qualify. And he plans to meet as many providers as possible to make sure we work together to achieve that.

Sir Bill was born in Burnt Oak in North London. So it is no surprise that he grew up

but I believe that good and efficient firms will prosper. That will be a good a thing both for the taxpayer and for those who use legal services; and we must keep our focus on the clients.'

Sir Bill is a great admirer of the Arsenal coach Arsène Wenger – a man well-known in football circles for being careful with money, and getting the best out of the resources at his disposal. He said: 'Bigger budgets are not always the best solution.

and I've seen for myself just how desperate the circumstances of many people are. The LSC is not just doing some abstract job. We are working to improve service delivery and build greater efficiency in order to help more people.'

Linking up public services

Sir Bill has been impressed by the quality of the work carried out by the Legal Services Research Centre (LSRC) and said: 'I think they do a tremendous job highlighting high level issues that deserve wider public debate.

'For example, there are people with housing problems who also have debt problems and matrimonial difficulties as well. A lot of work needs to be done to join things up with other public services. There are many people who do not know how to seek advice. Yet they are often the very ones who need it most.'

I want an open and honest dialogue. I've worked out a programme of engagement to make that happen. There will be differences of view. I think these differences of view have to be respected.

supporting Arsenal. But he is very keen to avoid any metropolitan labels in his new job.

He said: 'It's all too easy to be just London based and I aim to avoid that. I plan to make visits across the England and Wales and put a lot of emphasis on listening and communicating. I think that is key for working successfully with stakeholders and providers. I am going to a Provider Reference Group meeting in November in Brighton and I'm looking forward to many more such visits.

Respect for different views

'I want an open and honest dialogue. I've worked out a programme of engagement to make that happen. There will be differences of view. I think these differences of view have to be respected. We have to understand the concerns of providers. But equally providers have to understand the challenge we face and that we have to deliver value for money for the £2 billion a year the Government invests in legal aid.'

And Sir Bill believes there is every reason for providers to be optimistic about the future. He said: 'The economic climate might be difficult

Everyone wants more money

'Of course, everyone would like more money to get help to more people. But there are always ways of making things more efficient. That includes the LSC. I have been very impressed with the organisation. But any organisation can do better just like any individual. Organisations that are not dynamic will not prosper.'

Sir Bill sees his new role as dovetailing well with his work at the TUC where he spent a major part of his career. He worked there from 1971 to 1999 and was their chief economist before leaving to become chair of the Health and Safety Commission.

Protecting the vulnerable

He said: 'I went into the TUC as an economist and was committed to its aims. I believed then – and I still do – that people need a voice at work. I believe in the ethos of the trade union movement.

'Similarly, I see the job of the LSC as protecting the most vulnerable. There is no doubt that the people who appear at court are often very vulnerable people.

'I've been a magistrate for three years now

Dealing with tricky issues

Sir Bill believes his career path has equipped him well to help the LSC evolve successfully.

He said: 'I have dealt with some tricky issues during my working life. The TUC had to find a common view among its member unions. At the Health and Safety Commission there were pretty fierce debates about how we should regulate. I think I am most proud of what I achieved at the Low Pay Commission in setting the minimum wage. A lot of doomsayers said it would put two million people out of work.

'It took a lot of discussion to bring in, and some expectations had to change on the trade union side, but I have found time and again that if you sit down and calmly work things through, the most difficult problems can be resolved. Nowadays the minimum wage is not an issue – no-one is saying it should be scrapped. Two million people have not been put out of work. The world did not collapse overnight and over a million low paid workers have benefited.

'Here at the LSC I think our providers should be reassured that legal aid is not going to disappear. The Government is committed to



The British public would be upset if they thought that someone whose liberty was on the line could not be properly defended. They would be right. The existence of legal aid says a lot of good things about our fundamental values..

its important role in our society. But anyone who thinks the system can be frozen forever is simply not being realistic. There need to be changes to ensure that legal aid can carry on delivering services that people need.'

Means testing

One area being looked at is means testing and the possibility of extending it to the Crown Courts. Sir Bill sees this as a subject that needs careful consideration. He said: 'The principle is clearly right: those who can pay for their defence should do so. The question is how to achieve that.

'We're working with the Ministry of Justice and Her Majesty's Court Service (HMCS) on possible options at the moment. We will be consulting once we've developed our thinking a bit further.'

Existence of legal aid says good things

He said: 'Legal aid is part of the historic post-war settlement and an essential element of the Welfare State. I think there is a greater

understanding of its importance on the criminal side than on the civil side and we should find ways of addressing that. But I don't think we should be surprised by that fact.

'The British public would be upset if they thought that someone whose liberty was on the line could not be properly defended. They would be right. The existence of legal aid says a lot of good things about our fundamental values.'

Looking ahead to the day when he has to move on from the LSC, Sir Bill said: 'It will be for others to judge how well I have done. I don't imagine for a moment that the wider public will be interested in the chair of the LSC. But they will want to know whether the legal aid system is working and helping people.

'Ensuring that it is – and is in very good shape for the future – will be the focus for my time here.'

Factfile: Sir Bill Callaghan

Career

- > Chair of Legal Services Commission: 2008
- > Chair of Health and Safety Commission: 1999 to 2007
- > Trades Union Congress: 1971 to 1999 (rose from junior official to Chief Economist)
- > Low Pay Commission: 1997 to 2000
- > Magistrate since 2005

Education

- > St John's College, Oxford, and the University of Kent
- > MA in Economics

Interests

- > Sailing
- > Arsenal FC

Introducing a global leader in justice research

Legal Services Research Centre

L Legal
S Services
R Research
C Centre

The Legal Services Research Centre (LSRC) is the independent research division of the LSC, writes **acting Head of the LSRC Alexy Buck**. We were set up in 1996 to inform legal aid policy and reform, and are now an internationally recognised and influential leader in access to justice research. Starting with this *Focus* issue, LSRC researchers will be writing a regular column highlighting key findings from our research projects.

How vulnerable people experience justice

Broadly speaking the LSRC conducts strategic research in civil and criminal justice and related social policy fields. Much of our work focuses on how ordinary, often vulnerable, people experience law-related problems and how the justice system works for them.

We have conducted extensive work on how 'people with problems' seek advice – and why some people do not seek advice. We have also looked at how advice is provided, from a range of different perspectives. All of our research is policy relevant, but we maintain our independence from policy-making.

Our role is to provide high quality, objective,

We have conducted extensive work on how people with problems seek advice – and why some people do not seek advice

reliable, relevant and timely social science research to inform policy-making and delivery. This evidence is of course used by the LSC, but it is of relevance to a much wider audience. For example, legal and advice providers, other government departments, representative bodies and the wider research community.

Research of international repute

The LSRC makes a key contribution to the LSC through its reputation as an independent centre, pursuing robust and rigorous strategic research of international repute. We publish our findings in peer-reviewed academic journals, and in reports and books.

We are also regularly asked to present at



national and international conferences. Our own biennial international research conference provides a platform for the exchange of ideas and information between leading researchers, policy-makers and government representatives working in legal aid around the world.

Working with expert academics

Many LSRC research projects have involved collaboration with expert academics and other research organisations, including University College London (UCL), the Institute for Fiscal Studies and the Institute of Criminology at the University of Cambridge. We are also part of the Government Social Research network.

As well as working on projects for the LSC, we take part in the steering and refereeing of external projects and contribute to the training and development of the next generation of socio-legal researchers through our graduate student internship programme. The LSRC has carried out projects for a number of other government bodies, including the Ministry of

Justice and Office for National Statistics.

Our researchers come from a variety of academic backgrounds, including: law, sociology, social psychology, statistics, criminology and economics. This allows us to bring a unique combination of skills and perspectives to the diverse research we undertake. The highly respected nature of the team is reflected by the professorial and fellowship positions we have received from UCL and the London School of Economics.

Find out more

You can find out more about the LSRC at: www.lsrc.org.uk. Many of our publications can be downloaded from the publications page.

@ CONTACT & INFORMATION

Alexy Buck

web: www.lsrc.org.uk

email: alexey.buck@legalservices.gov.uk

tel: 0207 783 7511

New survey looks at client choice and understanding

Legal Services Research Centre Report

New research by the Legal Services Research Centre (LSRC) looks at the choices made by people who have been arrested at the police stations- and accused of crimes at magistrates' courts.

Here **LSRC Principal Researcher Dr Vicky Kemp** highlight some key points from the LSRC report: 'Users' perspectives of criminal defence services'. The research involved nearly 1,000 face-to-face interviews, conducted by Ipsos Mori on behalf of the LSRC.

Use of a solicitor

The majority of respondents used a solicitor, according to research, requested by the Legal Services Commission (LSC). This includes more than half the respondents at police stations and four out of five respondents in courts. The good news here is that there remains an upward trend in the take up of legal advice. Previous Home Office studies showed a rise from 25% in 1989 to 40% in 1997.

The majority of people drawn into the criminal justice system say they understand what is happening to them. This includes both police stations and courts according to the research.

However, a minority of those arrested and detained at police stations chose not to be represented despite being entitled to free and independent advice. When asked why they did not ask for a solicitor about two-thirds – in both the police station and at court – said it was because they did not need one. Explanations for this included:

- > do not need to know anything (most common)
- > I'm guilty
- > I'm innocent

At police stations, a number of respondents said they did not have a solicitor because they

thought it would lead to delays. At court some were put off because they could not afford a solicitor.

Of those requesting legal advice the majority reported having their 'own' solicitor. Most people selected a solicitor on recommendation, although a proportion stayed with the duty solicitor as their own. The value of the duty solicitor is shown by the fact that survey results show the service is used by:

- more than a third of people in the police station
- just under a third of people in court.

Some misunderstandings about the independence of duty solicitors were revealed by the research. In reply to 'true', 'false', or 'not sure' statements about duty solicitors, almost half said that the duty was an independent solicitor. But 40% believed they were employed directly by government. And almost a quarter believed duty solicitors were employed directly by the police.

This is an area of concern bearing in mind the important role duty solicitors play in protecting the legal rights of people suspected of criminal offences.

Choice of solicitor

Access to a choice of solicitors was rated as very important by a majority of people in the survey. Not surprisingly, almost everyone using their 'own' solicitor said that choice was important, although so too did nine out of ten of those using the duty solicitor.

When asked about the most important considerations for choosing a solicitor a majority wanted a 'good' solicitor – someone who is experienced and knowledgeable. Also important for many people was the need to communicate with their solicitor, so that they would 'listen', 'explain', and be 'friendly'.

Understanding

The majority of people drawn into the criminal justice system say they understand what is happening to them. This includes both police stations and courts according to the research. Two-thirds in the police station and three-quarters at court said they understood what was happening to them. Looking at the one-third of people who did not fully understand at the police station, half of this group had 'no idea' of what was happening. Of the quarter of respondents at court who did not fully understand, a quarter of this group had 'no idea' what was happening.

Ethnicity and understanding

Ethnicity seemed to be important in relation to understanding at the police station and at

[continued on P12 >>](#)

LSC welcomes report

The director of the LSC's Criminal Defence Service Derek Hill welcomed the report. He said: 'I am pleased by this report because it confirms that a growing proportion of defendants are getting legal representation in the police station, even though a minority still are not.'

'I'm also really pleased that it shows that users highly value being able to choose their own solicitor. Most said it was important to them and that their experience and skills in the area were the most important factors that affected their choice.'

'It is perhaps no surprise that having English as a second language is a barrier to understanding but it shows that we need to work with all the criminal justice agencies to address this.'

New survey looks at client choice and understanding (cont.)

<< P11 LSRC Report

court, according to the research, which involved interviews in Birmingham, Bradford, Bristol, Cardiff and two London boroughs – Tower Hamlets and Lambeth. But when we look more closely language appears to be a more significant factor.

The survey showed that 25% of white British respondents did not fully understand what was happening in the police station compared with 39% for black and minority ethnic respondents.

However, if we look at the larger court sample we find that the first language that was spoken was of more significance than ethnic background.

When splitting black and minority ethnic respondents into those whose first language was English and those who spoke another first language the levels of understanding were very different.

For those whose first language was English, their levels of understanding were similar to those of white British respondents. Especially vulnerable, however, were those whose first language was not English. Here, 45% did not fully understand what was happening compared with 22% whose first language was English.

Read the interim report

For a more detailed analysis of the survey results please visit the LSRC's website where an interim report has been published. Work on this project is continuing and the LSRC is now interviewing criminal defence solicitors in the six areas already looked at for our survey. We are also hoping to visit two prisons for a third sample of respondents. A final report will be available early in 2009.

@ CONTACT & INFORMATION

Dr Vicky Kemp

Web: www.lsrc.org.uk > publications

email: vicky.kemp@legalservices.gov.uk

tel: 0207 783 7512



Virtual Courts

Efforts to deliver justice more efficiently through video conferencing in 'virtual courts' are moving ahead with the backing of the LSC.

Volunteers are now being recruited for a Virtual Court duty solicitor pilot scheme. This is being run by the Office for Criminal Justice Reform with the support of the LSC.

The request for volunteers was made last month with the publication of the amendments to the Unified Contract and Crime Specification.

Our aim is to pay a reasonable fee while ensuring value for money for the taxpayer.

LSC Virtual Courts Project Lead, Tim Colliou said: 'The schemes will cover a number of police stations in south east London and north Kent.

'As well as publishing the proposed contract amendments, we have also asked for volunteers to express an interest in joining the proposed Virtual Court duty solicitor scheme.'

Virtual courts work by establishing video links between police stations and a single magistrates' court. This allows first

hearings, and in some cases sentencing, to be handled without the need to produce a prisoner physically in the court building.

Computer technology has also been developed to allow agencies to access documents and information on a 'collaborative space'.

Representative groups have voiced some concerns over the level of fees being offered to duty solicitors under the virtual court initiative.

Tim Colliou said: 'We recognise that where a case is disposed of at a virtual court a lesser fee will be paid.

'However, there will also be the opportunity to access work that would not have been available previously and for the defence to share in the efficiencies of a case being concluded more quickly.

'Our aim is to pay a reasonable fee while ensuring value for money for the taxpayer.

'But the important thing to remember is that this is a pilot. So the feedback we receive will help to shape the operating model if virtual courts are established on a wider basis.'

@ CONTACT & INFORMATION

web: lsc website > cds > consultations > virtual court



University recruitment drive to boost legal aid students

A drive to encourage more students to consider a career in legal aid is under way.

More than 30 university careers events – including a number of law fairs – have been identified as important for increasing awareness among students about the Legal Services Commission training contract grant scheme. This is now worth nearly £3 million – a 50% increase.

A significant number of these events are taking place at universities with a high proportion of black and minority ethnic students. The hope is to encourage greater diversity among student applicants.

LSC Chief Executive Carolyn Regan said: 'Ensuring the next generation of legal aid solicitors is a key priority for the LSC. I am delighted that we are able to make 50% more training grants available this year.'

'The LSC's investment in the next generation of legal aid solicitors already stands at nearly £15 million. The training grants provided so far will translate into nearly 600 newly qualified solicitors working in legal aid. Each of these new solicitors will make a difference to peoples lives.'

There are 150 training contract grants worth up to £20,000 each. These have been given to successful providers committed to legal aid. A list of successful recipients has been posted on the LSC website. Students can then apply for a training contract with these organisations and have their Legal Practice Course (LPC) fees reimbursed.

The LSC is attending the fairs in partnership with the Law Society, Legal Aid Practitioners Group (LAPG), and Young Legal Aid Lawyers Group.

Events have already been held at Brunel University, Kent University, Northumbria University and Queen Mary University, London.

Individual firms are being invited to use the LSC stand at all the events as a base for an hour or two to recruit students and potential trainees.

This would be a cost-effective alternative for firms put off from attending fairs at their local universities because of the cost of setting up a stand.

Any firm interested in attending should use the contact details below.

@ CONTACT & INFORMATION

Farhad Shahidi

web: [lsc website > about legal aid > working in legal aid > training contract grant scheme - 2008](#)

email: Farhad.Shahidi@legalservices.gov.uk

tel: 020 7 718 8213



Law Fairs: Locations & dates

University of Cardiff
4 November
City Hall, Cathays Park

City University, London
5 November
Great Hall, Northampton Square,
London, EC1V 0HB

University of Sussex
11 November
University Conference Centre,
Branker House,
Brighton, BN1 9RH

University of Leicester
11 November
University Road,
Leicester, LE1 7RH

University of Middlesex
14 November – 10.30-3pm
Quadrangle, Hendon Campus,
The Burroughs,
London, NW4 4BT

University of Warwick
18 November – 1pm-4pm
Rootes Social Building,
Coventry, CV4 7AL

University of Manchester
20 November – 12.30-4pm
Manchester Central (formerly G-Mex),
Petersfield,
Manchester, M2 3GX

University of Sheffield
26 November – 1pm-4pm
Octagon Centre, Western Bank,
Sheffield, S10 2TQ

Kings College, London
1 December – 12-3pm
Great Hall and Council Chambers,
Strand Campus

Providers help shape delivery transformation

More than 400 providers took the opportunity to express their thoughts on new ways of working at regional events across the country.

The summer briefing events were designed to support a 12-week consultation paper by the LSC called 'Managing legal aid cases in partnership – Delivery Transformation'. The consultation began in April and closed on 3 July, 2008.

The regional events were so successful that more than 80 providers have volunteered to keep working on the project, with a particular emphasis on the next design stage.

Proposals being looked at under the Delivery Transformation (DT) project include:

- > increased electronic working
- > simplification of internal and external processes
- > devolving some responsibilities to providers.

The LSC is now writing a response paper based on feedback from the consultation and the valuable input from the regional events.

The consultation paper remains available for download for reference purposes only from lsc website > about us > consultations

The aim is to achieve rollout of the proposals in line with the next civil contract. However, we are aiming for rollout as early as possible and expect to be piloting some new processes on a voluntary basis with providers during 2009/10.

Next steps

A three-stage approach is being taken to the design of the DT project. Each stage will include an increasing level of detail building on the stage before it.

The idea is to allow stakeholders lots of opportunities to review what is being planned. You can find further details of our approach by visiting lsc > about us > transforming ourselves

Developing systems and processes that work for everyone is a key focus and we will be working closely with providers and software suppliers.

Process diagrams will be published on our website to give access to everyone with a stake in the project. Guidance on how to contact us with any comments will also be published.

A workshop was recently held in our Nottingham office, where more than 30



The regional events were so successful that more than 80 providers have volunteered to keep working on the project, with a particular emphasis on the next design stage.

providers discussed the legal help process and means/merits assessments.

We received some valuable feedback on the proposed processes. For more information about this workshop and to read a summary of findings please check the Community Legal Service > CLS news pages of our website.

Legacy and transition

Options and approaches are being developed and costed for how we manage legacy work. We are using the term 'legacy cases' to describe those cases that started before DT implementation. We are also considering how

we manage cases being carried out by providers who do not have a contract after 2010.

How you can get involved

Please use the contacts below if you would like to get involved in developing any of the future state processes or simply to express your views.

@ CONTACT & INFORMATION

web: lsc > about us > consultations

email: delivery.transformation@legalservices.gov.uk
(for general enquiries)

email: karen.watson@legalservices.gov.uk
(to help with future development)

tel: 020 7 783 7511



Emergency help for home repossession expands

The LSC is awarding contracts for 17 new Housing Possession Court Duty Schemes covering 19 county courts throughout England.

This follows a recent tender process – now closed – to increase coverage and takes the number of LSC-funded schemes to 90, covering more than 100 courts.

The schemes, funded by the LSC, provide on-the-day emergency advice and advocacy to anyone facing possession proceedings. This means that anyone in danger of eviction or having property repossessed can get free legal advice and representation on the day of their hearing, regardless of their financial circumstances.

Following a successful pilot the schemes were introduced in 2005, and as a result around 12,000 people received help in 2005-06. During 2006-07 that figure more than doubled to around 30,000 and this latest expansion means even more people will have access to the service in the coming year.

The decision to tender for additional schemes comes at a time when the economy is experiencing a downturn and responds to

concerns at the rising number of people losing their homes in repossession cases.

Suitable courts were identified through a mapping exercise carried out with the Department for Communities and Local Government (CLG) to review current coverage of duty schemes. This exercise has also led to CLG funding schemes in an additional 44 courts.

This recent activity to increase the number of schemes means that the majority of courts in England and Wales that hear possession cases now have the benefit of this service, whether funded through the LSC, the CLG or alternative sources.

The new LSC schemes will cover the following courts and will begin operation from mid November.

Basildon	Eastbourne	Rugby	Weston-super-Mare
Burton-upon-Trent	Ilford	Southend	Whitehaven
Bury St. Edmonds	Kidderminster	Stafford	Worcester
Colchester	Preston	Stoke-on-Trent	Worthing
Dudley	Redditch	Stourbridge	

Case study: Beth's story

Housing Repossession

Nineteen-year-old Beth (not her real name) was facing homelessness just weeks before the birth of her first child.

She had recently split up with her boyfriend and was struggling to make ends meet on her carer's salary. Then she fell

I was worried I wouldn't have anywhere to live with the baby. I didn't know what to do.

into payment arrears on her housing bills. Beth said: 'I was worried I wouldn't have anywhere to live with the baby. I didn't know what to do.'

Beth couldn't afford a solicitor and went to try to represent herself at court. But help was unexpectedly at hand. Her Housing Duty Scheme adviser had her case adjourned that day, setting a date for the hearing some months later and relieving the threat of immediate homelessness.

Her case was eventually successful and in addition Beth was granted a housing benefit. Now she is secure in her home.

Beth said: 'It's all taken care of and I can look forward to bringing up my baby in my flat.'

Quality initiative for advocates takes shape

A scheme to assess the competence of publicly funded criminal defence advocates is moving closer to reality.

Quality Assurance for Advocates is a partnership project between the Legal Services Commission (LSC) and the Ministry of Justice (Moj).

The scheme is being developed with the active backing of the Law Society and Bar Council, together with the profession's regulators: the Solicitors Regulatory Authority and Bar Standards Board.

Other key stakeholders involved include the judiciary and Crown Prosecution Service.

Essential work includes:

- > agreeing what competent advocacy looks like
- > researching, designing and running a pilot scheme
- > understanding the scheme's possible impacts on the profession.

Agreeing what competent advocacy looks like

We've codified and agreed the skills and abilities that all competent advocates would demonstrate. These competencies will now be tested in the pilot.

The idea is that the competent advocate should be able to evidence their performance at the appropriate level depending on the complexity of publicly funded work they want to take on.

Leading practitioners and academics came together in a working group to develop the competency framework. It was then agreed by the project's reference group, which includes representatives of all the scheme's key stakeholders.

Research for a pilot scheme

Deciding how we are going to assess advocates' competency will mean research work and piloting. A concentrated degree of expertise will be needed for this next phase and the School of Law at Cardiff University has now been selected to fill that role.

The LSC and the Moj ran a tender competition, awarding the contract on the recommendation of a panel made up of

representatives of the professional bodies and the LSC. The panel evaluated all tenders and further evaluated an interview held with each of the short-listed organisations.

Work has started on the research and design, with pilot assessments due to start in early 2009.

Understanding the scheme's impact

From the beginning of development, the LSC and Moj have recognised that there is the potential for the scheme to have a disproportionate impact on certain groups within the profession.

As well as fulfilling our statutory equality duties relating to gender, race and disability, we are also working to minimise the wider barriers and inequalities the scheme could create for both barristers and solicitor advocates.

Barristers data survey

The first part of this work was a successful data survey of barristers, conducted in partnership with the Bar Council. This survey collected a unique range of data on barristers including:

- > personal demographics
- > type and range of work
- > earnings
- > caring responsibilities.

The Law Society provided similar data for solicitor advocates.

Focus Groups

Working with the Bar Council's Equalities and Diversity team we are holding focus groups to take a detailed look at some of the issues highlighted in the survey. This will include issues affecting:

- > black and minority ethnic groups
- > women advocates
- > the young bar.

The Bar Council has arranged for leading barristers to chair these events. The focus groups are being held in London and Manchester between 5.30pm and 8pm on the



following dates (the London focus group for Black and Minority Ethnic barristers has already been held, chaired by Oba Nsugbe QC):

Focus Groups for Women Barristers:

London – 4 November at 7 Bedford Row

Chair: Kim Hollis QC

Manchester – 11 November at King's Chambers

Chair: Fiorella Brereton

Black and Minority Ethnic Issues Focus Groups:

Manchester – 12 November at King's Chambers

Chair: Khadim Al Hassan

We will also be holding a session for barristers of up to 10 years call. This will be in partnership with the Bar Council's Young Barristers Committee.

In addition, the project is working with the Solicitors' Regulation Authority to make sure that the specific issues that solicitor advocates face are equally well understood and can be addressed and monitored in the pilot. The project will be represented at the Solicitors' Association of High Court Advocates (SAHCA) Annual Conference in London on 15 November.

If you would like to be involved in any of these groups or have any queries or suggestions on the project's equalities and diversities work, please contact Sinead McDonnell. Telephone: 020 7783 7421.

@ CONTACT & INFORMATION

Louise Sowden (project manager)

Web: lsc website > cds > quality and performance

email: louise.sowdon@legalservices.gov.uk

tel: 0117 302 3132 (ask for Louise Sowden)

Family law – new remedies and public funding

Children and Adoption Act 2006

A raft of new family law measures to give courts increased powers to resolve child contact disputes and enforce contact orders will be implemented later this autumn.

The LSC has been consulting on amended decision-making guidance to reflect the implementation of the Act

Preparations for implementation have involved the LSC Family Policy Team, working with the Department for Children, Schools and Families and others.

The measures are contained in the Children and Adoption Act 2006. In particular, the court has new powers to:

- > direct a parent to take part in a contact activity
- > direct a party to an information session on mediation
- > make enforcement orders imposing an unpaid work requirement
- > order one parent to pay the other compensation for financial loss
- > ask the Children and Family Court Advisory Support Service (CAFCASS) to monitor contact orders and to make Family Assistance Orders.

It will be up to the court to decide in which cases the new provisions are to be used.

The LSC has been consulting on amended decision-making guidance to reflect the implementation of the Act. Responses to the consultation are being analysed and carefully considered. You can read the consultation on the civil consultations page of the LSC website (see 'contact and information' below). The revised guidance will be available on the family pages of the LSC website before the Act is implemented.

The consultation also proposed amendments to the LSC decision-making guidance around assessments of supervised contact where CAFCASS/CAFCASS Cymru are moving to provide commissioned, funded supervised child contact services in addition to any in-house provision.

The consultation did not propose any changes to funding for Rule 9.5 cases where a child or children are joined in private law family proceedings, although it has been incorrectly suggested that this is the case.

Forced Marriage (Civil Protection) Act 2007

Legislation to protect the victims of forced marriages and prevent them from taking place is to be implemented on 25 November 2008.

The Forced Marriage (Civil Protection) Act 2007 inserts a new Part 4A into the Family Law Act 1996. This allows the court to make orders to protect individuals against being forced to enter into marriage without their free and full consent as well as individuals who have been forced into marriage without that consent.

The orders will be similar in form to non-molestation orders and can also, in emergency situations, be made without notice for limited periods of time. They will complement existing remedies.

The Funding Code criteria to be used when considering applications will be the same as in domestic violence cases (i.e. Criteria 11.10).

As these are orders to protect the client from harm the existing eligibility waiver as to both capital and income applicable to domestic violence cases will also apply.

Some of the applicants for funding may be minors and there may be issues around the identification and appointment of a litigation friend/guardian ad litem/next friend. Solicitors applying for funding should ensure that the position on this is entirely clear from the application forms.



CONTACT & INFORMATION

email: family@legalservices.gov.uk

web: [lsc websites > cls > consultations](#)

web: [lsc > cls > civil areas of work > family](#)

web: www.cafcass.gov.uk

Improving access to civil legal aid services

More than 260 new contracts have been awarded to both new and existing providers following a tender process run by the LSC this summer.

Tenders were invited to deliver specialist advice in Public Law Children and Domestic Abuse to expand the availability of these services across England and Wales.

The LSC also invited tenders in specific procurement areas to deliver Family and Integrated Social Welfare Law services, providing advice on matters such as debt, housing, welfare benefits, community care and employment.

There was an excellent response to the tender resulting in the award of 262 contracts including 50 to firms new to legal aid. The awards mean that more than 65,000 new cases can be taken. More than 14,000 of these will be for specialist family work, 17,600 for other family work and more than 33,000 in social welfare law.

Speaking about the tender, the LSC's Chief Executive Carolyn Regan said: 'I am pleased to see that so many providers are keen to increase the amount of publicly funded work that they do.'

'We are currently in the process of a major reform programme and many providers are making changes to the way they work to meet these challenges. The response to the invitations has shown the high level of commitment there is to do legal aid work to provide quality services to people who are least able to afford them.'

Details of all contracts awarded as a result of the tender process will be published on the LSC's website shortly. More information on this and any future invitations to tender will also be publicised through LSC Update (see link below to subscribe).



CONTACT & INFORMATION

web: [lsc website > about us > tenders](#)

web: [lsc website > about us > our publications > lsc update email](#)



Hitting the target in contract compliance audits

Most civil and crime providers are meeting the requirements of the new contract compliance audits with flying colours according to results for 2007/08.

The audits covered 67 civil providers and 97 crime providers. They were selected by looking at those doing the highest value of legal aid work.

Service delivery support development manager Pam Phillips said: 'We were pleased, but not surprised, with the standards achieved by our providers and are very hopeful that this can be repeated in the coming year.'

'We've made some significant changes because the old cost compliance audits were discontinued following the introduction of fixed fees.'

The new contract compliance audits focus on a) client eligibility and b) scope and management of cases.

Key areas that need to be checked are:

- > Scope – does the case fall within the scope of the legal aid scheme?
- > Financial eligibility
- > Evidence of means
- > Disbursements – whether third party payments are reasonable
- > Sufficient benefits/merits test
- > Reporting – has the case been reported correctly?

An impressive 97% of crime providers ticked all the right boxes and were recognised as 'category 1' providers following their cost compliance audit. The 3% showing shortfalls

were rated 'category 2'.

Under the rating system for civil providers, 72% chalked up a top scoring 'A1' rating and 24% an 'A2' rating. Only 4% were scored as 'B3' – following an extended audit.

Pam said: 'An initial 'A3' rating means that we have to call in extra case files for audit. A 'B3' rating means that the problems identified in the initial sample are replicated over the larger sample.'

'In 2008/09 crime will be moving from cost compliance audits to contract compliance audits – similar to those used in civil. The number of audits will be increased to 295 on the civil side and 182 for crime.'

'There have been a number of changes to ratings and potential sanctions following the work of the Deed contract compliance audit group. The group has worked really well together in making changes, which we think will make the system much more robust and customer-friendly.'

Details of these changes can be seen in the tables on this page.

Members of the Deed working party include the LSC, the Law Society, Advice Service Alliance, the National Audit Office and other stakeholders.

@ CONTACT & INFORMATION

web: [lsc website](#) > [about us](#) > [transforming legal aid](#) > [a clear way forward](#)

Contract compliance audits

We audited 67 civil providers and 97 crime providers. The results of these audits were very encouraging:

Civil

Results after initial audit		
A1	A2	A3
38	21	8

Results after representations		
A1	A2	A3
48	16	3

Extended audit	
No.	B3
3	3

The final figures equate to:

- > 72% of providers audited being rated as A1
- > 24% of providers audited being rated as A2
- > 4% of providers audited being rated as B3

The representations stage enabled providers to provide additional evidence, even if gathered retrospectively.

Crime

Results after initial audit		
1	2	3
85	10	2

The final figures equate to:

- > 97% of providers audited being rated as Category 1
- > 3% of providers audited being rated as Category 2

Contract compliance audits (cont.)

Below are the ratings and sanctions for 2007/08 and 2008/09. Further information will be available by visiting the review of contract compliance audits page on the LSC website. A major change next year is that providers with up to two non-compliant files will no longer have to repay any money.

Ratings and sanctions 2007/08 (civil)	
Rating	Sanction
'A1': 0-3 files nil assessed	Recoupment of cash value
'A2': 4-6 files nil assessed	As above plus contract notice. Second CCA within six months
'A3': 7 plus files nil assessed	Immediate extended CCA of further 60 to 80 files
'B1': Less than 10% value reduced	Recoupment of cash value
'B2': 10-20% value reduced	Extrapolation. Contract notice/s. Further CCA within six months.
'B3': More than 20% value reduced	Extrapolation. Contract notice/s. Potential fundamental breach resulting in termination. Contract lawyers to advise on individual cases.

Ratings and sanctions 2008/09 (civil and crime)	
Rating	Sanction
'A1': 0-2 files nil assessed	No recoupment
'A2': 3-6 files nil assessed	Recoupment of cash value, potentially contract notice. Second CCA within six months
'A3': 7 plus files nil assessed	Immediate extended CCA of further 60 to 80 files
'B1': Less than 10% value reduced	No recoupment
'B2': 10-20% value reduced	Extrapolation. Contract notice/s. Further CCA within six months.
'B3': More than 20% value reduced	Extrapolation. Contract notice/s. Potential fundamental breach resulting in termination. Contract lawyers to advise on individual cases.

'ESA' allowance triggers new passporting benefit

A new passporting benefit is now in operation for clients using Community Legal Service (CLS) and Criminal Defence Service (CDS) schemes.

Clients who receive income-based Employment and Support Allowance (ESA) will be automatically eligible for funding.

From 27 October, 2008 ESA replaced Incapacity Benefit and Income Support claimed on the grounds of incapacity for new customers.

identifying how their award is made up. Only clients with awards that are wholly or partly income based ESA are passported.

A client receiving income-related ESA will be passported for all levels of service under the CLS and CDS schemes, where means testing applies.

The LSC has been consulting on amended decision-making guidance to reflect the implementation of the Act

Different types of ESA

There are two types of ESA: income and contribution based. Clients receive a letter from the Department for Work and Pensions

A client who receives a contribution-based ESA will not be passported for funding under the civil or criminal schemes, unless it is topped

up by the income-related element. The relevant means test should be applied under the CLS and CDS schemes.

Evidence

Clients will normally receive a computer-generated notification of benefit entitlement. But in a minority of cases they will receive a clerical notification. In either case it should be clear how the award is made up and whether it is income-related ESA giving entitlement to passporting.

There is no change to the financial eligibility limits advised for the CLS and CDS schemes in April this year.

Updates have been made to CLS and CDS forms, eligibility calculators and assessment guidance to reflect this change.

Information about all passporting benefits can be found on the CLS and CDS Keycards, located on the LSC website (see below).

@ CONTACT & INFORMATION

web: [cls website > civil legal aid eligibility](#)

web: [cds website > criminal legal aid eligibility](#)

