



The Law Society



Legal Aid  
Agency

## Crime Contract Consultative Group (CCCG) meeting

### Minutes

5<sup>th</sup> September 2017

V1.0

<b>When:</b>	Tuesday 5 September 15:30 – 17:00		
<b>Where:</b>	113 Chancery Lane (Fetter Room)		
<b>Chair Minutes</b>	John Sirodcar - LAA Grazia Trivedi - LAA		
<b>Attendees</b>	Alice Mutasa – TLS Andrew Dowd - CPS Avrom Sherr – IALS Carol Storer – LAPG David Thomas - LAA Donald Lawler - CBA Elliot Miller – LAA	Gillian Hothersall - LAA Henry Hills - SAHCA James MacMillan – MoJ Jane Edwards – LAA Matt Doddridge – LAA Neil Lewis – LAA	Nick Ford - LAA Nick Poulter – LAA Rakesh Bhasin-LCCSA Rodney Warren - TLS Sarah Grace – CLSA Susan Lambert - LAA
<b>Apologies</b>	Adrian Vincent – BC Andrew Cosma – Martin Murray Sols Elaine Annable – LAA Emma Fenn – CBA Francis Fitzgibbon – CBA Glyn Hardy – LAA	Greg Powell – LCCSA Helen Johnson - LAPG James Parry – TLS CLC Jonathan Black – LCCSA Julian Berg – CLSA Natalie Mountain - LAA	Nicole Mason - LAA Paul Keleher – CBA Richard Knight – LAA Roger Ralph – CILEX Tom Payne – BC Zoe Gascoyne – CLSA

Actions from the last meeting		Owner	Deadline
AP1 [July]	Ask Rachel Hawkins for update re CLAS reaccreditation.	A Mutasa	5 Sep
AP2 [July]	E Miller to update (at November meeting) on multi-hander solution for Crown Court Digital Case system.	E Miller	7 Nov
AP3 [July]	Andrew Dowd to be invited to September meeting to update on multi-media evidence ( <b>Post-meeting note:</b> confirmed attending)	G Hothersall	CLOSED
AP4 [July]	N Lewis to ask for clarification from Heather Templeton and Wendy Palmer regarding the work on forensic reporting.	N Lewis	5 Sep
AP5 [July]	A Cosma to send details re armed robbery cases to N Poulter who will investigate	A Cosma N Poulter	5 Sep
AP6 [July]	S Grace to send details of applications in 'hibernation' and erroneous contribution notices to N Mountain who will investigate	S Grace N Mountain	5 Sep
AP7 [July]	J MacMillan to confirm whether it is possible to provide advance notification of the MoJ response following the LGFS and AGFS consultations.	J MacMillan	5 Sep
AP8 [July]	R Warren to ask at Criminal Committee meeting whether agents not being able to submit on the system is a significant issue for their members.	R Warren	5 Sep

Welcome and introductions.

1. **Minutes** from July were approved. J Sirodcar said that the crime [and civil] contract consultative group minutes would again be published on [GOV.UK](#); all agreed that this could be done once the minutes had been approved at the succeeding meeting. Actions were discussed as follows:

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|------------|--|
| AP1 [July] | R Hawkins had not yet given an update on when the CLAS accreditation would be ready. J Sirodcar said that when he and other LAA reps had met with R Hawkins 3-4 months previously to discuss draft proposals, it was suggested that other rep bodies and practitioners be included in the discussion. A Mutasa to obtain update. <b>AP1 [July]</b> |
| AP4 [July] | No updates at this time but would revisit at some point.   |
| AP5 [July] | N Poulter and LAA colleagues had met to discuss the matter of armed robbery but were not clear about the issues raised by A Cosma so they had asked for some details and were waiting for a response. This action was closed.  |
| AP6 [July] | This issue had been resolved   |
| AP7 [July] | It is hoped that Rep bodies will be notified of the consultation response the day before publication, earlier if possible.   |
| AP8 [July] | R Warren to ask at the next Criminal Committee meeting on 19 <sup>th</sup> Sep whether agents not being able to submit on the Eforms system is a significant issue for their members. He'd update at the next CCCG. <b>AP2[July]</b>   |

### **3. Publication of LAA's contingency procedures**

Although the LAA did not anticipate any difficulties, they had produced guidance on *Contingency Procedures for Submitting Legal Aid Applications and Claims*, to be able to manage in the unlikely event that the system crashed. S Lambert talked about the main points in the guidance and invited rep bodies to feedback any concerns to her directly. On initial reading the Rep bodies saw no issues of concern

### **4. Audits**

**Validation audits.** By the end of September the LAA would have audited all new crime firms and offices in order to verify that what the firm had said they would provide from 1 April was in place. A small number of issues arising from the audits were going through the system; some were at the review stage where the head of contract management, J Sirodcar was asked to reconsider a decision that had been made. If he upheld the decision, then the firm could appeal to the Contract Review Body [CRB] which had the authority to overturn that decision.

**Ghost solicitors.**<sup>1</sup> J Sirodcar had sent an update to CCCG ahead of the meeting. He further explained that in some cases duty solicitors that had not been in the UK for a very long period of time before 1 April and that were still out of the country, had applied for duty work. When at the end of the year the LAA published details of sanctions applied, including contract terminations and the name of the provider, a broad outline of the reasons for the sanction would also be given. Decisions taken by the LAA that were upheld by the CRB would be published. Any decisions that had been overruled by the CRB could not be published but LAA would provide details of the decision (without naming the provider) and why the CRB had overruled it. Rep bodies were invited to flag up cases where the provider felt that sanctions had been applied unfairly and indeed providers could seek a review under the contract.

*Ghost Solicitors* would be kept on the agenda for the next meeting.

### **5. Update on reducing Interest of Justice [IoJ] refusals and appeals**

The LAA had published details of the material used to train their caseworkers and The Law Society had provided a detailed response. J Sirodcar asked whether others should be involved in a meeting to discuss the issues arising from this matter. It was agreed that a meeting involving practitioners would be set up with the help of Ashmita Shah. **Action 4 [Sep].**

The '*all options open*' issue needed to be discussed further and with a wider group. The LAA wanted to a) document their views as to why they felt that '*all options open*' by itself did not automatically pass the test, b) invite a response from The Law Society, c) subsequently meet with a wider group comprising rep bodies, MoJ/LAA lawyers and the judiciary. **Action 5 [Sep].**

The LAA were updating the eForm to make the questions clearer. The final draft would be shared with CCCG to get their views on the changes before publication. With regards a client's previous convictions, the LAA did not need to know exact dates; they wished to know the number and type of convictions and the sentence.



## **6. Crime operations update**

The crime applications processing team had achieved the best ever performance during the month of August, exceeding the 99% attained in July. On billing, performance was improving following the summer months when a number of staff had been on summer holiday. N Poulter talked through the salient points in the report.

## **7. Definition of contract work in the contract**

A Mutasa said that some firms with part time solicitors on the duty rota had been threatened with a material breach by the LAA because there was a disagreement about whether the work they did constituted contract work or not. J Sirodcar suggested that these firms state their case directly to him or A Mutasa. A Mutasa also said that the 14 hours' requirement for duty solicitors amounted to more than 2 days thus affecting part time workers with child care commitments who felt they were discriminated against. J Sirodcar advised that this point had been discussed in contract negotiations with Rep bodies and the contract did not reduce the 14 hours' requirement for part time workers; if it did, the LAA could well face several "ghosts" who worked part time 1 day a month. There were of course no requirements re 14 hours for a fee earner but there were for all duty solicitors.

## **8. AOB**

- The new LAA online portal would be going live the following weekend and rep bodies were asked to remind their members to change their password.
- Crown Court Defence [CCD] online billing<sup>2</sup> would become mandatory for AGFS and LGFS billing from 31 October 2017 after a 2 months' soft reject period. N Poulter asked rep bodies to remind their members of this; he would circulate an update with a link to the CCD pages which they could use.

### **Action 6 [Sep]**

- 3 board members sat on the CRB: a legal director of the LAA, a senior director of the LAA and a senior member of The Law Society.

Actions from this meeting			
AP1 [July]	Ask Rachel Hawkins for update re CLAS reaccreditation	A Mutasa	7 Nov
AP2 [July]	Ask at Criminal Committee meeting whether agents not being able to submit on the system is a significant issue for their members.	R Warren	7 Nov
AP3 [Sep]	Ask LCCSA members for feedback on Evidence.com and share with CCCG	R Bhasin	7 Nov
AP4 [Sep]	Set up a meeting to discuss LAA caseworkers training material	J Edwards	7 Nov
AP5 [Sep]	To document LAA position re "all options open"	J Edwards	7 Nov
AP6 [Sep]	Share an update on CCD online for rep bodies to use when contacting their members	N Poulter	Closed

